

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
February 21, 2019**

A meeting of the Louisville Metro Planning Commission was held on February 21, 2019 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Jeff Brown
Rich Carlson – Left at approximately 6:20 p.m.
David Tomes
Ruth Daniels

Commission members absent:

Lula Howard
Robert Peterson
Emma Smith
Donald Robinson

Staff Members present:

Emily Liu, Director, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Cynthia Elmore, Planning and Design Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Jay Lockett, Planner I
Beth Stuber, Engineering Supervisor
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Pamela M. Brashear, Management Assistant

Others Present:

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

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APPROVAL OF MINUTES

JANUARY 24, 2019 PLANNING COMMISSION ANNUAL MEETING MINUTES

On a motion by Commissioner Tomes, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its annual meeting conducted on January 24, 2019.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Tomes and Jarboe
NOT PRESENT FOR THIS CASE: Commissioners Howard, Peterson, Robinson and Smith
ABSTAINING: Commissioner Lewis

FEBRUARY 7, 2019 PLANNING COMMISSION REGULAR MEETING MINUTES

On a motion by Commissioner Tomes, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on February 7, 2019.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels and Tomes
NOT PRESENT FOR THIS CASE: Commissioners Howard, Peterson, Robinson and Smith
ABSTAINING: Commissioners Lewis and Jarboe

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CONSENT AGENDA

Beecher Terrace Demolition

Request: Demolition Waivers
Project Name: Beecher Terrace Phase 2B and 2C
Location: 1000 West Jefferson Street Buildings 21-31 and 43-50
Owner: Louisville Metro Housing Authority
Applicant: Louisville Metro Housing Authority
Representative: Louisville Metro Housing Authority
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Cynthia Elmore, Historic Preservation Officer

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

00:07:04 Ms. Elmore summarized the request.

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 Carlson, seconded by Commissioner Lewis, the following resolution based on Standard of Review and Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the demolition waivers for Beecher Terrace Phase 2B and 2C – WR108216, WR1087218, WR1087219, WR1087220, WR1087221, WR1087222, WR1087223, WR1087224, WR1087225, WR1087226, WR1087227, WR1087185, WR1087188, WR1087190, WR1087192, WR1087194, WR1087195, WR7196 and WR1087197.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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CONSENT AGENDA
CASE NO. 18STREETS1031

Request: Street Name Change from Crandon Road to Standiford Plaza Drive
Project Name: Crandon Road Name Change
Location: Crandon Road
Owner(s): Louisville Metro
Applicant: Louisville Metro Planning Commission
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Dante St. Germain, AICP, Planner II

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

00:15:05 Ms. St. Germain summarized the reason for the street name change.

00:15:58 Commissioner Carlson said firefighters had a difficult time finding Crandon Rd. in the past.

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 Carlson, seconded by Commissioner Brown, the following resolution based on the Standard of Review and Staff Analysis and information presented was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** renaming Crandon Road to Standiford Plaza Drive.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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PUBLIC HEARING
CASE NO. 18STREETS1025

Request: Closure of Public Right-of-Way
Project Name: Goodfellas Pizza Alley Closure
Location: 1250 East Broadway
Owner: Louisville Metro
Applicant: Louisville Metro
Representative: Long Construction Management
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
Case Manager: Jay Lockett, AICP, 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.)

Agency Testimony:

00:17:47 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Ken Combs, 2604 Evergreen Wynde, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:26:39 Mr. Combs stated since the alley has been closed off, there have been major problems with drugs, alcohol, trash and people sleeping there. It needs to be opened and cleaned up. Before the alley was closed, these problems did not exist.

The following spoke neither for nor against the request:

Jim Scorch, 1503 East Breckinridge Street, Louisville, Ky. 40204

Summary of testimony of those neither for nor against:

00:21:51 Mr. Scorch, president of the Regional Highlands Neighborhood Association, said they don't have a position but are concerned about Public Works

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removing bollards that will open the alley up to Baxter. There has been a lot of speeding in the past and is a safety issue.

Deliberation

00:29:26 Planning Commission deliberation. Commissioner Brown said there's no intention to change the direction of the traffic on any of the surrounding alleys.

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.

Closure of public right-of-way

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states

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that adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer.

Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the closure of the alley adjacent to 1250 E. Broadway, **SUBJECT** to the following Conditions of Approval:

1. Prior to the recording of the street closure plat, the applicant will provide an easement for AT&T to maintain access to existing equipment located within the closure area. The easement shall be shown as "granted" on the final plat.
2. Bricks within the alley right-of-way proposed to be closed shall be removed and salvaged at the applicant's expense in accordance with the Salvage Ordinance.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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PUBLIC HEARING
CASE NO. 18STREETS1023

Request:	Street Closure
Project Name:	Forest Drive Closure
Location:	Forest Drive at East Indian Trail
Owner:	Louisville Metro Government
Applicant:	Creek Alley Contracting
Representative:	AL Engineering, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Joel Dock, AICP, Planner II

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:

00:32:41 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Barry Baxter, 117 West Main Street, LaGrange, Ky. 40031
Fred Levein, 154 Thierman Lane, Louisville, Ky. 40207

Summary of testimony of those in favor:

00:36:32 Mr. Baxter submitted the affidavit for public notice into the record.

Mr. Baxter gave a power point presentation. This will be a down zoning as the current multi-family zoning is not compatible with the surrounding area. Access will be from Forest Dr., not Valla Rd. There will be detention and protection for the creek.

00:44:44 Mr. Levein is a real estate broker representing the Owner Age Land Trust and Creek Alley Contracting. The developer is down zoning and relocated a road for construction traffic.

00:45:48 Commissioner Brown asked if there will be additional screening provided for the lots that back up to Valla Rd. (lots 19-27)? Mr. Baxter said there's an issue with fencing, but there's some existing growth. There will be no access from any of these lots on Valla Rd.

The following spoke in opposition to this request:

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Paul Beamus, Jr., 4823 Valla Road, Louisville, Ky. 40213
Jim Lynch, 4822 Valla Road, Louisville, Ky. 40213

Summary of testimony of those in opposition:

00:47:08 Mr. Beamus stated he doesn't want any access through Valla Rd. because it's a private road. He requests a barrier or fence.

00:48:30 Mr. Lynch is concerned about access from the potential new neighbors back yards to Valla Rd. He requests a barrier as well.

00:51:56 Mr. Beamus said he wouldn't want a wooden fence because, in time, it will deteriorate.

Rebuttal

00:52:34 Mr. Baxter said they want the proposal to be attractive so a chain link fence is not an option. Some trees will be preserved and underbrush cleaned out (some to remain). A nice vinyl fence could be a viable option. Commissioner Carlson suggests making the homeowners association responsible for maintaining the fence.

00:55:08 Mr. Dock stated, if you add a binding element, make it a maximum of 48 inches within the setback along Valla Rd.

Deliberation

00:57:15 Planning Commission deliberation.

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.

Street Closure

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closures do not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or

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applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close right-of-way and relocated said right-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent residential lands maintain access to public infrastructure and utility services will continue to be provided to these lands. Public access is provided to Poplar Level Road. No other access to adjacent lands or public ways is necessary as connectivity to Indian Trail has significant topographic and natural challenges and a school is located to the west. Further, Roads to the immediate east are private. Right of way is being closed and created to facilitate development. The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as sidewalks have been provided to connect to major roadway provided transit service; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the street closure on property described in the attached legal description.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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PUBLIC HEARING
CASE NO. 18ZONE1051

Request: Change in zoning from R-4, R-5, R-7 and M-2 to PRD,
Planned Residential Development and district development
plan with sidewalk waiver
Project Name: Forest Creek Subdivision
Location: 4826-4838 Valla Road and unaddressed lots to the rear of
4800-4838 Valla Road
Owner: AH Land Trust
Applicant: Creek Alley Contracting, LLC
Representative: AL Engineering, Inc.
Jurisdiction: Louisville Metro
Council District: 2 – Barbara Shanklin
Case Manager: Joel Dock, 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:

00:32:41 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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Summary of testimony of those in favor:

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00:44:44 Mr. Levein is a real estate broker representing the Owner Age Land Trust and Creek Alley Contracting. The developer is down zoning and relocated a road for construction traffic.

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The following spoke in opposition to this request:

Paul Beamus, Jr., 4823 Valla Road, Louisville, Ky. 40213
Jim Lynch, 4822 Valla Road, Louisville, Ky. 40213

Summary of testimony of those in opposition:

00:47:08 Mr. Beamus stated he doesn't want any access through Valla Rd. because it's a private road. He requests a barrier or fence.

00:48:30 Mr. Lynch is concerned about access from the potential new neighbors back yards to Valla Rd. He requests a barrier as well.

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Rebuttal

00:52:34 Mr. Baxter said they want the proposal to be attractive so a chain link fence is not an option. Some trees will be preserved and underbrush cleaned out but some will remain. A nice vinyl fence could be a viable option. Commissioner Carlson suggests making the homeowners association responsible for maintaining the fence.

00:55:08 Mr. Dock stated, if you add a binding element, make it a maximum of 48 inches within the setback along Valla Rd.

Deliberation

00:57:15 Planning Commission deliberation.

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.

Zoning Change from R-4, R-5, R-7 and M-2 to PRD, Planned Residential Development

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On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Cornerstone 2020 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal supports the creation of a mix of residential housing choices and densities for the neighborhood as PRD allows for reductions in lot sizes and variability in type at the same density as R-5. The proposal is not high density. PRD allows for reductions in lot sizes and variability in type at the same density as R-5. The development will be for single-family detached homes consistent with the area which contains a variety of districts and styles. Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Valla Road is a private road and connectivity from Poplar level is provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area contains a diversity of multi-family and single family development. Building material and design will be as required by the form district design guidelines. The proposal is compatible with adjacent residential areas as the area contains a diversity of multi-family and single family development. Traffic impacts will be no greater than the existing underlying zoning districts. Lighting will be compliant with LDC 4.1.3. The PRD district allows a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern. The proposal is located adjacent to an activity center having employment and providing goods and services. The PRD district allows for greater variety in options which may include housing for the elderly or persons with disabilities. The PRD district allows for greater variety in options which may include appropriate/inclusive housing that is compatible with site and building design of nearby housing. The proposal is compatible with the scale and density of adjacent uses. Setbacks and lot dimensions comply with the form district design standards; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the proposal provides open space that helps meet the needs of the community as a component of the development and will provide for the continued maintenance of that open space. Open space design is consistent with the pattern of development in the Neighborhood Form District. The proposal integrates natural features into the pattern of development as the protected waterway has been preserved and will provide floodplain compensation and open space; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems as the protected waterway has been preserved and will provide floodplain compensation and open space. The subject site does not appear to contain significant historic resources. Preliminary approval has been received by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Road improvements will be made to facilitate the proposed development. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Public access is provided to Poplar Level Road. No other access to adjacent lands or public ways is necessary as connectivity to Indian Trail has significant topographic and natural challenges and a school is located to the west. Further, Roads to the immediate east are private. Right of way is being closed and created to facilitate development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because no stub streets are being provided due to the desire to not connect to Valla Road, a private road. Access to the site is not from areas of lower intensity or density. The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as sidewalks have been provided to connect to major roadway provided transit service; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because no natural corridors are present; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because utilities would appear to be available based on existing development. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, R-5, R-7 and M-2 to PRD, Planned Residential Development on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

Waiver of Land Development Code, section 5.8.1 to not provide sidewalks on both sides of the roadway serving the development

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard or Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the proposed waiver will impact only those users within the proposed subdivision which has limited access to only one public roadway and no through traffic will impact the safety of users within the development; and

WHEREAS, the Louisville Metro Planning Commission finds, Cornerstone 2020 calls for the provision, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. Due to the width of proposed public rights-of-way a sidewalk appears to only be feasible on one side of the roadway. Connectivity to a major arterial with transit service is being made available; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the width of the proposed public right-of-way appears to only be sufficient to provide a sidewalk on one side of the roadway.

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WHEREAS, the proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems as the protected waterway has been preserved and will provide floodplain compensation and open space; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as sidewalks have been provided to connect to major roadway provided transit service. Public access is provided to Poplar Level Road. No other access to adjacent lands or public ways is necessary as connectivity to Indian Trail has significant topographic and natural challenges and a school is located to the west. Further, Roads to the immediate east are private; and

WHEREAS, the proposal provides open space that helps meet the needs of the proposed development and community. Provisions for continued maintenance will be provided; 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the area contains a diversity of multi-family and single family development; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan as demonstrated in the Findings of fact for the change in zoning.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of the Land Development Code, section 5.8.1 to not provide sidewalks on both sides of the roadway serving the development and the District Development Plan, **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

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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. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
3. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
4. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
5. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public rights of way as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity, unless approved by the Louisville Metro Planning Commission. A note to this effect shall be placed on the record plat.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
8. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

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9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
10. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
13. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
14. A road closure approval for Forest Drive shall be approved and recorded prior to requesting a record plat.
15. No access to Valla Road shall be permitted, unless approved by the Planning Commission or designee.

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16. A four board horse style fence no greater than 48 inches in height shall be installed at the boundary of the easement along Valla Rd. located to the rear of lots 19-27. Maintenance shall be the responsibility of the Forest Creek HOA.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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PUBLIC HEARING
CASE NO. 18STREETS1003

Request: Closure of Public Right-of-Way
Project Name: Stamford Drive Closure
Location: Stamford Drive at Oxmoor Woods Parkway
Owner: City of Hurstbourne
Applicant: City of Hurstbourne
Representative: John Singler
Jurisdiction: Hurstbourne
Council District: 18 – Marilyn Parker
Case Manager: Jay Lockett, AICP, Planner I

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:

01:07:51 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report. This proposal is not justified and does not meet the standards.

The following spoke in favor of this request:

John Singler, 209 Old Harrods Creek Road, Suite 100, Louisville, Ky. 40223
Brad Yarger, PE, Yarger Engineering, Inc. 1401 Alimingo Drive, Indianapolis, In. 46260
Robert Sissell, 908 Oxmoor Woods Parkway, Louisville, Ky. 40222
Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Road, Suite 205, Louisville, Ky. 40220

Summary of testimony of those in favor:

01:12:10 Mr. Singler, attorney for the city of Hurstbourne, stated that the Chapter 6, General Proposition, leaving future connections to undeveloped land, is not unconditional. It also speaks to impacts and balancing tests. Connectivity is not required at all costs. Oxmoor Farm shouldn't be allowed to rely on Stamford Dr. and Cheffield Dr. to absorb the impact from its traffic volume.

01:22:05 Mr. Yarger stated he was asked to review 2 studies in 2007.

Mr. Yarger explained his findings after reviewing these again. Connecting Stamford and Cheffield is promoting cut-throughs.

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01:25:08 Mr. Sissell stated there's a lot of traffic in the area and there are problems with speeding and cut-through. Opening these streets will give people more cut-throughs.

01:38:21 Commissioner Brown asked, what is the distance from the actual edge of pavement to the proposed closure?

01:40:24 Mr. Crumpton said there's about 6 feet from the end of pavement to the end of the right-of-way and the 3 foot strip is enough to install and maintain the barricade enclosure with signage at the end of the roadway.

The following spoke in opposition to this request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202

Summary of testimony of those in opposition:

01:48:47 Mr. Baker, representing Oxmoor Farm Holdings, LLC, gave a power point presentation.

Mr. Baker gave legal reasons why these streets should not be closed.

Rebuttal

02:05:00 Mr. Singler stated Oxmoor allowed substandard lots with no connectivity to be platted and the Planning Commission was fine with it. Cornerstone 2040, under Goal 2 Mobility, avoid access to developments through areas of significant lower intensity or density as such access would create significant nuisances.

Deliberation

02:11:05 Commissioner Carlson said these street closures are not consistent with the Planning documents from an emergency responders standpoint. Closing these streets could be a detriment to people living in the Hurstbourne area.

02:13:08 Commissioner Brown opposes both closures as well. They will landlock the parcel. There's no vehicular access to that property. It's detrimental to everyone.

02:14:25 Commissioner Lewis stated closures would be premature at this time.

02:15:38 Commissioner Daniels said the closures will cause safety issues and accessibility for the residents.

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02:16:08 Commissioner Tomes said we need more connectivity, not less.

02:17:12 Chair Jarboe stated he understands that some residents have an issue, but the roads need to be used. Connectivity is always important.

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.

Closure of Public Right-of-Way

On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution based on the Standard of Review and Staff Analysis was adopted.

WHEREAS, the proposed closures would remove access that was created to serve future development. The continued access by the public to this right-of-way has been identified as necessary to serve current and future needs. The property located at 912 Oxmoor Woods Pkwy will be dispossessed of public access to their property if the proposed closure is completed; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close a public right-of-way is not in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Adequate public facilities would not be available to

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serve existing and future needs of the community if the proposed closure were completed. Transportation facilities have not been provided to accommodate future access and the proposed closure would dispossess property owners of public access. Adjacent residential lands would not maintain access to public infrastructure; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed closure would violate the Land Development Code in place for the City of Hurstbourne section 6.2.5.A that requires streets make possible future extension onto adjacent undeveloped land.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Hurstbourne **DENY** the closure of public right-of-way on property described in the attached legal description.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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PUBLIC HEARING
CASE NO. 18STREETS1004

Request: Closure of Public Right-of-Way
Project Name: Cheffield Drive Closure
Location: 8509 Cheffield Drive
Owner: City of Hurstbourne
Applicant: City of Hurstbourne
Representative: John Singler
Jurisdiction: Hurstbourne
Council District: 18 – Marilyn Parker
Case Manager: Jay Lockett, AICP, Planner I

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:

01:07:51 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report. This proposal is not justified and does not meet the standards.

The following spoke in favor of this request:

John Singler, 209 Old Harrods Creek Road, Suite 100, Louisville, Ky. 40223
Brad Yarger, PE, Yarger Engineering, Inc. 1401 Alimingo Drive, Indianapolis, In. 46260
Robert Sissell, 908 Oxmoor Woods Parkway, Louisville, Ky. 40222
Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Road, Suite 205, Louisville, Ky. 40220

Summary of testimony of those in favor:

01:12:10 Mr. Singler, attorney for the city of Hurstbourne, stated that the Chapter 6, General Proposition, leaving future connections to undeveloped land, is not unconditional. It also speaks to impacts and balancing tests. Connectivity is not required at all costs. Oxmoor Farm shouldn't be allowed to rely on Stamford Dr. and Cheffield Dr. to absorb the impact from its traffic volume.

01:22:05 Mr. Yarger stated he was asked to review 2 studies in 2007. Mr. Yarger explained his findings after reviewing these again. Connecting Stamford and Cheffield is promoting cut-throughs.

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01:25:08 Mr. Sissell stated there's a lot of traffic in the area and there are problems with speeding and cut-through. Opening these streets will give people more cut-throughs.

01:38:21 Commissioner Brown asked, what is the distance from the actual edge of pavement to the proposed closure?

01:40:24 Mr. Crumpton said there's about 6 feet from the end of pavement to the end of the right-of-way and the 3 foot strip is enough to install and maintain the barricade enclosure with signage at the end of the roadway.

The following spoke in opposition to this request:

Jon Baker, Wyatt, Tarrant and Combs, 500 West Jefferson Street, Suite 2800, Louisville, Ky. 40202

Summary of testimony of those in opposition:

01:48:47 Mr. Baker, representing Oxmoor Farm Holdings, LLC, gave a power point presentation.

Mr. Baker gave legal reasons why these streets should not be closed.

Rebuttal

02:05:00 Mr. Singler stated Oxmoor allowed substandard lots with no connectivity to be platted and the Planning Commission was fine with it. Cornerstone 2040, under Goal 2 Mobility, avoid access to developments through areas of significant lower intensity or density as such access would create significant nuisances.

Deliberation

02:11:05 Commissioner Carlson said these street closures are not consistent with the Planning documents from an emergency responders standpoint. Closing these streets could be a detriment to people living in the Hurstbourne area.

02:13:08 Commissioner Brown opposes both closures as well. They will landlock the parcel. There's no vehicular access to that property. It's detrimental to everyone.

02:14:25 Commissioner Lewis stated closures would be premature at this time.

02:15:38 Commissioner Daniels said the closures will cause safety issues and accessibility for the residents.

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02:16:08 Commissioner Tomes said we need more connectivity, not less.

02:17:12 Chair Jarboe stated he understands that some residents have an issue, but the roads need to be used. Connectivity is always important.

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.

Closure of Public Right-of-Way

On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution based on the Standard of Review and Staff Analysis and testimony from the opposition was adopted.

WHEREAS, the proposed closures would remove access that was created to serve future development. The continued access by the public to this right-of-way has been identified as necessary to serve current and future needs; and

WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close a public right-of-way is not in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Guideline 7, Policy 1 provides that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development; Guideline 7, Policy 6 strives to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands; Guideline 7, Policy 9 provides that the Planning Commission or legislative body may require the developer to dedicate rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development as set forth in the Land Development Code and/or an adopted urban mobility plan; Guideline 8, Policy 8 states that Adequate street stubs for future roadway connections that support access and contribute to appropriate development of adjacent lands should be provided by new development and redevelopment; and Guideline 14, Policy 7 provides that the design and location of utility easements provide access for maintenance and repair and to minimize negative visual impacts. Adequate public facilities would not be available to serve existing and future needs of the community if the proposed closure were

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completed. Transportation facilities have not been provided to accommodate future access; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed closure would violate the Land Development Code in place for the City of Hurstbourne section 6.2.5.A that requires streets make possible future extension onto adjacent undeveloped land.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the City of Hurstbourne **DENY** the closure of public right-of-way on property described in the attached legal description.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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PUBLIC HEARING
CASE NO. 17ZONE1038

Request: Change in zoning from R-7, Multi-Family to C-1, Commercial and detailed district development plan with setback variances and site design waivers

Project Name: Taylor Center

Location: 3343-3425 Taylor Boulevard

Owner: Multiple owners

Applicant: The McCartin Company, Inc.

Representative: Accurus Engineering

Jurisdiction: Louisville Metro

Council District: 15 – Kevin Triplett

Case Manager: Joel Dock, 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:

02:21:48 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jennifer Caummisar-Kern, Accurus Engineering, 2780 Jefferson Centre Way, Suite 204, Jeffersonville, In. 47130

Gary McCartin, 9103 Crown Springs Circle, Louisville, Ky. 40241 .

Summary of testimony of those in favor:

02:28:09 Ms. Caummisar gave a power point presentation. There's only one access point currently. A screening wall and a landscape buffer will be provided as well as over-detaining per MSD. There is an existing bus stop and bike racks will be provided as required by the Land Development Code.

Commissioner Daniels asked if the property owners have agreed to sell.

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02:45:01 Mr. McCartin stated he has agreements with all the property owners to sell.

The following spoke in opposition to this request:

Barbara Hall, 3300 Bohannon Avenue, Louisville, Ky. 40215

Summary of testimony of those in opposition:

02:45:39 Ms. Hall stated this proposal (commercial) is not good for the community. The plan will eliminate mixed income housing as Louisville has a well-documented deficit for low income housing. Other issues include: community growth, traffic, garbage, additional pollutants and natural features. It will be an adverse impact on the community.

The following spoke neither for nor against:

Tom Bell, 10301 Timberland Circle, Louisville, Ky. 40223

Rebuttal

02:49:21 Ms. Caummisar said she's not sure what the flash flooding issues entail, but the project will follow all guidelines set forth by MSD. Taylor Blvd. is a major arterial so having less access points will help keep it safe. Also an alley will be utilized.

02:51:40 Mr. Bell asked who will maintain the alley and what kind of truck access will they be using? Ms. Caummisar said restaurants generally use smaller size trucks. She explained the possible routes.

Deliberation

02:55:53 Commissioner Daniels stated she has several issues with this plan: shortage of low income housing; excess fast food restaurants in predominantly low income neighborhood; traffic; and it doesn't conform to Cornerstone 2020.

02:57:43 Commissioner Lewis stated this plan is not the best use for the site.

02:59:55 Commissioner Brown said the lots front on Taylor Blvd. which is a major road. There has been no evidence presented to justify the variance and waivers.

03:01:06 Commissioner Carlson said the staff report is negative to whether it conforms to the guidelines and policies of the Comprehensive Plan.

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03:02:55 Commissioner Tomes agrees with the housing situation, but are they being maintained. On streets, like should face like. It doesn't meet the Comprehensive Plan.

03:05:58 Chair Jarboe said this is a tough case. There should be a form district change before us today.

03:07:35 Ms. Caummisar asked if the plan could be tabled to work out issues.

03:08:56 Ms. Liu said it seems as though the commissioners have concerns with the use, design and affordable housing so the applicant needs to give more information on what revisions they wish to make. A couple of options would be to defer or withdraw the request today and start over.

The applicant/representative asked to withdraw the request.

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.

03:17:54

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **ACCEPT** the applicant's request to withdraw the application.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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PUBLIC HEARING
CASE NO. 18ZONE1069

Request: Change in zoning from R-4 to R-5 and a District Development Plan/Preliminary Subdivision Plan
Project Name: Blue Lick Road Subdivision
Location: 10505 Blue Lick Road and 3617 Mud Lane
Owner: Multiple Owners
Applicant: Pulte Homes
Representative: Mindel, Scott and Associates; Bardenwerper, Talbott and Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 13- Mark Fox
Case Manager: Joel Dock, 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:

03:20:14 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

03:25:37 Mr. Kelly, MSD, stated the volume of water will increase and the detention basin will release at a rate so it doesn't overwhelm the downstream conditions any worse than it is today. The applicant has performed an ecological study and know what they're getting into. One corridor is in the local regulatory flood plain and they will be permitted to pipe.

The following spoke in favor of this request:

John Talbott, Bardenweper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Curtis Mucci, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

03:28:28 Mr. Talbott gave a power point presentation. There are no variances or waivers being requested. Mud Ln. and Blue Lick Rd. will not be connected. Most of the

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tree canopy will be preserved. Some neighbors want some of the trees cleared (adjacent to Mud Ln.) for better visibility. There will be stubs to accommodate future developments.

03:38:27 Commissioner Brown asked what type of buffering will be provided between the lots and the Blue Lick bus compound. Mr. Mucci said there will be a 15 ft. buffer yard so any trees greater than 4 inch caliper will be preserved. Commissioner Brown suggested increasing it because there will be idling buses. Mr. Mucci said there will be a strip of trees and a small section of trees on the bus compound as well.

03:39:26 Commissioner Carlson asked if there's enough right-of-way for the Blue Lick Rd. expansion. Mr. Talbott said yes.

03:40:41 Mr. Mucci added, regarding the buffer yard, 15 ft. is required but the plan has a variable open space strip that is 25 ft. to 40 ft. on the back of the lots.

03:41:01 Mr. Talbott said there's a horse buried on the property.

The following spoke neither for nor against the request:

Thomas Hines, 3715 Mud Lane, Louisville, Ky.

Summary of testimony of those neither for nor against:

03:41:43 Mr. Hines stated he has a horse farm and wants to know if the applicant is going to provide a fence (safety reasons). Mr. Talbott said they don't plan on putting up a fence as it's not required.

Deliberation

03:45:05 Planning Commission deliberation.

03:47:09 Mr. Dock explained the fence regulations.

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.

Zoning Change from R-4 to R-5

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On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Cornerstone 2020 Staff Analysis, testimony heard today and the applicant's finding of facts was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because structures will be setback as required by the Land Development, neighborhood form district design standards for residential development. A standard R-4 subdivision is permitted by right in the underlying zoning district. The proposed district allows for a more suitable lotting pattern for housing that supports nearby employment centers within the form district. Public sidewalks and connectivity to adjacent lands for future development is provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed is generally compatible within the scale and site design of nearby existing development as adjacent subdivision layouts to the north of the subject site are consistent with proposed layout. Building design will be complaint with residential site design standards contained in LDC 5.4.2. The proposal is compatible with adjacent residential areas as adjacent subdivision layouts to the north of the subject site are consistent with proposed layout. Abutting uses are primarily residential. Open space and tree canopy is being provided adjacent to a JCPS bus compound. The proposal does not appear to require any traffic mitigation measures. Lighting will comply with LDC 4.1.3. The proposal allows for the introduction of a variety of housing types in the community where it would otherwise be homogenous R-4 development. The proposal is for medium density residential consistent with the adjacent development to the north and located within proximity to employment centers. The proposal allows for the introduction of a variety of housing types in the community which may include housing for the elderly or persons with disabilities. The proposal allows for the introduction of a variety of housing types in the community which may include appropriate/inclusive housing. The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as open space has been provided adjacent to the JCPS bus compound and protected waterway provides transitions form the employment center. The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as open space has been provided adjacent to the JCPS bus compound and protected waterway provides transitions form the employment center. Structures will be setback as required by the Land Development, neighborhood form district design standards for residential development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because open space is provided in a manner that does not serve the community as it is to the rear of lots and does not function. The lotting pattern is compatible as well. There is no established pattern of open space within the nearby workplace form; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because historic resources are present on the subject property. All proper documentation prior to demolition will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as the development does not inappropriately provide stub roadways in environmentally constrained areas or to areas that encroach upon industrial expansion of the workplace to the south of the existing extent. Connectivity of each section would result in further environmental degradation. The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land as the development does not inappropriately provide stub roadways in environmentally constrained areas or to areas that encroach upon industrial expansion of the workplace to the south of the existing extent. Access is through areas of similar intensity and density. The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as the development does not inappropriately provide stub roadways in environmentally constrained areas or to areas that encroach upon industrial expansion of the workplace to the south of the existing extent. Connectivity of each section would result in further environmental degradation; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as sidewalks are provided along all road frontages and connections have been made to adjacent land. TARC service is not available; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD. As a result of channelization of water flow from Mud Lane there is a likelihood that the peak flow will not increase on properties to the North of the subdivision but the duration of flow will increase. In the event of heavy rainfall and

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improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud Lane, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity. MSD will monitor the situation closely at the time of construction plan submittal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because natural corridors for protected waterway to the east of the proposed development is being preserved; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The proposal will have access to an adequate supply of potable water and water for fire-fighting purposes. The proposal will have adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. MSD will monitor the situation closely at the time of construction plan submittal.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the subject property is located in the Suburban Workplace Form District, which is characterized by predominately residential uses from low to high density. This proposed R-5 subdivision is a low density one, although developed in accordance with a zoning district other than standard R-4. This means that actual gross density of 3.63 du/acre achieved is lower than the potential gross density under R-4 which could be as high as 4.84 du/acre. The purpose of the change is zoning is not to increase density, but to provide the more marketable smaller lot width lot with more open space in the development. The applicant could have chosen the "alternative development incentives (ADI) regulation" or "conservation subdivision regulation", or it could've applied for "PRD" rezoning. But those regulations either require affordable components not appropriate for this location or were not available for us when planning on this site began. Furthermore, R-5 is available, well-known, understood and easy to apply at this site, and there are other residential developments in the area that are zoned R-6 and R-5A; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 21, 22 and 23 of Guideline 3 for these reasons.

This low density residential subdivision adds to the desired mixture of housing types, sizes and styles while still being design-compatible in terms of scale and building materials. The proposed subdivision does not involve any known nuisances, such as odors, noises, lighting, aesthetics or traffic different than what already exists in the greater area. Setbacks will include compatible side and rear yards, and the LDC tree

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canopy and landscape regulations will apply. The detailed district development/preliminary subdivision plan (DDDP), neighborhood meeting Power Point and home design elevations filed with and to be later reviewed with this application demonstrate all that; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space and Natural Areas and Scenic Historic Resources guideline because the proposed subdivision and its DDDP comply with all applicable Intents and Policies 1, 2 3, 4, 5, 6, and 7 of Guideline 4 and Policies 1 and of Guideline 5 for these reasons.

Unlike most standard single-family subdivisions, this one includes some meaningful interior and perimeter open space, conserving some natural resources and features, assuring good transitions to neighboring properties and providing for passive outdoor activities off residents' individual home lots. That assures for better buffers and a far superior neighborhood look and feel. The homeowners association will maintain these open areas.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the proposed subdivision complies with all of the applicable Intents and Policies 2, 5, and 11 of Guideline 6 for these reasons:

This proposed subdivision helps to ensure the availability of residential building lots where lots are in high demand, meaning near the many businesses along Blue Lick Road, Mud Lane and Preston Highway. This land is surrounded by like-kind subdivisions. That makes it an infill single-family residential site, appropriate for the area in the larger community, where new single- family housing is in greatest demand; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Guideline 7 and 8 - Circulation and Transportation Facility Design; Guideline 9 - Bicycle, Pedestrian and Transit; Guideline 12 – Air Quality because the proposed subdivision complies with all of the applicable Intents and Policies 1, 2, 4, 6, 9, 11, 13, 14, 15, and 18 of Guideline 7; Policies 4, 5, 7, 8, 9, 10 and 11 of Guideline 8; Policies 1, 2, 3 and 4 of Guideline 9; and Policies 1, 2, 3, 4, 6, and 8 of Guideline 12 for these reasons; and

This subdivision is situated on a primary collector street (Mud Lane), where sewer, water and other utilities already exist, where road capacity exists, and in close proximity to jobs and shopping in all directions, especially as noted hereinabove. Further, this DDDP will be reviewed by Metro Transportation Planning personnel, who must stamp the preliminary plan for approval prior to its docketing for Planning Commission review.

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That assures that all of these applicable Public Works standards are complied with, including regulatory standards of the Land Development Code (LDC).

In that regard, the proposed subdivision will assure that both existing Mud Lane and Blue Lick Road accesses and new subdivision streets are constructed to operate safely and to function at relatively low volumes, as neighborhood serving streets are expected to function. Thus, all negative traffic impacts are avoided with this development. And, as noted, design of the site, as shown on the DOOP accompanying this application assures that corner clearances, driveway access, median openings, cross connections, etc. are provided as required; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater and Air Quality guidelines because the proposed DDDP complies with all applicable Intents and Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 for these reasons.

MSD will require that post-development peak rates of stormwater runoff do not exceed pre- development peak flows. That is accomplished through on-site detention. Thus, new impervious areas will not have a negative impact on existing stormwater systems. Also, MSD will have to stamp for preliminary approval the DDDP before it is set for Planning Commission review. And at time of construction, the proposed subdivision will need to include water quality measures to address the new MSD water quality standards. Any new construction will have to comply with MSD's soil erosion and sediment control standards; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the proposed subdivision complies with the Intent and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 for these reasons.

The local LDC requires tree canopies, certain kinds of interior and perimeter landscaping. Accordingly, the LDC will be fully complied with.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to R-5, Single Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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District Development Plan/Preliminary Subdivision Plan

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the site contains natural features that may be significantly impacted by the proposed subdivision, specifically a water corridor that flows from Mud Lane to the open space area that separates the two sections. The channelization of water flow from Mud Lane will likely not increase the peak flow on properties to the North of the subdivision, but the duration of flow will increase. In the event of heavy rainfall and improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided.

WHEREAS, open space is not required of the proposed development. The proposal does provide open areas in locations of stream corridors; 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. The site contains natural features that may be significantly impacted by the proposed subdivision, specifically a water corridor that flows from Mud Lane to the open space area that separates the two sections. The channelization of water flow from Mud Lane will likely not increase the peak flow on properties to the North of the subdivision, but the duration of flow will increase. In the event of heavy rainfall and improper maintenance of the outlet along Mud Lane there is also potential for back-up of this flow onto properties on the Southside of Mud, as well as a potential for lots around the open space area to flood in the event that floodplain basins fill to capacity. MSD will monitor this situation closely at the time of construction plan approval; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal is generally compatible within the scale and site design of nearby existing development as adjacent subdivision layouts to the north of the subject site are consistent with proposed layout. Future building design will be compliant with residential site design standards contained in LDC 5.4.2. Structures will be setback as required by the Land Development Code, neighborhood form district design standards for residential development; and

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WHEREAS, the Louisville Metro Planning Commission further finds the plan generally conforms to the comprehensive plan as demonstrated in the Cornerstone 2020 Staff Analysis included as Attachment 3 of the staff report.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the District Development Plan/Preliminary Subdivision Plan, **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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. 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.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. 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.
4. 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

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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.

5. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 21, 2019 Planning Commission meeting.
6. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
7. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
8. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
9. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.

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11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Lewis, Tomes and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Howard, Peterson, Robinson and Smith

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Request: Change in zoning from R-4, R-7 and C-2 to PEC and change in form from SMC and N to SW with district development plan, landscape waiver and protected waterway variance

Project Name: Logistics Airpark

Location: 5530-5540 Minor Lane

Owner: LaGrange LLC and Nicklies Exchange LLC

Applicant: Nicklies Development

Representative: Nicklies Development

Jurisdiction: Louisville Metro

Council District: 13 – Mark Fox

Case Manager: Joel Dock, AICP, Planner II

COMMISSIONER CARLSON LEFT AT APPROXIMATELY 6:20 P.M. AND DID NOT VOTE ON THIS CASE

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:

03:54:25 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jim Calvery, Nicklies Development, 6060 Dutchmans Lane, Louisville, Ky. 40205
James L. Peach, 5506 Minor Lane, Louisville, Ky. 40219
Hayden Tarpley, 1020 Minor Lane, Louisville, Ky. 40219
David Nicklies, 6060 Dutchmans Lane, Louisville, Ky. 40205
Adam Kirk, 137 McClelland Springs, Georgetown, Ky. 40324

Summary of testimony of those in favor:

04:02:54 Mr. Calvery gave a power point presentation. The property is a 61 acre tract with 2 buildings being proposed. There's a Native American burial ground that won't be touched. A kiosk will be built for historical information. There will be

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landscaping along Minor Ln. and we'll work with the neighbors regarding the height of the berm and trees. There will be landscaping against the building as well.

04:13:07 Mr. Peach stated this project will be the least intrusive. The traffic generated from the trucks will be a lot but anything that goes in there will generate more traffic. The applicant has been very honest about everything. The lighting will help deter crime.

04:19:04 Mr. Tarpley stated the appearance is cleaner. The applicant is proposing sidewalks which will aid in bringing the neighbors together as a whole. The landscaping will give a park-like setting. Also, they'll be trying to help the traffic issues.

Mr. Tarpley said he researched other uses that could go in and feels this proposal is the best.

04:24:03 Commissioner Carlson asked about a binding element regarding the timing of the road improvements. Mr. Calvery suggests a binding element that states: As development occurs, the improvements are commensurate with the traffic that is generated.

04:25:05 Commissioner Carlson asked what has happened with the entrance being shifted slightly to the west. Mr. Calvery said the state doesn't want a negative impact (backing up) on the interstate.

04:25:49 Mr. Calvery said they're not proposing a heavy industrial site. It will be a logistics site that will feed off the airport, GE, Ford or UPS. The truck traffic generated will be approximately 12-15 trucks per hour and they won't be coming at peak times. There's one way into the site and one way out.

04:27:33 Commissioner Carlson asked if there's a way to design the travel route in order to discourage the truck drivers from using Minor Ln. Mr. Calvery said they will work with the neighbors and the city to come up with a plan and contribute some money for signage.

04:29:46 Mr. Nicklies discussed the market. The proposal is a \$45 million development and most of the tenants will have security on site.

04:33:11 Commissioner Brown asked what the hours of operation would be. Mr. Calvery said it will be tenant-driven.

The following spoke in opposition to this request:

Philip B. Cease, Jr., 5400 Minyard Drive, Louisville, Ky. 40219

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Charles F. Bullard, Jr., 5501 Minor Lane, Louisville, Ky. 40219
Pastor Steve Carney, 5513 Minor Lane, Louisville, Ky. 40219
Robin Bullard, 5501 Minor Lane, Louisville, Ky. 40219
Ernest Smedley, 3215 Dupin Drive, Louisville, Ky. 40219
Stacy Banks, 5517 Minyard Drive, Louisville, Ky. 40219
Joshua Smith, 1017 Meadow Hill Road, Louisville, Ky. 40219

Summary of testimony of those in opposition:

04:34:02 Mr. Cease submitted handouts into the record. The biggest threat in America is the loss of individual freedoms. There is something wrong with the laws regarding notifying neighbors of pending projects.

Mr. Cease said he has an issue with the noise from the trucks and a 2 foot berm will not solve it.

04:56:36 Mr. Bullard stated a 2-3 foot berm will not do any good. There is a concern for the safety of the children. Also, flooding is an issue.

05:02:54 Pastor Carney stated his church was established in 1957 and there have been a lot of changes in the neighborhood.

05:07:35 Mrs. Bullard stated her issues as follows: loss of animals; decrease in property values; additional pollution; increased traffic; increased crime; and there are other buildings sitting empty now.

05:10:47 Mr. Smedley stated there is increased crime and vandalism in his neighborhood. Also, traffic and speeding are issues.

05:13:30 Ms. Banks stated the residents have been in the dark about this request. The wetlands that the animals depend on will be taken away.

Ms. Banks said she doesn't want industrial in her neighborhood.

Ms. Banks asked about the notification process. Mr. Calvery explained that per the state statutes and city ordinances, notification is mailed to 1st and 2nd tier owners and whoever else is on the list provided by the city. There was also a notice in the Courier Journal.

05:19:25 Mr. Smith stated he doesn't want his greatest investment (home) to be in jeopardy by having a warehouse next door. Other concerns include: safety; traffic; and the traffic analysis was not done adequately for the left turn on Minor Ln.

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Rebuttal

05:25:56 Mr. Calvery stated the traffic study was very detailed. The berm will undulate (5+ ft. tall) to be whatever height is needed for relief and trees will be planted. Also, we will contribute and work with the city and neighbors regarding traffic on Minor Ln.

05:27:05 Commissioner Lewis asked if there's a planned entry point on the property where trucks check-in? Where is the stacking area for those trucks? Mr. Calvery said there's no check-in. Trucks will not stack on Minor Ln.

05:29:45 Chair Jarboe asked the applicant to explain the left turn lane onto Minor Ln. Mr. Kirk explained and referenced the conceptual plan of the proposed improvements. There will be widening of the road to allow 2 vehicles to travel side by side.

Deliberation

05:33:26 Commissioner Brown the site is predominantly C-2 now. This area is more appropriate for an employment center. There's great expressway access and the residential zone is not as appropriate as PEC. The applicant has done a lot to mitigate the variance and the waiver.

05:34:36 Commissioner Lewis said something is going to develop there and this proposal should have the least effect on the neighbors.

05:35:44 Commissioner Daniels agrees.

05:36:47 Commissioner Tomes agrees. A warehouse can be less intense, depending on the design. Crime is on the increase in every neighborhood and this applicant didn't cause any of them.

05:38:23 Chair Jarboe said he agrees with the staff report. The proposal is too close to the neighborhood and they will be adversely affected. The truck traffic will be tough on the neighbors as well. If there are some uses not wanted in the PEC, it would be best to place in binding elements.

05:46:27 Mr. Dock explained binding elements and modification of binding elements to the neighbors.

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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Change-in-Form from Suburban Marketplace Corridor and Neighborhood to Suburban Workplace

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on testimony heard today, those elements of Cornerstone 2020 Staff Analysis found to be in conformance, the Applicant's Justifications and that this does not constitute an expansion into a residential area as the site is zoned C-2 and the abutting properties to the north are EZ-1 and bounded by the interstate and major arterial of Outer Loop was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Neighborhood form district is not appropriate as the proposal is not a neighborhood center and does not provide supportive services to the immediately abutting neighborhood. The existing form allows for neighborhood supportive services. The intensity of the current district also allows for regional and higher intensity commercial services that may not be appropriate for the existing form. The proposed industrial does use to not conform to the intent of the neighborhood form.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Neighborhood form district is not appropriate because the proposed district is characterized by predominately industrial and office uses. Access to the site necessitates the use of a 4-lane, frontage collector level roadway adjacent to an arterial roadway with interstate access. Access to the site is obtained immediately from this roadway. The roadway provides access to a local frontage road for 14 single-family lots that face the collector. Impact on these residences would appear minimal as the roadway appears to have been widened for the purpose of serving the subject site with high intensity commercial uses.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Suburban Marketplace Corridor form district is not appropriate because the marketplace corridor form district that is currently present does not integrate into an existing pattern of development and contains no continuity with a corridor or other marketplace forms. The lack of connectivity with a corridor or other marketplace forms limits the pedestrian connectivity intended by the current form. The proposed form district provides similar protections for nearby lower intensity districts with respect to landscaping and setback, and calls for buildings setback in a landscaped setting. There are no adjacent corridors to which the form can be consistent.

WHEREAS, the Louisville Metro Planning Commission finds that the existing Suburban Marketplace Corridor form district is not appropriate because the form district was introduced in 2004 under docket 9-05-99. The existing SMC form district is not consistent with the intent of the form district. The existing SMC form district is not

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consistent with the intent of the form district and many of the uses that are commonly found in this form were specifically prohibited. The SMC is designated for "linear commercial development along major roadways". Examples of appropriately located SMC districts are Dixie Highway, Preston Highway, or Bardstown Road.

WHEREAS, the Louisville Metro Planning Commission further finds that the proposed Suburban Workplace form is appropriate because the Suburban Work Place Form District (SWFD) is designed to reserve land for industrial and employment uses in suburban locations with design standards intended to promote development and redevelopment that ensures adequate access for employees, freight, and products, to provide services and amenities for employees, and to improve transit service.

The proposed rezoning, Detailed District Development (DDDP), and Revised Detailed District Development (RDDDP) fits in perfectly with the Suburban Work Place Form District. The proposed change in zoning and form district designation, along with the associated development plans present an opportunity to continue the land use pattern currently planned for and anticipated by the Land Development Code and Cornerstone 2020.

According to the Core Graphic 1 and the Planning and Design Department Staff, the SWFD promotes the development of parcels for industrial uses and employment generators. Correspondingly, the SWFD and the PEC zone district provides for the ability to utilize adjacent and readily accessible properties to further promote ancillary employment and development opportunities to larger properties within the SWFD that are serving as the major employment and manufacturer of goods and services used within the Metropolitan Louisville Area.

The proposed PEC zoning and development plans will provide the opportunities to maximize the ability of the SWFD and other nearby PEC zone districts to maintain and expand the current employment base and economic benefits generated by such existing uses like the Louisville International Airport, Kentucky Ford Plant, UPS, and General Electric. Uses on the Property will be developed to a scale appropriate to address the current and future needs of the SWFD.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in form district from Suburban Marketplace Corridor and Neighborhood to Suburban Workplace on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Lewis and Tomes
NO: Chair Jarboe

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NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

Zoning Change from R-4, R-7 and C-2 to PEC, Planned Employment Center

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on testimony heard today, those elements of Cornerstone 2020 Staff Analysis found to be in conformance with the Comprehensive Plan and the Applicant's Justifications was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed PEC district creates a new planned development that may feature a single or mixture of related uses. The current proposed development plan calls for two large warehouses and provides space for future growth. The proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because renderings will be compliant with the form district design standards of Land Development Code, Chapter 5, parts 5 & 6. Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. Traffic impacts will be seen primarily along Outer Loop and the 4-lane, collector providing primary access. All recommendations of the final traffic study will be incorporated as required. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane. Lighting will be in compliance with LDC 4.1.3. All luminaires shall be aimed, directed, or focused such as to not cause direct light from the luminaire to be directed toward residential uses. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees. The proposed development plan appears to mitigate its impacts associated with parking areas, drive lanes, and the front of buildings. Any future development of industrial uses permitted by the district that pose a nuisance created by noise, emissions, or odor will necessitate further consideration of additional enhanced buffering, setback, and mitigation measures. Setbacks, lot dimensions and building heights are compatible with the intent of the form and zoning district - To provide sufficient space in attractive, landscaped, and planned industrial parks for M-2 Industrial operations. Parking areas are buffered from the street and adjacent residential areas with landscaping consisting of a 2' berm with 8' evergreen

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screen and deciduous trees. Internal drive lanes and pedestrian ways are safely provided to minimize impact. Parking areas are buffered from the street and adjacent residential areas with landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees. Loading areas and truck parking are located to the side of buildings. A unified signage plan will be created that sets consistent standards for the design, appearance and location of signs within the development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. The proposal integrates natural features into the pattern of development. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will be provided along the frontage; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems as the rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. The site is relatively flat with an elevation change from front to back of 10-15'. The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as an archaeological amenity identified from the previously approved developments is being preserved for the benefit of the public. The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as an archaeological amenity identified from the previously approved developments is being preserved for the benefit of the public. The proposed development is providing floodplain compensation. KDOW and ACOE approval will be required prior to MSD approval; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the use would generate heavy truck and employee traffic and is not immediately located on an arterial roadway. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study

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shall be implemented prior to occupancy of the site. The subject site is located near an arterial and in proximity to an interstate; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. Facilities for pedestrians are provided to the site. TARC service is not currently available to the site. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site. A stub has been provided to facilitate the development of adjacent lands to the north which serves to decrease pressure on Minor Lane. While it may not be appropriate to continue industrial development north, this through-road may decrease the negative impact of traffic on portions of Minor Lane providing single-family residential access. Right-of-way has been dedicated as required. The proposal includes adequate parking spaces to support the use. The proposal provides for joint and cross access through the development and to connect to adjacent development sites; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. Access to the site is provided from a 4-lane, collector roadway with no direct single-family driveway access. The 4-lane, collector is sufficient to provide access. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because APCD made no comment; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject site is adjacent to an interstate and the built environment. The rear of the site will remain un-built; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities or planned for utilities. The proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes. The proposal would appear to have an adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because it uses existing and emerging forms or patterns of development and local plans developed in accordance with the Comprehensive Plan to guide land use decisions and design of development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline as it ensures that land uses and transportation facilities are located, designed and constructed to be compatible with nearby land uses and to minimize impacts to residential areas, schools and other sensitive areas in the community. The development will provide employment in an underserved area that minimizes land use incompatibilities and the impact on public facilities. The development recognizes the special environmental, historic and cultural character of residential areas and adjacent passive open spaces. The development will create public facilities and services that are responsive to the specific needs generated by the residents of this neighborhood residential area. The development helps to maintain the quality of existing and residential neighborhoods by providing an opportunity for employment and services desirable to live near. Detailed consideration will be given towards the choice of building materials used, in an effort to preserve the feeling of the area and reflect current design elements. Outdoor lighting will be directed down and away from residential property. Parking access is designed to be safe and simple, and utilize the practice of "shared parking" and "captive market parking" to minimize impervious land surfaces. Truck access to the development is designed to pass around, not through, residential neighborhoods and streets; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility Economic Growth and Sustainability guideline because it provides a positive culture for attracting and sustaining business within Louisville and Jefferson County. The proposed development has chosen to locate on a site that will enable primary and secondary job creation in close proximity to existing social and economic infrastructures. To this end, the proposed development adheres to the policies designed to promulgate the intentions of this Guideline. In addition to neighborhood input and Planning Department recommendations the following practices,

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ideas, and community benefits will be implemented. The development will help keep dollars in the community. The development will spread tax burden for public facilities maintenance and neighborhood programs. The development will attract new investment dollars adjacent to a major economic engines in Louisville, the Kentucky Ford Truck Plant, General Electric, UPS, and the Louisville International Airport. The development will provide management level and entry-level positions. The development will offer flexible working hours. The development will assist in preserving existing standards of living over time. The development will provide new services and products not previously available in a timely manner to nearby industries. The development will create a positive environment; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline ensures a balanced and comprehensive multi-modal transportation network that is coordinated with desired growth and development patterns and provides for the movement of people and goods; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because design transportation facilities that are safe and efficient, that minimize adverse impacts upon the community and that accommodate, where possible, all modes of travel, such as trucks, automobiles, transit, pedestrians and bicycles.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because it supports transit and non-motorized methods of travel and provides the necessary infrastructure improvements to accommodate alternative modes of travel. The proposed development has chosen to locate on a site that will enable proper site access and direct access to a major arterial and where nuisances and activities of the proposed use will not adversely affect adjacent areas. To this end, the proposed development adheres to the policies designed to promulgate the intentions of these Guidelines. In addition to neighborhood input and Planning Department recommendations the following practices, ideas, and community benefits will be implemented. The development can enable residents and future employees to minimize vehicular miles traveled, as well as total travel time, in order to minimize air pollution and to conserve fuel. The development can increase opportunities for pedestrian and bicycling facilities, while providing a compact work place destination for area residents. The development is located to take advantage of the existing transportation system to complement the overall development of the area and minimize additional roadway construction. The development is located where adequate access exists for employees and for product movement. The development will make improvements to adjacent roadways by the dedication of ROW as warranted and mentioned in the Introductory Discussion. The development will integrate best practices for pedestrian accessibility. The development will entertain the dedication of property for future transit passenger pickup and drop off. The development will work to

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coordinate compatible hours for businesses within the project. The development has provided for the acquisition and/or the protection of road rights-of-way; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline as it minimizes the potential for and impacts of flooding and effectively manages stormwater; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Water Quality guideline because the water quality will be protected; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because it provides for necessary infrastructure and ensures that carrying capacity of the land is adequate for the proposed development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Facilities guideline because the location and design ensure compatibility with existing development. The proposed development has chosen to locate on a site that will (1) enable proper stormwater handling and release management that will not adversely affect adjacent and downstream properties; (2) provide for necessary upgrades to area-wide water storage and distribution; (3) create opportunities for passive open space; (4) provide for utility installations with access to a major arterial roadway. To this end, the proposed development adheres to the policies designed to promulgate the intentions of these Guidelines. In addition to neighborhood input, the Louisville Water Company, MSD and Planning Department recommendations and directions will be incorporated. The following practices, ideas, and community benefits will be implemented. The development will provide, as required, for the orderly expansion of water supply and sewerage systems within the community to meet the needs of current and future residents while taking into consideration the impacts of cost, public health, surrounding land use, and environmental impacts. The development will participate, as necessary, with the renovation and improvement of existing water supply and sewage collection systems in the existing area, to provide for additional sanitary sewer capacity and reliability. The development will comply with all applicable local, state and federal laws and regulations on water and sewerage planning collection, distribution and management. The development meets the intent that full consideration is given to issues of orderly expansion keyed to Cornerstone 2020 land use plans, public health, capital programming and water supply/water quality management. The development has chosen to locate where water and sewer services exist and can be extended or upgraded systematically in concert with the availability of other public facilities and neighborhood needs. The development will make land available for public infrastructure, as necessary; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline to minimize, reduce, or eliminate, as necessary and

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appropriate, through the land use planning and development review process, air pollution from stationary, area, and mobile sources. The proposed development has chosen to locate on a site that will enable and promote a reduction in vehicle miles traveled and increased pedestrian travel in an effort to reduce particulate matter accumulation in the ambient air in addition to CO2 emissions. To this end, the proposed development adheres to the policies designed to promulgate the intentions of this guideline. In addition to neighborhood input and Planning Department recommendations the following practices, ideas, and community benefits will be implemented. The development will create local neighborhood employment opportunities thereby reducing VMT. The development will research tenant sponsored bus passes for the summer months. The development will research the creation of a recycling collection center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline as it protects and enhances landscape character. The proposed development adheres to the policies designed to promulgate the intentions of these guidelines. In addition to neighborhood input and Planning Department recommendations the following practices, ideas, and community benefits will be implemented. The development landscape plan will complement the existing landscapes of adjacent properties and enhance the personal scale by clearly defining pathways, entrance areas, public gathering spaces, parking areas, and access roadways. The development landscape plan will mitigate the impact to neighboring properties. The rear elevations of buildings, loading docks, and refuse collection areas shall be landscaped and designed with our neighbors in mind first...The development landscape plan will incorporate a mix of indigenous plants that are hardy and drought tolerant, and will include evergreen plantings (trees, shrubs, ground-covers, and ornamental grasses). The development landscape plan will attempt to utilize technologically advanced irrigation systems for water conservation as needed.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, R-7 and C-2 to PEC, Planned Employment Center on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Lewis and Tomes

NO: Chair Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

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Waiver of Land Development Code (LDC), section 5.5.4.B to reduce the required 50 foot LBA to 35 feet

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on Standard of Review and Staff Analysis, Applicant's Justification and testimony heard today was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. The reduction along the north line is adjacent to a non-residential use which exists in a residential district; and

WHEREAS, the Louisville Metro Planning Commission finds, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. A sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided; and

WHEREAS, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. This has been depicted on the applicant's landscaped exhibit and preserved by binding element.

WHEREAS, granting the requested waiver will not adversely affect the adjacent property owners. The drive lane that is proposed which is immediately adjacent to the 35 foot LBA is to serve the adjacent property to the North, and automobile parking for the development. This portion of the drive is not utilized for truck loading or maneuvering for the proposed development. Further, the only uses being buffered in this area are the end of a proposed building that is approximately 153 feet from the property line, automobile parking, and the aforementioned drive. The requested waiver is only dimensional. The applicant will still be providing the required plant material and screening to buffer the adjoining residents; and

WHEREAS, given the above stated observations regarding land uses to be buffered, the apparent compliance with the landscape ordinance, the applicant's waiver request

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itself, and the required landscape and screening for the buffer, granting the requested waiver will not violate the Comprehensive Plan; and

WHEREAS, the applicant has taken great care to minimize the impact of the proposed development on surrounding properties. The subject property is constrained by existing utilities and their related easements, an archaeological site to be preserved, floodplain, wetlands, obligations made through prior zoning cases and the current Land Development Code and Comprehensive Plan. As stated above the requested waiver is the minimal necessary relief; and

WHEREAS, for the reasons stated above denial of this waiver request will deprive the applicant of reasonable use of this land. The waiver is a dimensional waiver of 15 feet. All required vertical buffering will be provided. Denial of the request simply causes the applicant to reduce the size of the proposed building and in so doing has a significant economic impact on the project.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of Land Development Code (LDC), section 5.5.4.B to reduce the required 50 foot LBA to 35 feet.

The vote was as follows:

YES: Commissioners Brown, Lewis and Tomes

NO: Commissioners Daniels and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

Variance from LDC, section 4.8 to allow proposed 'Building B' to encroach upon the 100 foot protected waterway buffer a maximum of 38.6 feet

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the requested variance will not adversely affect the public health, safety or welfare as the waterway provides retention/detention and the encroachment does not impact this use; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the abutting parcel does not conform to a specific pattern of development and the protected waterway is not a linear or meandering stream; and

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WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the waterway serves as a drainage facility for an adjacent use and the proposed encroachment will not impact its usage; and

WHEREAS, the Louisville Metro Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred; and

WHEREAS, the Louisville Metro Planning Commission further finds the requested variance will not allow an unreasonable circumvention of the zoning regulations as the waterway serves as a drainage facility for an adjacent use and the proposed encroachment will not impact its usage.

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Variance from the Land Development Code, section 4.8 to allow proposed 'Building B' to encroach upon the 100 foot protected waterway buffer a maximum of 38.6 feet

The vote was as follows:

YES: Commissioners Brown, Lewis and Tomes

NO: Commissioners Daniels and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

Revised General and Detailed District Development Plan

On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

WHEREAS, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. Natural features have been integrated into the pattern of development. The rear area of the site adjacent to the interstate contains drainage and floodplain compensation facilities, as well as an archaeological amenity identified from the previously approved developments. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will be provided along the frontage; and

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WHEREAS, the proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service. Traffic associated with heavy-trucks and employment will increase in the area as a result of the project. Traffic impacts will be seen primarily along Outer Loop and the 4-lane, collector providing primary access. The collector level roadway serving the site is sufficiently wide and does not provide direct access to residences. Access from the site to the interstate is good, while access to the site from the interstate could result in congestion at the intersection of Outer Loop and Briar Cliff. All roadway improvements as recommended by the Traffic Impact study shall be implemented prior to occupancy of the site. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane; and

WHEREAS, open space being provided for the benefit of the public as an archaeological amenity is being preserved; 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 proposal creates a new planned development that may feature a single or mixture of related uses. The plan calls for two large warehouses and provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan as demonstrated above and in the Cornerstone 2020 Staff Analysis provided as *Attachment 3* of the staff report.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised General and Detailed District Development Plan **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

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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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.
5. 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.
6. 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

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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.

7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am
9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non-residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.
11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission Staff prior to issuance of certificate of occupancy.
12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/21/19 public hearing of the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/21/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.

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14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. The following roadway improvements shall be made prior to the occupancy of the subject site:

Outer Loop Road at Minor Lane

- A. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer loop Road to Minor Lane.
- B. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.
- C. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.
- D. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

Configure the newly created intersection with stop control on the southbound approach of Minor Lane.

Any revision to these recommendations shall be in coordination with KYTC and shall be presented to the Director of Public Works for review and approval.

16. M-2 primary uses, chemical packaging, and manufacturing or production of adhesives are prohibited, unless approved by the Planning Commission in a public hearing. Any application for amendment shall include notification to all those that spoke at the public hearing, as well as 1st and 2nd tier adjoining property owners.

The vote was as follows:

YES: Commissioners Brown, Daniels, Lewis and Tomes

NO: Commissioner Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard, Peterson, Robinson and Smith

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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

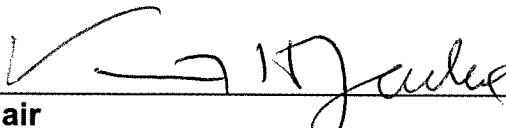
No report given.

CHAIRPERSON/DIRECTOR'S REPORT


No report given.

ADJOURNMENT

The meeting adjourned at approximately 7:26 p.m.



Chair



Planning Director