

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
MAY 15, 2014**

A meeting of the Louisville Metro Planning Commission was held on Thursday, May 15, 2014 at 1:00 p.m. at Metro Hall, Room 106, located at 527 Jefferson Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
David Proffitt, Vice Chair
Robert Peterson
Jeffrey Brown
Chip White
Robert Kirchdorfer

Commission members absent:

Clifford Turner
Vince Jarboe
David Tomes

Staff Members present:

Emily Liu, Director
Joseph Reverman, Planning Supervisor
Jonathan Baker, Legal Counsel
Julia Williams, Planner II
Matthew Doyle, Planner I
Jessica Wethington, Public Information Specialist
Tammy Markert, Transportation
Chris Cestaro, Management Assistant (Sign-ins)
Rebecca Simmons, Management Assistant (Minutes)

The following matters were considered:

**Planning Commission Minutes
May 15, 2014**

Approval of Minutes

April 24, 2014 – 1:00 p.m. Planning Commission Regular Meeting

On a motion by Commissioner Kirchdorfer, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted April 24, 2014.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

ABSTAINING: Commissioners White and Proffitt

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 14WAIVER1006

Project Name: 6802 Concord Hill Rd.

Owner: Rodney and Margaret Gaines, Sr.
6802 Concord Hill Rd
Louisville, KY 40228

Appellant: Mike and Jadwiga Socha
6803 Concord Hill Rd
Louisville, KY 40228

Representative: Mike and Jadwiga Socha

Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood

Staff Case Manager: **Matthew Doyle, Planner I**

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.)

Request:

Appeal of a Development Review Committee action that approved a waiver to allow the cumulative total area of the footprints of the accessory structures to exceed the footprint of the principal structure.

Agency Testimony:

Matthew Doyle showed a PowerPoint presentation and reviewed the request, background, summary of the appeal, and notice procedure from the staff report. He showed exhibits explaining the approved waiver, as well as photos of the subject site and surrounding areas.

At the request of the commissioners, Mr. Doyle clarified notification processes and code requirements for accessory structures.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 14WAIVER1006

The following spoke in favor of this request:

Rodney Gaines, 6802 Concord Hill Rd, Louisville, KY 40228

Summary of testimony of those in favor:

Rodney Gaines, property owner, described the rural character of the area said that no one else has problems other than one neighboring property. He submitted pictures of the site. Mr. Gaines also clarified the purpose of the structure, size of the concrete pad, height of the structure, and appearance.

The following spoke in opposition to this request:

Jadwiga C. Socha, 6803 Concord Hill Rd, Louisville, KY 40228

Mike Socha, 6803 Concord Hill Rd, Louisville, KY 40228

Summary of testimony of those in opposition:

Jadwiga Socha expressed concern about the view of the accessory structure from her home. She said the area is residential, not rural.

Mike Socha expressed concern about drainage. He confirmed that this is the only home on the street considered to be an eyesore.

The following spoke neither for nor against the request:

No one.

Rebuttal

Mr. Gaines addressed the drainage concern by pointing out the gutter system on the building. He pointed out that there is another home on the street that is a bigger eyesore.

Ms. Socha spoke about the accessory structure on the subject site being a bigger issue for her.

Deliberation

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 14WAIVER1006

Commissioner Brown explained that when this case was heard before it met the standard of review.

Commissioner Peterson said the appearance for the neighbor will be much like it is today. He said the proposal of the waiver makes sense.

Commissioner Kirchdorfer said putting the trailer in a building would satisfy a requirement. He said it is practical to add the addition and he could see the waiver being justified.

Commissioner White said the view of the building would be better than having all of the trailers sitting on the property.

Commissioner Proffitt spoke about having rules in the Land Development Code being in place for a reason. He said there are legitimate justifications for the waiver, but there are rules and regulations for these types of situations.

Commissioner Blake said the staff analysis has addressed the different aspects of the waiver request. He said in this situation, it is in a rural setting and at the dead-end of the street, and the lot is 5 acres.

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 15, 2014 public hearing proceedings.

On a motion by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **UPHOLD** the April 2, 2014 Development Review Committee decision to **APPROVE** the waiver to allow the cumulative total area of the footprints of the accessory structures to exceed the footprint of the principal structure on property located at 6802 Concord Hill Rd.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, White, and Peterson

NO: Commissioner Proffitt

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 14WAIVER1006

ABSTAINING: No one.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 19042

Project Name: Portland Promise Center
1800 Portland Ave and 1810 R Portland Ave

Owner/Applicant: Portland Promise Center, Inc.
PO Box 11865
Louisville, KY 40251

Representative: Drew Watkins
PO Box 11865
Louisville, KY 40251

Jurisdiction: Louisville Metro
Council District: 5 – Cheri Bryant Hamilton

Staff Case Manager: **Julia Williams, 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.)

Request:

Parking Waiver from Chapter 9.1.3 to reduce the required amount of parking spaces from 63 to 20.

Agency Testimony:

Julia Williams showed a PowerPoint presentation and reviewed the requests and case summary/background from the staff report. She reviewed a zoning map and aerial view of the site and discussed surrounding zoning and uses. Ms. Williams also reviewed the applicant's development plan. She then reviewed the staff analysis and conclusions from the staff report.

In response to Commissioner Proffitt's concern about using on-street parking to meet parking requirement, Ms. Williams explained that Portland Avenue has a

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 19042

mix of uses and pointed out that the existing zoning in the area does not require a lot of parking.

The following spoke in favor of this request:

No one.

The following spoke in opposition to this request:

No one.

The following spoke neither for nor against the request:

No one.

Deliberation

Commissioner White said this needs to be approved.

Commissioner Kirchdorfer said he was comfortable with the plan before and is comfortable now.

Commissioner Peterson said he felt comfortable approving this request.

Commissioner Kirchdorfer pointed out that the standard of review in the staff report should reflect a 68% reduction (not 32%).

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 15, 2014 public hearing proceedings.

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report, that the majority of the parking for the site is located on the street. Due to the existing nature of the adjacent businesses, there is sufficient parking in the area that could be utilized by the site while not technically counting towards their parking. The mixed use nature of the proposal and the amount of on street parking available around the site and in area indicates that adequate parking is available; and

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 19042

WHEREAS, the Louisville Metro Planning Commission further finds that the applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

WHEREAS, the Louisville Metro Planning Commission further finds that the applicant is utilizing available credits for reducing the parking on the site (transit credit and National Register eligibility). The vacant R-6 lot is being requested to be zoned to accommodate some off street parking; and

WHEREAS, the Louisville Metro Planning Commission further finds that the applicant is utilizing available credits for reducing the parking on the site (transit credit and National Register eligibility). The vacant R-6 lot is being requested to be zoned to accommodate some off street parking. Since the structure is proposed for mixed use it is anticipated that a variety of uses will utilize the structure overtime. The waiver request presents the worst case scenario with the entire building being utilized for commercial; and

WHEREAS, the Louisville Metro Planning Commission further finds that the parking requirements used for this proposal were for department/discount stores which has a parking requirement that generally covers any commercial use in the traditional form. The proposal is for the site to be mixed use but different users are anticipated overtime. With those users being unknown it was thought to anticipate the worst case scenario for parking currently and in the future; and

WHEREAS, the Louisville Metro Planning Commission further finds that there is sufficient parking in the area which would accommodate the additional spaces needed if necessary. There are a variety of uses in the area which all utilize on street parking in different ways; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the legislative body of the Louisville Metro Council **APPROVE** the Parking Waiver from Chapter 9.1.3 to reduce the required amount of parking spaces from 63 to 20 on property located at 1800 Portland Ave and 1810 R Portland Ave.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Proffitt, White, and Peterson

NO: No one.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 19042

**NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and
Tomes**

ABSTAINING: No one.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

Project Name: The Shoppes at Gardiner Park
100 Flat Rock Rd and 16411 Shelbyville Rd

Owner: Shoppes at Gardiner Park LLC
225 S. Hurstbourne Pkwy, Suite 103
Louisville, KY 40222

Applicant: Shoppes at Gardiner Park LLC

Representative: Land Design and Development
503 Washburn Ave, Suite 101
Louisville, KY 40222

Bardenwerper Talbott & Roberts
1000 N. Hurstbourne Pkwy, 2nd Floor
Louisville, KY 40223

Jurisdiction: Louisville Metro
Council District: 19 – Jerry Miller

Staff Case Manager: **Julia Williams, 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.)

Request:

Revised District Development Plan, Chapter 5 Waivers and a Chapter 10 Waiver

Agency Testimony:

Julia Williams showed a PowerPoint presentation and reviewed the requests and case summary/background from the staff report. She showed a zoning map and aerial photo and reviewed the applicant's development plan and waiver exhibit. Ms. Williams then reviewed the applicable plans and policies, technical review,

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

and staff analysis from the staff report. Ms. Williams pointed out that proposed binding element #2 in the staff report should be corrected to reflect the square footage of the center as 75,901.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper Talbott & Roberts, 1000 N. Hurstbourne Pkwy, 2nd Floor, Louisville, KY 40223

Kevin Young, Land Design & Development, 503 Washburn Ave, Louisville, KY 40223

Rocky Pusateri, 1002 Woodland Ridge Ct, Louisville, KY 40245

Jim Bryant, 414 Flat Rock Rd, Louisville, KY 40245

Robert McGary, 420 Flat Rock Rd, Louisville, KY 40245

Deb Delor, 902 Flat Rock Rd, Louisville, KY 40245

Tim Marcum, 209 Maple Valley Rd, Louisville, KY 40245

Kim Seewer, 15115 Abington Ridge Pl, Louisville, KY 40245

Beverly A Weis, 601 Davenport Dr, Louisville, KY 40245

David Buckingham, 606 Davenport Dr, Louisville, KY 40245

Alan Fields, 225 Hurstborne Lane, Suite 103, Louisville, KY 40222

Summary of testimony of those in favor:

Bill Bardenwerper, attorney representing the applicant, showed a PowerPoint presentation and reviewed the previous hearings where this case has been discussed. He showed aerial photos and discussed surrounding developments. Mr. Bardenwerper then discussed previously proposed site plans and reviewed the evolution of the currently proposed plan. He also showed renderings and elevations of the proposed building, as well as photos of the site and surrounding areas.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

Kevin Young, Land Design & Development, showed the site plan and reviewed building placement, vehicle access, detention basin, masonry wall facade, sidewalks, focal points, amenities, and grocery store delivery area.

Mr. Bardenwerper reviewed the proposed binding elements and asked that binding element #16 be eliminated.

Rocky Pusateri spoke in favor of the proposal and explained that this area of the community is starving for services.

Jim Bryant spoke in favor of the proposal and explained that this proposal is a desirable use for the area.

Robert McGary spoke in favor of the proposal and said a majority of the neighbors agree.

Deb Delor, Eastwood Village Council, expressed the council's support for the development.

Tim Marcum spoke in support of the development. He spoke about the grocery store and gas station as being complimentary. Mr. Marcum spoke about the cooperative market and the convenience that the development will bring to the area.

Kim Seewer spoke about her plans to open a daycare and the need for a daycare use at Gardiner Shoppes.

Beverly A Weis spoke about her interest in a co-op grocery store and the convenience of a gas station.

David Buckingham said that this proposal will be convenient to many residents. He spoke about the plans of Shoppes at Gardiner Park attracting people to the area.

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Liz Fentress, 1132 Flat Rock Rd, Louisville, KY 40245

Winston Irvin, 407 Flat Rock Rd, Louisville, KY 40245

Planning Commission Minutes
May 15, 2014

Public Hearing

CASE NO. 13DEVPLAN1066

Ralph Langdon, 16602 Chestnut Glen Place, Louisville, KY 40245

Summary of testimony of those in opposition:

Steve Porter, attorney representing area residents, expressed concerns about LED signage and the removal of proposed binding element #16. He also raised concerns about Mr. Bardenwerper's proposed binding elements regarding outdoor storage. He suggested that all of the storage be limited to the north side of the building.

Liz Fentress, Eastwood Neighborhood Association, addressed the progress made on the plan and spoke about the scenic corridors in the area. She said she would support the proposal if the three items that Mr. Porter raised were addressed.

Winston Irvin submitted Courier Journal articles and raised concerns about the evolution of the plan. He raised concern about noise, property values, quality of life, and traffic.

Ralph Langdon expressed concern about the need for a gas station, traffic issues, and appearance of the gas station.

The following spoke neither for nor against the request:

Paul Deines, 16601 Chestnut Glen Place, Louisville, KY 40245

Summary of testimony of those neither for nor against:

Paul Deines said the development is appropriately sized now and recognized that the proposed appearance of the gas station has improved. He addressed pedestrian access and stated that it is essential. He showed photos and raised concerns about the piles of mulch, proposed LED lighting, and public involvement.

In response to Commissioner Proffitt's question about flipping the orientation of the bank, Mr. Young explained that this was considered. Commissioner Proffitt asked that the applicant discuss this during rebuttal.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

Commissioner Proffitt asked the applicant to take shielding the light into consideration.

Rebuttal

Mr. Bardenwerper addressed proposed binding element #16 and offered to keep it but change the freestanding signs from two to three. He addressed the discussion about the LED sign and said the applicant would try to eliminate that but they may ask for relief in the future. He also said he would agree to limit the outdoor mulch storage to the north side of the building.

There was some further discussion about outdoor storage location, signage, and speed limits.

In response to Mr. Porter's question, Mr. Bardenwerper confirmed that he would agree to changing proposed binding element #13 to say: "No LED or changing image signs shall be allowed on the property".

Deliberation

Commissioner Brown said this is a reasonable plan and offers a great use for the neighborhood.

Commissioner Peterson said the plan was well thought out. He said he does not share the concern with the placement of the bank. He said moving the outdoor storage makes sense.

Commissioner Proffitt said the plan was done well and should provide a nice amenity for the area of town. He said he still has a problem with the placement of the bank. He said every major concern has been attempted to be mitigated.

Commissioner Kirchdorfer said this is a nice plan. He addressed the issue of the location of the bank and said with the landscaping, wall, and hours of operation, there will be limited impact.

Commissioner White said there are other options available to display gas prices other than LED signs.

Commissioner Blake said he would be concerned about flipping the bank due to stacking.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the May 15, 2014 public hearing proceedings.

WAIVERS

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report and applicant's justification, that the applicant chose to place the structures perpendicular to the street to give the development the opportunity to serve both vehicles and pedestrians. The majority of parking being located between Shelbyville Road and the principal buildings has been eliminated with mainly circulation being between the building and Shelbyville Road. The exception is the gas station where 5 parking spaces are located between the building and Shelbyville Road. In that case a 3' masonry wall and pedestrian entrance feature have been added to mitigate the building not being located more towards the roadway; and

WHEREAS, the Louisville Metro Planning Commission further finds that Comprehensive Plan Guideline 3, Policy 1 calls for development to be compatible with the pattern of the form district. The Village Center form district follows the Traditional Neighborhood form, which does not permit parking and circulation in front of buildings. The adopted Eastwood Neighborhood Plan also indicates that parking should not be permitted between buildings and Shelbyville Road. The 3' masonry wall and proposed parkway landscaping mitigates the circulation routes shown on the plan. Parking is facing the structure and not toward adjacent residential; and

WHEREAS, the Louisville Metro Planning Commission further finds that the applicant chose to place the structures perpendicular to the street to give the development the opportunity to serve both vehicles and pedestrians. The majority of parking being located between Shelbyville Road and the principal buildings has been eliminated with mainly circulation being between the building and Shelbyville Road. The exception is the gas station where 5 parking spaces are located between the building and Shelbyville Road. In that case a 3' masonry wall and pedestrian entrance feature have been added to mitigate the building not being located more towards the roadway; and

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

WHEREAS, the Louisville Metro Planning Commission further finds that the requested waivers will be mitigated by a 3' masonry wall and required landscaping within the parkway buffer. Pedestrian connectivity is not hindered by the parking and circulation as sidewalks are being provided from the proposed public sidewalk to the structures with identified crosswalks being provided as well; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver (Chapter 5.5.1.A.3.a) to permit parking to be located between the primary structures and the roadway on property located at 100 Flat Rock Rd and 16411 Shelbyville Rd.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Proffitt, White, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

ABSTAINING: No one.

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report and applicant's justification, that the applicant chose to place the structures perpendicular to the street to give the development the opportunity to serve both vehicles and pedestrians. The majority of parking being located between Shelbyville Road and the principal buildings has been eliminated with mainly circulation being between the building and Shelbyville Road. The exception is the gas station where 5 parking spaces are located between the building and Shelbyville Road. In that case a 3' masonry wall and pedestrian entrance feature have been added to mitigate the building not being located more towards the roadway; and

WHEREAS, the Louisville Metro Planning Commission further finds that Comprehensive Plan Guideline 3, Policy 1 calls for development to be compatible with the pattern of the form district. The Village Center form district follows the Traditional Neighborhood form, which does not permit parking and circulation in front of buildings. The adopted Eastwood Neighborhood Plan also indicates that parking should not be permitted between buildings and Shelbyville

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

Road. The 3' masonry wall and proposed parkway landscaping mitigates the circulation routes shown on the plan. Parking is facing the structure and not toward adjacent residential; and

WHEREAS, the Louisville Metro Planning Commission further finds that the applicant chose to place the structures perpendicular to the street to give the development the opportunity to serve both vehicles and pedestrians. The majority of parking being located between Shelbyville Road and the principal buildings has been eliminated with mainly circulation being between the building and Shelbyville Road. The exception is the gas station where 5 parking spaces are located between the building and Shelbyville Road. In that case a 3' masonry wall and pedestrian entrance feature have been added to mitigate the building not being located more towards the roadway; and

WHEREAS, the Louisville Metro Planning Commission further finds that the requested waivers will be mitigated by a 3' masonry wall and required landscaping within the parkway buffer. Pedestrian connectivity is not hindered by the parking and circulation as sidewalks are being provided from the proposed public sidewalk to the structures with identified crosswalks being provided as well; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver (Chapter 5.9.2.C.4) to permit parking and traffic circulation to be located between the principal buildings and the roadway on property located at 100 Flat Rock Rd and 16411 Shelbyville Rd.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Proffitt, White, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

ABSTAINING: No one.

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report and applicant's justification, that the requested waiver will be mitigated by required landscaping within the parkway buffer. Pedestrian connectivity is not hindered by the parking and circulation as sidewalks are being provided from the

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

proposed public sidewalk to the structures with identified crosswalks being provided as well. The gas station located is across from a non-residential use, a church, and some residential; and

WHEREAS, the Louisville Metro Planning Commission further finds that Comprehensive Plan Guideline 3, Policy 1 calls for development to be compatible with the pattern of the form district. The Village Center form district follows the Traditional Neighborhood form, which does not permit parking and circulation in front of buildings. A gas station canopy, by nature of its use, indicates that parking and circulation will be located on this plan between the building and Shelbyville Road. The adopted Eastwood Neighborhood Plan also indicates that parking should not be permitted between buildings and Shelbyville Road. The proposed parkway landscaping mitigates the canopy location; and

WHEREAS, the Louisville Metro Planning Commission further finds that alternative design measures have been applied to the plan to be more in keeping with the design regulations. The canopy and gas station is located on the site where it will have less impact on the adjacent residential because it is located across from a church. The parkway plantings will lessen the impact of the canopy on the adjacent uses; and

WHEREAS, the Louisville Metro Planning Commission further finds that other design measures have been applied to the plan to be more in keeping with the design regulations. The canopy and gas station is located on the site where it will have less impact on the adjacent residential because it is located across from a church. The parkway plantings will lessen the impact of the canopy on the adjacent uses; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver (Chapter 5.5.1.A.5) to permit the gas station canopy to be located between the primary structure and the roadway on property located at 100 Flat Rock Rd and 16411 Shelbyville Rd.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Proffitt, White, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

ABSTAINING: No one.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report and applicant's justification, that the buildings will still have articulation and windows as if they were parallel to the street. The store associated with the fuel station will have a pronounced pedestrian entrance within the parkway buffer to offset the store not being parallel to the roadway. The orientation of the structures will not affect adjacent property owners because the buffering and wall requirements within the parkway buffer will still be met; and

WHEREAS, the Louisville Metro Planning Commission further finds that the orientation of the structures will not violate guidelines of the Comprehensive Plan because a street wall is still achieved through the proposed structures, 3' wall, and parkway plantings; and

WHEREAS, the Louisville Metro Planning Commission further finds that having the structures oriented inward and toward each other allows for a balance of parking and pedestrian needs; and

WHEREAS, the Louisville Metro Planning Commission further finds that other design measures compensate for non-compliance as the plan indicates a focal point within the development as well as a pronounced pedestrian access in the area of the fuel station; and

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver (Chapter 5.5.1.A.1.a) to permit principal buildings to be perpendicular to the primary street instead of parallel on property located at 100 Flat Rock Rd and 16411 Shelbyville Rd.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Proffitt, White, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

ABSTAINING: No one.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report and applicant's justification, that the waiver will not affect adjacent property owners as there will still be articulation on the facades; and

WHEREAS, the Louisville Metro Planning Commission further finds that there are focal points and building articulation that mitigate the waiver request; and

WHEREAS, the Louisville Metro Planning Commission further finds that having the entrances along the main façade that faces interior to the site will accommodate both pedestrians and consumers that will drive to the building; and

WHEREAS, the Louisville Metro Planning Commission further finds that the Comprehensive Plan guidelines will not be violated because there will still be windows facing the roadway and entrances located along the main façade; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver (Chapter 5.5.1.A.1.b) to permit the front doors to the 10,460 sf retail structure to not be located on the corner and to not have an entrance facing both the primary and secondary streets on property located at 100 Flat Rock Rd and 16411 Shelbyville Rd.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Proffitt, White, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

ABSTAINING: No one.

Revised Detailed District Development Plan

On a motion by Commissioner Proffitt, the following resolution was adopted.

WHEREAS, the Louisville Metro Planning Commission finds, based on the staff report and the applicant's justification, that the applicant proposes an RDDDP on the property which is already properly zoned, and therefore only requires a

Planning Commission Minutes
May 15, 2014

Public Hearing

CASE NO. 13DEVPLAN1066

revised plan for the already zoned site and portion that is not subject to revision of a prior approved DDDP; and

WHEREAS, the Louisville Metro Planning Commission further finds that the detailed Findings of Fact adopted by the Planning Commission on March 27, 2006 remain mostly relevant to the review and decision at the Planning Commission public hearing today, and are thus hereby readopted to the extent that such findings remain consistent with the evidence presented in the application, on the RDDDP and in the Public Hearing today; and

WHEREAS, the Louisville Metro Planning Commission further finds that the application continues to comply with the Intents and Policies of Guideline 1 for all the remaining applicable reasons set forth in the March 27, 2006 Findings of Fact and is further described in testimony and evidence today; and

WHEREAS, the Louisville Metro Planning Commission further finds that the application complies with the overall Intents and Policies of Guideline 2 for all the remaining applicable reasons set forth in the March 27, 2006 Findings of Fact and because the RDDDP is both representative of an activity center as set forth in the Policies of this Guideline and is compliant with the Eastwood Neighborhood Plan Village Center design standards by limiting the overall square footage, incorporating compatible design features, using compatible building materials, appropriately designing outdoor spaces, assuring connectivity, promoting cross access and minimizing points of access to safe and convenient locations; and

WHEREAS, the Louisville Metro Planning Commission further finds that the application complies with the overall Intents and Policies of Guideline 3 for all the remaining applicable reasons set forth in the March 27, 2006 Finding of Fact and because the RDDDP and building elevations, plus US 60 wall design, submitted at the March 15, 2014 Public Hearing have been revised since the January 23, 2014 LD&T meeting to better represent the original "Cotswold" design theme; and

WHEREAS, the Louisville Metro Planning Commission further finds that the application complies with the overall Intents and Policies of Guidelines 4, 5 and 13 for all the remaining applicable reasons set forth in the March 27, 2006 Findings of Fact and because the RDDDP continues to include well designed, accessible open spaces, with even better connectivity and more defined landscaping, assured by Binding Elements, than shown at the January 23, 2014 LD&T meeting; and

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

WHEREAS, the Louisville Metro Planning Commission further finds that the application complies with the overall Intents and Policies of Guideline 6 for all the remaining applicable reasons set forth in the March 27, 2006 Findings of Fact; and

WHEREAS, the Louisville Metro Planning Commission further finds that the application complies with the Intents and Policies of Guidelines 7, 8 and 9 of the Comprehensive Plan for all the remaining applicable reasons set forth in the March 27, 2006 Findings of Fact and because the main central access point has been revised to a right-in/right-out per KTC guidelines and neighborhood access and safety concerns and because internal sidewalk connections have been improved since the January 23, 2014 LD&T meeting and because the RDDDP has once again been preliminarily approved by the Metro Transportation Planning Staff with input from KTC District 5; and

WHEREAS, the Louisville Metro Planning Commission further finds that the application complies with the Intents and Policies of Guidelines 10, 11 and 12 of the Comprehensive Plan for all the remaining applicable reasons set forth in the March 27, 2006 Findings of Fact and because the RDDDP has once again been preliminarily approved by MSD with no negative comments or concerns expressed by APCD; and

WHEREAS, the Louisville Metro Planning Commission further finds that the application complies with the Intents and Policies of Guideline 14 of the Comprehensive Plan for all the remaining applicable reasons set forth in the March 27, 2006 Findings of Fact and because water, sewer, electric and phone connections remain available to the applicant at this location and will ensure a reduced public cost for infrastructure; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development Plan on property located at 100 Flat Rock Rd and 16411 Shelbyville Rd **SUBJECT** to the following 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 total square footage of the center will be 75,901, including: 20,837 square foot grocery store building, 8,448, 12,175, 5,312, and 10,460 square foot retail buildings, a

Planning Commission Minutes
May 15, 2014

Public Hearing

CASE NO. 13DEVPLAN1066

4,160 square foot branch bank building, a 10,509 square foot office building, and a 4,000 square foot gas station.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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, or site disturbance permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor plat or 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. 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. 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.
8. The materials and design of the proposed grocery, retail, gas station and branch bank buildings shall be substantially the same as depicted in the renderings as presented at

Planning Commission Minutes
May 15, 2014

Public Hearing

CASE NO. 13DEVPLAN1066

the May 15, 2014 Planning Commission meeting. The materials and design of the proposed office building and 8,448 SF retail building shall return to a committee of the Planning Commission for review and approval.

9. The façade elevations shall be in further accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
10. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. Residents of Gardiner Park shall be assured north property line perimeter screening and buffering and an entry wall along the north side of Cotswald Green Lane and an entry gate to their private street subdivision consistent with landscape plans and design themes for this buffer area, wall and entry gate as presented at the January 23, 2006 and March 27, 2006 public hearings and as further reviewed for consistency therewith by the landscape architect and Urban Design Staff of DPDS.
12. All signage shall be constructed from traditional materials such as wood, metal, cloth. No plastic signs shall be allowed.
13. No signage shall be internally illuminated, including LED signs.
14. Signage attached to any building shall not be located more than three feet above the ceiling of the first floor of the building nor shall the top of the sign be higher than fifteen feet off the ground level.
15. Lighting shall be directed down and away from adjacent properties and shall be fully shielded with 90 degree cutoffs. All lighting elements shall be completely concealed. Lighting shall otherwise comply with the requirements of the Land Development Code.
16. The freestanding monument style sign located adjacent to Flat Rock Road as shown on the approved plan shall be a maximum of 6 feet tall. The freestanding monument style sign located adjacent to Shelbyville Road (US 60) as shown on the approved plan shall be a maximum of 8 feet tall. The site shall be limited to three freestanding signs.
17. A traffic signal shall be installed at the intersection of Shelbyville Road (US 60) and Flat Rock Road prior to the issuance of a certificate of occupancy for the grocery store as shown on the approved plan. The developer shall facilitate the installation of the signal using funds collected by the Department of Public works from other developers, state supplied equipment, and the developer's own funds, if needed.

Planning Commission Minutes
May 15, 2014

Public Hearing

CASE NO. 13DEVPLAN1066

18. The proposed 4,160 square foot structure as shown on the approved plan shall be limited to a bank or office use unless another use is approved by Metro Council.
19. Trash enclosures shall be screened with solid walls constructed of materials similar to those used in the construction of adjacent buildings in the development and as presented at the January 23, 2006, and March 27, 2006 public hearings.
20. Prior to Certificate of Occupancy (C.O.) of the main grocery store building, a continuous curbed right turn lane shall be added on the north side of Shelbyville Road from Flat rock Road to the main entrance to the development across from the entrance to Chestnut glen.
21. Prior to Certificate of Occupancy (C.O.) of the main grocery store building, the developer shall contribute \$25,000 to the Louisville Metro Department of Public works towards the cost of construction of a right/through lane on westbound Shelbyville Road just east of the Flat Rock Road intersection.
22. The retention pond located on the C-1 property to the north west of the site shall be maintained by the Shoppes at Gardiner Park property owner or subsequent assigns.
23. All buildings and gas canopy shall be substantially same in style and design as presented to the Planning Commission at the May 15, 2014 Public Hearing. DPDS staff shall have authority to review elevation renderings for buildings not shown at the May 15, 2014 public hearing for substantial compliance therewith. If DPDS Staff does not feel that these elevations are substantially similar, then they shall be returned to a committee of the Planning Commission for review and approval.
24. The south side of the convenience store wall shall include added articulations and a gable for general consistency with the balance of the elevations submitted at the May 15, 2014 Planning Commission public hearing.
25. The south side of the bank drive-thru canopy shall have a "lip" of about 12 inches extending down from the lower side of the canopy to shield recessed lighting within the drive-thru canopy.
26. The US 60 wall starting at the west property line running east shall be 6'-8" high with 8' high columns as shown on the rendering submitted at the May 15, 2014 Planning Commission public hearing. It shall extend to the turn in the sidewalk, at which approximate point past the sidewalk, the wall shall be reduced to 3' in height.

**Planning Commission Minutes
May 15, 2014**

Public Hearing

CASE NO. 13DEVPLAN1066

27. Outside storage for the convenience gas mart shall be limited to the north side of the building.

28. The final Landscape Plan shall be minimally in accordance with the concept landscape plan presented at the May 15, 2014 public hearing, which shall include evergreen trees along the approximate 10 foot stretch of US 60 where the gas pumps are located.

29. No loudspeakers shall be audible past the overall site plan property lines.

The vote was as follows:

YES: Commissioners Blake, Brown, Kirchdorfer, Proffitt, White, and Peterson

NO: No one.

NOT PRESENT FOR THIS CASE: Commissioners Turner, Jarboe, and Tomes

ABSTAINING: No one.

Planning Commission Minutes
May 15, 2014

Director's Report

Director Emily Liu updated the commission on the following items:

- The Move Louisville Training will be moved to the May 29, 2014 Planning Commission hearing.
- A special meeting of the Planning Commission would be held in August to consider the proposed Land Development Code changes.
- The Kentucky Attorney General's office will be holding a special Open Meetings/Open Records training in July, detailed information regarding this meeting will be sent to the commission.
- There will be a special off-site meeting held for the Masonic Homes case (Case #14MOD1000).

**Planning Commission Minutes
May 15, 2014**

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at approximately 4:41 p.m.

Chairman

Division Director