

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
March 3, 2016**

A meeting of the Louisville Metro Planning Commission was held on March 3, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chairman
Vince Jarboe, Vice Chairman
Jeff Brown
Robert Kirchdorfer
Clifford Turner
David Tomes
Chip White
Marilyn Lewis

Commission members absent:

Robert Peterson

Staff Members present:

Emily Liu, Planning Director
Joe Reverman, Planning Assistant Director
Brian Davis, Planning Supervisor
Christopher Brown, Planner II
Julia Williams, Planner II
Jay Lockett, Planning Technician
Tammy Markert, Transportation Planning
Tony Kelly, MSD
Mike Wilcher, Code Enforcement
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

FEBRUARY 18, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES

On a motion by Commissioner Jarboe, seconded by Commissioner White, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on February 18, 2016.

The vote was as follows:

YES: Commissioners Brown, Jarboe, Kirchdorfer, Turner and White

NOT PRESENT FOR THIS CASE: Commissioner Peterson

ABSTAINING: Commissioners Blake, Lewis and Tomes

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PUBLIC HEARING

CASE NO. 15SUBDIVISION1022

Request:	Preliminary Subdivision Plan creating 48 lots on 9.89 acres
Project Name:	Cedar Ridge
Location:	8113 and 8117 Cedar Creek Road
Owner:	MKM Investment Group LLC
Applicant:	Pulte Homes
Representative:	Sabak Wilson & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Brian Davis, AICP, Planning Supervisor

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Discussion

00:06:02 Mr. Davis stated that the applicant is requesting more time to prepare the case and would like it continued at the April 7, 2016 public hearing.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

On a motion by Commissioner Brown, seconded by Commissioner White, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the April 7, 2016 Planning Commission meeting. The motion carried unanimously.

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PUBLIC HEARING

CASE NO. 9-36-96 BE Citation

Case Number: 9-36-96 BE Citation
Property Address: 9609 National Turnpike

Representative: Paul Curry
P.O. Box 4504
Louisville, Ky. 40204

1038 Edward Avenue
Louisville, Ky. 40204

Case Manager: Jonathon Baker, Assistant County Attorney

Notice of this public hearing appeared in The Courier Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Discussion

00:07:58 Mr. Baker stated that this case was continued to allow the applicant time to come up with a plan for bringing his property into compliance with the Land Development Code.

00:09:20 Mr. Curry, attorney for Daniel Nelson, said the binding elements put in place years ago, were not what Mr. Nelson thought they were. Also, Mr. Nelson thought he came into compliance a few years ago, so he's confused now.

00:11:10 Mr. Curry remarked, "He's (Mr. Nelson) been doing an auto repair business, basically on contracts. He does not own the vehicles on his property, but are contracted through Louisville RV primarily, for him to salvage, rebuild and re-title." Mr. Nelson has cleared some vehicles from his property.

00:13:27 Mr. Curry remarked, "My hope is, as far as today is concerned, to get a clear idea of what progress he needs to show and ask for a continuance of time that we can show compliance in that regard."

00:15:30 Commissioner Tomes responded, "I believe there isn't any doubt what the land was zoned for, what he could use if for or any question that he was violating the

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binding elements.” “I’m usually very liberal about these things but it was almost like a ‘snub your nose at us’ attitude and I agree with you that your client is obstinate, but we were ready to probably take action towards one of the larger fines we’ve ever doled out here and the intent of today was to be sure we weren’t on some slow play game with him again. The first report was to be today and we were hoping to hear from inspectors, and the like, that there had been a lot of progress. I’m disappointed he’s not here and we don’t have a full report on what has been done.”

17:22 Mr. Curry stated, “I don’t know if he has a specific time frame, but he has told me, in no uncertain terms, that he will comply and clear the property. He’s got a new plan for using the property which, as I understand, would be entirely within the front building and not be an issue as far as his set binding elements. I haven’t had the time to spend with him to determine what that is, but I do understand that he does contract engine rebuilding, transmission rebuilding and head rebuilding for dealerships.”

22:45 Commissioner Lewis asked if Mr. Nelson has allowed the inspectors on the property since the February 4, 2016 Planning Commission meeting. Mr. Wilcher said Mr. Nelson denied the request to meet on the property and referred him to his attorney. Mr. Curry also denied the request to inspect the property.

23:57 Chairman Blake remarked, “We were pretty specific at the last meeting that he was going to allow access on the property to the inspectors to help him through what needed to be done.” Mr. Curry said he wasn’t present at that time. He spoke to Mr. Wilcher a week ago and didn’t think an inspection would be meaningful.

25:23 Chairman Blake remarked, “This is on our time frame at this point. It’s not on his (Mr. Nelson) time frame. We established a time frame at the last meeting that he was going to come back with a plan and he was going to allow the inspectors on the site. That hasn’t happened.”

27:01 Commissioner Jarboe said instead of fining Mr. Nelson, he would rather the funds go toward coming into compliance. If Mr. Nelson doesn’t comply by the target date, then the highest fine should be set.

31:52 Mr. Curry stated, “I will cooperate with your inspector and help facilitate an inspection.”

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Deliberation

34:14 Commissioner White said he feels the process will go better now that Mr. Curry is on board. He is more of a trusted source and can explain the issues/solutions better.

35:47 Commissioner Kirchdorfer recommends invoking a penalty, but put it aside if compliance is done on a set date – 3 months should be sufficient.

36:53 Commissioner recommends giving Mr. Nelson until June 1, 2016 to be in compliance with the binding element and if not, a \$1,000.00/day fine.

40:56 Commissioner Lewis wants a plan with a schedule and end date (minimum).

42:26 Commissioner Turner remarked, "It's good Mr. Curry is involved because that was one of the recommendations we made." "We're going in the right direction and as soon as we can get somebody out there to get an update, we can move forward."

43:50 Commissioner Brown remarked, "I haven't seen a good faith effort to bring this property into compliance. It looked pretty basic from the February 4, 2016 meeting, he had 30 days to have a Code Enforcement inspector out and develop a plan and he refused all those opportunities so I don't see any need for leniency here. I can support the \$1,000.00/day fine beginning today and look for an update in June. That's generous at this point."

44:17 Chairman Blake wants a report in 2 weeks from Mr. Wilcher to contain the following: Code Enforcement inspector allowed on site; Mr. Nelson agrees to do the work or bring into compliance; a plan in place. Also, the fine should be imposed starting today. Mr. Wilcher agrees to report back in 2 weeks.

45:05 Commissioner Kirchdorfer wants more than an initial 2 week report on compliance. He requests a follow-up be made before the June deadline.

48:54 On a motion by Commissioner Jarboe, seconded by Commissioner Tomes, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **FIND** Mr. Daniel Nelson, the appellant, in violation of the binding element. The appellant will need to come up with a plan for Case No. 9-36-96BE to the hard target date of June 2, 2016 to be in compliance with the binding element citation in lieu of a \$1,000.00 fine that begins today (March 3, 2016); also, Mike Wilcher with Code Enforcement will report

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back 2 weeks from today and give an update that this plan is underway. If the plan doesn't go forward, then the fine starts right away from that day forward.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White

NOT PRESENT AND NOT VOTING: Commissioner Peterson

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PUBLIC HEARING

CASE NO. 15ZONE1010

Request: Change in zoning from OR-3 to C-2 on .8378 acres with Development Code Waivers and Detailed District Development Plan

Project Name: Eline Building

Location: 111 & 115 South Hubbards Lane

Owner: Eline Development Co.
Sidney Eline, Jr.
111 South Hubbards Lane
Louisville, Ky. 40207

Applicant: Eline Development Co.
Sidney Eline, Jr.
111 South Hubbards Lane
Louisville, Ky. 40207

Representative: Milestone Design Group
Mark Madison
108 Daventry Lane, Suite 300
Louisville, Ky. 40223

Bardenwerper Talbott & Roberts PLLC
William B. Bardenwerper
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223

Jurisdiction: St. Matthews

Council District: 26 – Brent Ackerson

Case Manager: **Christopher Brown, Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

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00:52:04 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:58:21 Mr. Pregliasco gave a power point presentation. There will be no changes to the existing building. The parking area will be re-stripped to meet the requirement as requested by Metro Public Works Transportation to alleviate an existing dangerous condition.

01:01:47 Mr. Pregliasco remarked, "There is a proposed binding element we've added to agree to bind out all other C-1 or C-2 uses other than the current existing use." Also, some grass will be installed in the right-of-way at the request of Public Works.

The following spoke in opposition to this request:

Paul M. Grisanti, 201 Moser Road, Suite C, Louisville, Ky. 40223

Summary of testimony of those in opposition:

01:11:42 Mr. Grisanti is the manager of the building to the north. He is in opposition if the binding elements he read on Sunday, are not included in the commission's decision today. If the uses are limited (as proposed) he will be in support.

Rebuttal

01:13:14 Mr. Pregliasco said the applicant does agree to the binding element.

Deliberation

01:13:31 Commissioner Brown thanks the applicant/representative for working with Metro Public Works. Also, a condition needs to be added that they do the construction plans, bond and permit for work within the right-of-way prior to plan transmittal. The other commissioners are in agreement that the proposal is appropriate.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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Waivers 1, 2 and 3

On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, The waiver will not adversely affect adjacent property owners since the existing conditions will remain on site with existing screening and an additional grass verge area added along Hubbards Lane; and

WHEREAS, Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver will not violate specific guidelines of Cornerstone 2020 with all conditions remaining as existing on the site and improvements to the parking and landscaping along Hubbards Lane; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow the parking to remain as is on the property to meet the minimum parking requirement; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by eliminating existing parking below the minimum parking requirement.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the City of St. Matthews, **APPROVAL** of Waivers 1, 2 and 3 as listed in the staff report based on the staff report and testimony heard today.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White

NOT PRESENT AND NOT VOTING: Commissioner Peterson

Zoning Change from R-6/OR-3 to C-2

On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form. Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the City of St. Matthews, **APPROVAL** of the change in zoning from R-6/OR-3 to C-2 based on the staff report and testimony heard today.

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The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White

NOT PRESENT AND NOT VOTING: Commissioner Peterson

Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, There are no open space requirements with the current proposal; and

WHEREAS, The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Development Code with the exception of the requested waivers that meet the standard of review.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the City of St. Matthews, **APPROVAL** the Detailed District Development Plan with the binding elements shown on pages 14 and 15 of the staff

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report as well as the applicant's proposed binding element to read as follows: Uses of the subject site shall be limited to only OR-3 uses – training school, music, vocational instruction and music equipment sales as allowed in C-2. All other C-1 and C-2 uses shall be prohibited at this site; also an additional binding element stating that the applicant provide construction plans, bond and permit for work within the Hubbards Lane right-of-way prior to plan transmittal based on the staff report and testimony heard today.

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Development Code, Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Development Code and Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 14, 034 square feet of gross floor area.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to

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- requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- d. A legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. If a certificate of occupancy is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).
9. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. Uses of the subject site shall be limited to only OR-3 uses – Training School, Music and Vocational Instruction and Music Equipment Sales as allowed in C-2. All other C-1 and C-2 uses shall be prohibited at this site.
11. The applicant shall provide construction plans, bond and permit for work within the Hubbards Lane right-of-way prior to plan transmittal.

The vote was as follows:

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**YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner
and White**

NOT PRESENT AND NOT VOTING: Commissioner Peterson

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PUBLIC HEARING

CASE NO. 15ZONE1053

Request: Change in form district from Neighborhood to Suburban Workplace, a change in zoning from R-4 to EZ-1 (8.5 acres) and OR-1 (3.01 acres) and a General/Detailed District Development Plan

Project Name: 7205 Johnstontown Road
Location: 7205 Johnstontown Road

Owner: Imelda Linnig and Crimmi Fox
Tim Finn, Seller's Representative/Power of Attorney
3804 Shannon Run Trace
Louisville, Ky. 40299

Applicant: Dynacraft
PACCAR, Inc.
Carole Roberts
777 – 106th Avenue, N.E.
Bellevue, Wa. 98004

Representative: Land Design and Development
Kevin Young/Ann Richard
503 Washburn Avenue, Suite 101
Louisville, Ky. 40222

Bardenwerper Talbott and Roberts PLLC
William B. Bardenwerper
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223

Jurisdiction: Louisville Metro
Council District: 12-Rick Blackwell
Case Manager: **Julia Williams, RLA, AICP, Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

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01:23:06 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223
Kevin Young, Land Design and Development, 503 Washburn Avenue, Suite 101, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:28:40 Mr. Bardenwerper gave a power point presentation. Dynacraft is a division of PACCAR. They have approximately 400 employees and make the hoses, cables and other various parts for trucks.

Mr. Bardenwerper also handed out booklets to the commissioners.

01:34:56 Mr. Young said they eliminated one entrance for safety purposes. There will be a detention basin, 6 foot tall berm, an 8 foot wooden fence, evergreen plantings and an increased setback of 75 feet. Also, the loading dock will be on the side instead of the resident's side.

Additional Agency Testimony:

1:39:30 Mr. Kelly, MSD stated, "The cross section that Kevin showed shows the basin and the berm flip flopped." Mr. Young said he forgot to update the cross section, but the plan is correct.

The following spoke in opposition to this request:

Michael K. Ezell, 9502 Shoshone Way, Louisville, Ky. 40258

Summary of testimony of those in opposition:

01:40:44 Mr. Ezell is concerned that living between 2 warehouses will decrease the value of his property.

Deliberation

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01:44:28 Planning Commission deliberation. Commissioner Kirchdorfer said all the issues have been addressed and the zoning will be appropriate at the expansion of the Greenbelt Corridor.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in Form District from Neighborhood to Suburban Workplace

WHEREAS, A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal integrates into the form district pattern to the north of the subject site along Greenbelt Highway and into a planned development that has been created along Greenbelt Highway. A mix of zoning is proposed. A sidewalk is proposed along the Greenbelt. A pedestrian connection is being made from the Greenbelt to the warehouse and office. Cross access is being provided. The building materials will be similar to other materials found in the area. The proposal is an existing residential site in an area of mixed residential and non-residential uses. The non-residential proposal is a more intense classification where buffers will be provided to lessen the intensity of the zone adjacent to the residential zones; and

WHEREAS, the Louisville Metro Planning Commission further finds the higher intensity proposal is not located along an existing transit corridor but is located in an activity area north of the site along the Greenbelt Highway. All existing tree canopy on the site will be removed and replaced by new trees.

Zoning Change from R-4 to EZ-1 and OR-1

WHEREAS, A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped

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setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district; and

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal integrates into the form district pattern to the north of the subject site along Greenbelt Highway and into a planned development that has been created along Greenbelt Highway. A mix of zoning is proposed. A sidewalk is proposed along the Greenbelt. A pedestrian connection is being made from the Greenbelt to the warehouse and office. Cross access is being provided. The building materials will be similar to other materials found in the area. The proposal is an existing residential site in an area of mixed residential and non-residential uses. The non-residential proposal is a more intense classification where buffers will be provided to lessen the intensity of the zone adjacent to the residential zones; and

WHEREAS, the Louisville Metro Planning Commission further finds the higher intensity proposal is not located along an existing transit corridor but is located in an activity area north of the site along the Greenbelt Highway. All existing tree canopy on the site will be removed and replaced by new trees.

General/Detailed District Development Plan and Binding Elements

WHEREAS, There are no historic resources on the subject site. All existing tree canopy on the site will be removed and replaced by new trees and meet the tree canopy requirements; and

WHEREAS, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, Open space is provided in the form of buffers and drainage areas; and

WHEREAS, The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in

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order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

On a motion by Commissioner White, seconded by Commissioner Jarboe, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the change in form district from Neighborhood to Suburban Workplace, **RECOMMEND**, to Metro Council, **APPROVAL** of the change in zoning from R-4 to EZ-1 and OR-1 and **APPROVE** the General/Detailed District Development Plan as presented based on the testimony heard today and staff report; also, to include the amendment to the binding element number 2 on page 12 – change 9,000 square feet to 15,000 square feet.

Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 15,000 square feet of gross floor area for Tract 1.
The development shall not exceed 100,500 square feet of gross floor area for Tract 2.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the created lots and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

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8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. Archaeological discoveries such as artifacts, features, and other archaeological deposits shall be reported to the Landmarks Commission. Examples include Native American spear points and tools, historic objects, historic trash pits/dumps, privies (outhouse pits), cisterns, wells, and foundations.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White

NOT PRESENT AND NOT VOTING: Commissioner Peterson

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PUBLIC HEARING

030316_Peden_Letter

Discussion of letter from District 23 Councilman James Peden to Chairman Donnie Blake

Discussion

01:47:44 Chairman Blake remarked, "In the letter, Councilman Peden has indicated that he and some other members of the council have become concerned about some of the conservation subdivisions that have been approved and think maybe they're not completely following the intent of the conservation subdivision regulations."

Chairman Blake remarked, "It may be a consideration that we need to step back and review these regulations to see what we can do to make them better conform to the intent of the original conservation subdivision."

The commissioners would like some specific examples to review.

Conservation subdivision cases will be placed on hold until mid-summer.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

Policy and Procedures Committee
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

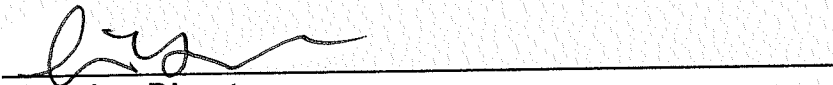
No report given.

ADJOURNMENT

The meeting adjourned at approximately 3:17 p.m.



Chair



Planning Director