

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
October 17, 2019**

A meeting of the Louisville Metro Planning Commission was held on October 17, 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
Jeffery Brown
Richard Carlson
Lula Howard
Ruth Daniels
Jim Mims

Commission members absent:

Marilyn Lewis, Vice Chair
Robert Peterson
David Tomes

Staff Members present:

Jeff O'Brien, Director of Develop Louisville
Emily Liu, Director, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Chris French, Planning and Design Supervisor
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Dante St. Germain, Planner II
Beth Stuber, Engineering Supervisor
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Laura Ferguson, Legal Counsel
Caitlin Bowling, Communications Manager
Pamela M. Brashear, Management Assistant

Others Present:

Tony Kelly, MSD

The following matters were considered:

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PC Member Swearing In

John Carroll, Legal Counsel, swore in the newest Planning Commission member Jim Mims.

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APPROVAL OF MINUTES

SEPTEMBER 30, 2019 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on September 30, 2019.

The vote was as follows:

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

OCTOBER 3, 2019 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on October 3, 2019.

The vote was as follows:

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

PLANNING COMMISSION MINUTES
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BUSINESS SESSION
CASE NO. 18STREETS1021

Request: Alley Closure for unnamed alley off of Etlely Avenue –
CONTINUED FROM SEPTEMBER 30, 2019 PC MTG.

Project Name: One Park

Location: 2294, 2300, 2338, (TB 74A Lots 12 and 15) and 2340
Lexington Road and 2501, 2503, 2509, 2511 and 2515
Grinstead Drive

Owner: JDG Triangle Partners LLC; JDG Triangle Partners II L; JDG
Triangle Partners III

Applicant: JDG Triangle Partners LLC

Representative: Bardenwerper Talbott and Roberts PLLC; Mindel Scott &
Associates

Jurisdiction: Louisville Metro

Council District: 8- Brandon Coan

Case Manager: Julia Williams, AICP, Planning Supervisor

NOTE: COMMISSIONER MIMS RECUSED HIMSELF FROM THIS CASE

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:

00:08:37 Ms. Williams stated the new binding elements were posted on Legistar for review and based on the testimony from the September 30, 2019 night public hearing.

00:09:05 Commissioner Carlson stated he's concerned about the cemetery and Cherokee Park being protected against blasting. Binding element 11 is intended to afford that protection as long as it's enforced. Ms. Williams said the binding element goes further than the regulations, but can add "as defined by the Land Development Code", after the word 'structures'. Commissioner Carlson agreed.

00:11:35 Commissioner Brown asked if the applicant has reviewed the proposed binding elements and are in agreement. Ms. Williams said yes.

00:11:50 Ms. Liu remarked, binding element 7, 3rd paragraph, last sentence in parenthesis needs an addition of "or HUD guidelines".

00:13:26 Commissioner Brown said there was discussion regarding increasing the percentage of affordable housing if the applicant was going to pursue tax incremental financing. Ms. Williams said it is already a requirement.

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00:13:50 Commissioner Carlson said there are extreme traffic concerns in this area and requests that the Director of Public Works require a follow-up traffic study (in the future) to make sure the estimates are close to being accurate. Chair Jarboe said he doesn't see a way to enforce it. Commissioner Howard added, this is a mixed-use development that will not have the same peak hours. Commissioner Brown added, in the traffic study, the applicant/representatives used the highest use to predict the highest trip generations. Commissioner Brown said he agrees with Commissioner Carlson regarding, if the development plan expires and they need a renewal, a condition should be to provide updated traffic counts. Also, the state reviewed this plan, made recommendations and the developer is willing to provide the improvements.

00:25:30 Chair Jarboe said the proposed binding elements are everything the commissioners asked for at the night hearing.

Deliberation

00:26:34 Commissioner Howard said she appreciates the developer. The site is perfect for mixed-use and the design is nice for the intersection. This proposal should help decrease traffic and encourages walkability. The right-of-way closure has to take place in order for the design and proposal to become effective.

00:29:08 Commissioner Daniels stated she's concerned about the density and increased traffic. A pedway over Grinstead leading to the park might be useful.

00:30:38 Commissioner Brown stated this area can support the density. The applicant did a good job transitioning from the residential area shorter building to the taller building.

00:31:13 Commissioner Carlson agrees with the rezoning. The proposal is unique and has potential. There is still concern for the traffic.

00:33:01 Chair Jarboe stated it's a good infill development. The applicant has compromised. Traffic will be bad but it's a part of living in a metropolitan area.

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

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On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution based on the design of the proposal, it meets the Land Development Code and the Plan 2040 Staff Analysis 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 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 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.

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

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes

PRESENT: Commissioner Mims

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BUSINESS SESSION
CASE NO. 16ZONE1044

Request: Change in Zoning from C-2 to PDD - CONTINUED FROM SEPTEMBER 30, 2019 PC MTG.

Project Name: One Park

Location: 2294, 2300, 2338, (TB 74A Lots 12 and 15) and 2340 Lexington Road and 2501, 2503, 2509, 2511 and 2515 Grinstead Drive

Owner: JDG Triangle Partners LLC; JDG Triangle Partners II L; JDG Triangle Partners III

Applicant: JDG Triangle Partners LLC

Representative: Bardenwerper Talbott and Roberts PLLC; Mindel Scott & Associates

Jurisdiction: Louisville Metro

Council District: 8- Brandon Coan

Case Manager: Julia Williams, AICP, Planning Supervisor

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Deliberation

00:26:34 Planning Commission deliberation. Commissioner Howard said she appreciates the developer. The site is perfect for mixed-use and the design is nice for the intersection. This proposal should help decrease traffic and encourages walkability. The right-of-way closure has to take place in order for the design and proposal to become effective.

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Zoning Change from C-2 to PDD

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On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution based on the Plan 2040 Staff Analysis, Applicant's Findings, testimony heard at the September 30, 2019 public hearing, the Applicant's Statement of Compliance and the Applicant's Pattern Book was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal is not a non-residential expansion into an existing residential area as the site is currently zoned for high intensity residential; the proposal is for high density with medium to high intensity uses located at the intersection of 2 minor arterials, near a transportation facility (I-64), along a transit corridor (Grinstead Drive), within an existing activity center, and where adequate infrastructure exists or is planned with the proposal; no evidence has been provided that would indicate a negative impact of the proposal on health, quality of life, and the environment. The proposal is not located near residences or schools. The proposal is located across Grinstead from both Cherokee Park and Cherokee Golf Course where no evidence has been provided that air and water quality will be negatively affected. APCD reviewed the proposal and found no issues with air quality. MSD reviewed the proposal and found no issues with water quality; traffic issues are being addressed through roadway improvements along Lexington Road by way of a proposed dual turn lane from Lexington to Grinstead leading to I-64. Etley will be widened and striped. Curb cut access points are being reduced. Transportation Planning staff have approved the traffic study and concur with its findings regarding traffic; the proposal does not indicate any uses where noise would have an impact on the existing communities. There are no residential land uses located adjacent to the subject site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal is located in an existing activity center where the building is proposed to be located at the right of way line, which is consistent with the traditional form. The density is below the maximum density permitted per the existing C-2 zoning, additional density could be added under Option 2. The proposal permits uses that are compatible with the surrounding neighborhoods. Roadway infrastructure will be expanded and utility infrastructure will be modified for the development; the proposal is for a mixed use development located in an existing activity center with appropriate access and connectivity to all surrounding minor arterial roadways, the local roadway, and access to I-64; the proposal is located in an existing activity center where population is proposed and existing to support the zoning; the proposal is compact as it utilizes all available space on the lot and results in efficient land use due to the limiting of certain land uses on the site. Improvements to existing right of way and utility infrastructure are being made as a result of the proposal; the proposal is located in an existing activity center where mixed use is being proposed. The land uses proposed within the pattern book are limited and generally neighborhood serving. Alternative modes of travel are

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supported. A transit stop is located on the site along Grinstead near Etley, ride share pull offs are proposed around the site, the existing bike lane along Lexington is being maintained, and the sidewalk widths around the site are being increased; the proposal is for mixed use development in an existing activity center where residential and office will be located above commercial; the proposal is for mixed use development in an existing activity center where residential and office will be located above commercial; the proposal is appropriately located for its design and scale as there are no residences located adjacent to the site or across the street; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the existing site is mostly impervious surface with a few mature trees which makes it largely absent of natural features. The proposal includes the addition of street trees and roof trees as an addition of natural features to the site; Soils are not an issue with the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, Historic Preservation has not indicated that any of the existing buildings on the site have any historic or architectural value. The site is not located in a preservation district nor is it located in a National Register district. The site is located across the street from Cherokee Park and Golf Course which is a National Register district and Cave Hill Cemetery which is a National Register site. Those National Register areas are not noted for architecture and generally do not have buildings to determine compatibility with height, massing, scale, and architectural style; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is located near two existing marketplace corridors (Bardstown Road and Frankfort Ave.) The proposal is within an existing activity corridor where it supports existing public transit and provides for ride sharing, bicycles, and an increased sidewalk in the public ROW; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the development is by way of two minor arterials and a local level road with access to a major interstate; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal is for mixed use. The land uses proposed within the pattern book are generally neighborhood serving and encourage trips made by walking and bicycling due to the increased sidewalk around the site, the existing bike infrastructure along Lexington Road and the north portion Grinstead, and addition of bike facilities on the site; the proposal is for mixed use where compatible land uses are indicated within the pattern book. The land uses and development are easily accessible by all modes of transportation. Facilities are

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proposed for the different forms of transportation; the proposal is for mixed use with a high density component. The proposal promotes public transit and pedestrian use by way of an increased sidewalk around the site, a transit stop located along Grinstead at Etley, and street trees along all roadways. The proposal calls for an interior parking garage, parallel parking spaces, and ride share spaces to support pedestrian use around the site. Residential is proposed to provide a housing choice; the proposal is for mixed use. The land uses proposed within the pattern book are generally neighborhood serving and encourage trips made by walking and bicycling due to the increased sidewalk around the site, the existing bike infrastructure along Lexington Road and the north portion Grinstead, and addition of bike facilities on the site; Transportation Planning staff approved and concur with the traffic study. Roadway improvements as indicated in the traffic study will be implemented around the site at the cost to the developer; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, Existing and proposed utilities will serve and be improved for the site; the LWC and fire department did not indicate that an adequate water supply was not available; MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is for mixed use located at the intersection of two minor arterials (Lexington Road and Grinstead Drive). The site also is located with adequate access to a major interstate. The pattern book does not indicate nuisance uses or activities that would adversely affect adjacent areas; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, Erosion control measures during construction will be put in place per MSD requirements. MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the mixed use proposal provides an environment where aging in place could occur due to the land uses permitted in the pattern book that include shopping and medical facilities. The proposal is located on a transit route. No specific housing user has been identified for the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal is for mixed use development that is connected to the surrounding neighborhoods via sidewalks, bike lanes, ride share spaces, and transit; the proposal is for mixed use development with a housing component that is connected to the surrounding neighborhoods via sidewalks,

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bike lanes, ride share spaces, and transit. The proposal includes employment opportunities and non-residential uses that provide neighborhood goods and services. The proposal includes high density along a transit route and within an existing activity center; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposal is for mixed use which will bring residential to the site where there is none existing.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Plan Element 4.1, its 5 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 2, 2.1, 2.3, 3.1.2, 4, 5, 6, 7, 9 10, 11, 12 13, 14, 16, 17, 18, 19, 20 and 23, it complies as follows, in addition to the other ways set forth above and below: The site is located in the Traditional Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings which can be apartments and/or condos, which this plan proposes. This PDD development (as noted above, called "One Park") also includes compatible, project and area-serving commercial uses. Traditional neighborhoods are also encouraged to have open space, which this one does with wide sidewalks with building "alcoves" and upper level landscaped plazas, as shown in the Pattern Book, that will serve as outdoor seating areas and/or display space for bars, cafes, restaurants and retail along Lexington Road and Grinstead Drive and also for residents, other occupants, and guests. In that regard, it is also anticipated that the corner of Lexington Road and Grinstead Drive (where the City of Louisville owns a small public space) will include some form of significant public art and/or small activity area that will relate to this "One Park" PDD project in a positive manner for the larger community good. Just by way of example, this public space could include a large bicycle parking area incorporated into a piece of public art, thus creating a highly interesting, attractive and utilitarian civic amenity. The Traditional Neighborhood Form does not prohibit anything that is being proposed with this PDD application, especially given the fact that this site, while it is near and serves other traditional neighborhoods (i.e., the Highlands, Crescent Hill, Irish Hill and Lexington Road), actually only adjoins Cherokee Park, Cave Hill Cemetery, MSD property and the KTC/Metro interchange of I-64/Grinstead Drive/Lexington Road. The "One Park" project does not adjoin a single residential use, and (as the Pattern Book illustrates) is situated at significant distances from nearby residential uses, much like other buildings of "One Park's" now maximum 18-story height, now located in the Cherokee Triangle, at Dupont Circle/Dutchmans Lane and in Hurstbourne. As to compatibility, it begins with a discussion of uses, and, as explained above and below, this proposed "One Park" PDD project will involve a variety of compatible uses (notably, residential, hotel, retail and possibly offices), eliminating (per the accompanying PDD pattern book) a long list of C-2 uses that otherwise are permitted as a matter of right as of today -- for example, auto sales, car washes, truck stops, peddler malls, and such

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uses that typically locate at pre-“Plan Certain” sites where they do not have to undergo any discretionary land plan or building design review.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Compatibility and also includes building design, not necessarily from the standpoint of whether a particular architect or particular choice of aesthetic design matches everyone’s tastes (which is an impossibility), but rather from the standpoint of building materials and design themes that tend to elevate aesthetics while also being representative of the best that a particular geographic area might have to offer. In this case, the selection of building materials and design themes, as presented in the PDD Pattern Book and as discussed at the 12 public meetings and charrettes during the 3-year public review of this project, reflect and build upon the best materials and best design themes evident and popular elsewhere in Louisville Metro. During the course of all the meetings and charrettes, serious efforts were made to create both a “wedding cake” effect at lower levels of stepped-back layering and at upper levels glass transparency in order to reflect the sky. Combined with the use of traditional building materials along Grinstead Drive and more contemporary ones along Lexington Road, the final architecture demonstrates how the proposed overall structure, with these multiple different design elements, creates the appearance of many different structures, when viewed from various vantage points. Also, when 3 towers of greater height were previously proposed, both summertime and wintertime views were created from about a dozen different vantage points to demonstrate that the former much taller proposed structure was not going to be all that visible in certain seasons from various perspectives. In any event, any remaining aesthetic impacts at this point in the process are such as can be anticipated in most major American cities, including other places in Louisville Metro. For example, much taller buildings in downtown Louisville are clearly visible from nearby neighborhoods such as Butchertown, the original Highlands, Smoketown, NuLu, Sobro, Old Louisville and others.

As to the potential impacts of odors, noises and lighting, recall that this mixed-use PDD project will be as much as anything a residential one; consequently, the hundreds of people who are projected to live in the apartments and condominiums here will be the only ones affected if indeed any odor, noise and lighting issues exist, which this project is designed so that this is not the case. No one else lives close enough to be adversely affected by any of these potentially, although not real, negative impacts. As to the potential impacts of traffic and air quality, these are discussed at Plan Element 4.2, but suffice it say here, as there, that the traffic impact study (TIS) prepared by Diane Zimmerman, PE, transportation engineer, has been in the works for 3 years and done and re-done under the careful guidance of the Kentucky Transportation Cabinet (KTC) and MPW&TP. In the end, that TIS must be part of the MPW&TP plan review, and it must receive its preliminary approval prior to docketing of this PDD plan for LD&T review. Lots of road and access improvements are being made to assure safe and easy access to and within this proposed “One Park” PDD project and through the larger

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geographic area via the to-be-improved Lexington Road/Grinstead Drive interchange, the limited points of access, and the traffic signals proposed for Lexington Road and Etley Avenue and Grinstead Drive and Etley Avenue.

As to setbacks and building height, structures here will be set at the sidewalks, with a now lower maximum height appropriate for a major urban area location, such as this one, which is located next to adjoining uses where no one lives. In many major American cities, buildings of greater height than this location would be permitted, even welcomed. At a hodge-podge, historically unplanned site such as this one, which otherwise is uniquely prominent in terms of its access and location, as explained above, a project such as "Park One" is exactly what the "Plan 2040" Comprehensive Plan promotes as appropriate.

As to parking, the proposed "One Park" PDD project includes an appropriately sized parking garage, which eliminates surface parking and hides vehicles from public view. In terms of loading and delivery, the "One Park" PDD plan filed with this application demonstrates how access at limited locations with excellent internal circulation eliminates the current negative impacts of 18 random curb cuts along Lexington Road, Grinstead Drive and Etley Avenue. Loading and delivery will also not negatively impact residents, diners, retail shoppers, hotel guests, workers, and others because it is all internal to the site. And the hotel space is proposed to have a very limited drop-off area for guests to conveniently check in and out, which also is designed so as to have no negative impact on the driving public.

As to signage, while it hasn't been fully designed yet, the Pattern Book demonstrates compatible concepts. The mess of current tall billboard and other existing signage will be eliminated. As to Goal 2, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17, it complies as follows, in addition to the other ways set forth herein: For starters, this "One Park" PDD project is located in a Traditional Neighborhood Form District at the intersection of Lexington Road and Grinstead Drive which are two of the several major road spurs (like Brownsboro Road, Frankfort Avenue, Bardstown Road, Eastern Parkway, Southern Parkway, and so on) leading to and from Louisville's center urban hub to and from its innermost, interstate highway ring or band (i.e. the Watterson Expressway). The urban plan effect of this is a "wheel" with spurs or spokes of roads leading to and from the center urban hub with several of the most significant Olmsted parks like (Cherokee, Seneca and Iroquois) located along the outer band and (like Central Park) within the urban hub. This wheel effect constitutes the real urban area that competes for new housing for new and migrating residents and new business activity and also for retaining those that, in decades past, the urban area, not as successfully as in recent years, often lost to suburbia. A dense and intense activity center at this location (as presently exists but which is proposed for dramatic improvement) helps invigorate urban Louisville, enhancing its competitiveness with countervailing suburban forces that are always in play. Further this "One Park" crossroads location is, as said, an

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already established non-residential activity center, containing a hodge-podge of never planned uses on 10 lots involving 18 random curb cuts. The existing site thus cries out for far better planning with a higher intensity/density and better mix of uses than seen today. Because, as said, this is already an activity center, developing new non-residential and mixed uses at this location is appropriate for the reasons set forth above and given the public park, cemetery and other public adjoining uses. Also, this site is a special location for an activity center because it is at the intersection of two arterials, Lexington and Grinstead, right off I-64 which, depending on the travel route, is either the second exit leaving downtown or the second to last exit entering downtown. It is accessible therefore from Grinstead Drive north (and thereby from US42/Brownsboro Rd and Frankfort Ave and thus Crescent Hill), Grinstead Drive south (and thereby Bardstown Road and Cherokee Road and thus the Highlands), Lexington Road east (and thereby all of St. Matthews and beyond), Lexington Road west (and thereby all of Irish Hill, Butchertown and downtown), and I-64 both east and west (and thereby the entire Metro area) -- meaning it is one of the most visible and accessible locations in the entire Louisville Metro area.

Furthermore, compact retail and mixed uses are always appropriate at intersections of arterial highways such as this one right off an interstate highway. And this site, as said, already serves as a center of mixed retail uses, just not any residential, office or hotel uses as now planned in this "One Park" PDD proposal. Also, residential uses are encouraged in designated centers like this, often above retail as proposed. Other desirable uses in an activity center include a variety of neighborhood serving retail and restaurant uses, plus (close as the site is to I-64 and downtown) offices and a hotel.

As to parking, what is proposed is a multi-level parking garage, replacing what is today all surface parking, resulting in an aesthetic abomination, which will be replaced with parking that is all, 100% screened from public view. That parking will be shared and will have very limited points of access: one off Lexington Road, one off Grinstead Drive (with a very minor second pull-off on Grinstead Drive for hotel guests' arrivals and departures) and one off Etley Ave. That reduces the number of curb cuts by about three quarters of the number of haphazard cuts that currently exist. Also, the proposed "One Park" PDD project is designed to encourage a high level of pedestrian and bicycle usage and make provisions for easy access by TARC service and shared ride (i.e., Uber/Lyft) service. That's because "One Park" residents, guests and workers will have opportunities, almost unlike perhaps anyplace in Metro Louisville, to access this location and commute from it via TARC, ride share, bicycle and sidewalks. If Louisville Metro is ever to begin to seriously encourage alternative forms of transportation, it has to start by permitting high intensity/high density uses at locations that are proximate to open spaces (such as Cherokee Park), to other nearby retail (such as the Bardstown Road strip and the restaurants located across Lexington Road), and to downtown and that are also conveniently accessible to a significant network of roads, bikeways and sidewalks, as planned here. Moreover, the design of an activity center such as this one needs to

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be appropriate in terms of how it fits with adjoining uses and nearby neighborhoods. Once again, the only adjoiners are a public park, a cemetery, major arterials and an interstate highway, plus several restaurants and offices along Lexington Road near Etle Avenue. These are unaffected uses, as no one lives there, and they are frequented by visitors and travelers who cannot seriously claim to be adversely affected. Indeed when the "One Park" project is completed, it will be one of the most visited places in all of Louisville Metro -- not just because of the remarkable design that will attract people's interests but also because of the mixture of uses that will attract residents, hotel guests, workers, shoppers and diners. It will also increase the nearby park presence eventually leading to park improvements, enhancing Cherokee Park's communal usage and invitation to the public to live nearby.

The main focal point, will be, as suggested, at the corners of Lexington Road and Grinstead Drive and also Grinstead Drive and Etle Avenue, notably the intimate "piazza" at the later location. The other focal points will be, as said, the public spaces for dining and retail sales along the wide Lexington Road and Grinstead Drive sidewalks and at the higher terrace levels of the building. Frontage utilities will be located underground and, as necessary, improved, especially as respects storm water management. These will be reviewed during the agency comments, following this official filing. MSD plus Metro Public Works and Transportation Planning (MPW&TP) will need to "stamp" this PDD plan for preliminary approval prior to LD&T review, thereby demonstrating compliance with those agencies' independent standards relative to their roadway, sanitary sewer and storm water infrastructure.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Goal 3, Policies 1, 2, 3, 4, 5, 6, 10 and 13, it complies as follows, in addition to the other ways set forth herein: As mentioned above, one of the main open spaces is the public open space that presently exists at the corner of Lexington Road and Grinstead Drive, which, as said, hopefully can be designed with Metro permission and involvement in a manner that transforms it into a really neat, usable community space, which it is not at present. The proposed "One Park" building will also be set along a wide sidewalk, with open "alcoves" that will be able to accommodate outdoor seating for restaurants and cafes. Upper level plaza space can also accommodate retail and restaurants. Moreover the "One Park" site sits across from Cherokee Park which hopefully can be improved to better accommodate greater and more active communal use. Otherwise, there are no on-site natural resources, natural features, or historic structures that are important to retain, and this proposal does not even remotely negatively impact any nearby.

Also, as said above, the site today is a hodge-podge of unplanned uses where zero landscaping exists. That will be 100% different with the proposed "One Park" PDD project because it has been planned with significant public input over the past 3 years to produce wide tree lined sidewalks where the public can sit, shop and dine plus conveniently pass by on foot or bicycle without obstruction. Trees will be planted along

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the streets in ways that will assure their survival, thus creating a tree canopy that exists nowhere on this site today. Upper plaza levels of the buildings will also be shaded with trees and other landscaping -- all as further described in the pattern book accompanying this application.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Goal 4, this is not a historic site with historic buildings. But the site's rejuvenation (as planned and as illustrated on the PDD Plan and in the Pattern Book) will enhance the historic Cherokee Park and Cave Hill Cemetery nearby. Today these two sites receive zero benefit from the totally unplanned, underutilized aspects of this site as exist today.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Goal 5, the PDD Plan and Pattern Book show where public art is proposed, notably in the existing public space at the corner of Lexington Road and Grinstead Drive.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.2: MOBILITY, this Application Package complies with Plan Element 4.2, its 3 Goals and their Objectives plus the following Policies. As to Goal 1, Policies 1, 2, 3, 4, 5 and 6; Goal 2, Policies 1, 2, 4, 5, 6, 7 and 8; and Goal 3, Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 20 and 21, it complies as follows, in addition to the other ways set forth above and below:

The impacts of this proposed "One Park" PDD project have been extensively evaluated through 3 years of back and forth with MPW&TP and KTC through the TIS prepared and several times revised. Once again, those agencies' comments have been taken into account, and in the end MPW&TP will have to "stamp" the PDD plan for preliminary approval prior to docketing for LD&T review and public hearing. One of the major road improvements added per this PDD plan's TIS will be the dual left turns from eastbound Lexington Road to northbound Grinstead Drive and I-64. This will be done at the applicant's cost. Also, the proposed "One Park" PDD project includes wider sidewalks than ordinary to accommodate lots of pedestrian and bicycle traffic, as "One Park" is anticipated to generate, in part because of the higher intensity/density uses proposed here but also because of the likely hotel, possible office and anticipated retail uses proposed. Those sidewalks will also be lined with outdoor seating and shade trees to enhance the street level experience and provide comfort.

Transportation access to the site will be improved with added right-of-way dedication, if required, and via all of the lane and signal improvements to the Lexington Road, Grinstead Drive and Etley Avenue streets as required and/or as already permitted by MPW&TP and KTC.

The points of access will be limited to just 4 locations, as described above, instead of over 4 times as many (18 in fact) as presently exist through the hodge-podge of uses on 10 separately platted lots in this unplanned site at present. There will be transit (TARC)

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and ride share, (i.e., Uber/Lyft) pull-offs where appropriate, along the public road frontages, as this site is anticipated to be heavily utilized by those alternate forms of transportation.

Parking and deliveries will be in the applicant constructed parking garage. Over time, as ride share is predicted to increase in favor of and use by a broader segment of the population, garage spaces could become available for independent park use as well. Whether full-cut access points or limited by right-in/right-out, those will work, as the TIS demonstrates. The garage and access to it have also been designed to assure that deliveries, loading and unloading have no negative impact on the traveling public along any of the many arterials and collectors bordering this "One Park" mixed use project. The garage will also be accessible from all three streets, such that, almost like a grid pattern within, residents, office users, shoppers, hotel guests and diners will be able to easily access the garage at any one of these several points and exit at these or any of the others, making for very easy ingress and egress. This site is also accessible from parts near and far via multiple roads: Grinstead Drive north, Grinstead Drive south, Lexington Road east, Lexington Road west and I-64 east and west and all of the many connecting streets and many neighborhoods noted above. These connecting streets (such as Brownsboro Road, Frankfort Ave, Cherokee Road, Bardstown Road and so on) will make "One Park" one of the most readily and easily accessible sites in all of Louisville Metro.

Finally, because this will be a bicycle and pedestrian accessible/encouraged project, there will be wide and connected sidewalks and plenty of bicycle parking. Bike lanes will be constructed where MPW&TP allows.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.3: COMMUNITY FACILITIES, this Application Package complies with Plan Element 4.3, its Goals and their Objectives plus the following Policies. As to Goal 1, Policy 3; and Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below: "One Park" is the kind of site that should be developed first and foremost before outlying greenfield sites because road and other infrastructure already exist, as previously explained, although in need of some improvement, as also described and as further set forth in the TIS and Pattern Book. Sanitary sewer facilities are adequate, water supply is adequate, and electric and gas utilities also exist within the local streets. They will be improved as necessary to serve this proposed PDD project.

Also, what better location to locate a high intensity/density mixed use development than in relatively close proximity to fire, police, medical, educational, park and cultural facilities, all located in the neighborhoods nearby down Grinstead Drive, Lexington Road or I-64, which are easily accessible from this site, as shown on the PDD plan

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described hereinabove. As close as this site is to downtown, the main public library and all of the cultural activities of downtown are easily and quickly accessible.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.4: ECONOMIC DEVELOPMENT, this Application Package complies with Plan Element 4.4, its Goals and their Objectives, plus the following Policies. As to Goal 1, Policy 3 and Goal 2, Policies 1, 2 and 3, it complies as follows, in addition to the other ways set forth above and below:

This site is a retail and restaurant workplace today, and it will preserve many of the same businesses (i.e., anticipated to include the restaurant, coffee shop and dry cleaner).

Also, this project involves a now projected \$250-\$300 million dollar investment in a dilapidated, hodge-podge, unplanned in-fill site, near downtown in proximity to other neighborhoods which it will also serve. No single private development project in the history of Louisville has involved as significant a financial investment as this one is anticipated and designed to involve.

Furthermore, as an existing activity center that will be greatly transformed in a hugely positive manner from the hodge-podge of design and platting that presently exists, this is exactly the kind of economic activity that is anticipated and promoted by the Plan 2040 Comprehensive Plan -- adaptively reusing, instead of bypassing, a site that cries out for positive change, such as this "One Park" PDD project proposes. Finally, "One Park" is designed with a number of climate – positive elements, such that it will contribute both to a better environment and to economic growth through investment.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.5: LIVEABILITY this Application Package complies with Plan Element 4.5, its Goals and their Objectives plus the following Policies. As to Goal 1, Policies 5, 7, 8, 10, 11, 12, 13, 15, 23, 26, 27, 28, 29, 30, 31, 32, 33 and 35, and Goal 4, Policies 1 and 2, it complies as follows, in addition to the other ways set forth above and below: The storm water management plan for this site is one that depends on more significant input from MSD than the customary site because this is already a fully developed site where storm water presently enters a combined sewer system. MSD appears to want to eliminate that possibility, and so it is making determinations as to where and how storm water will discharge, presently as explained on the PDD development plan and as MSD will doubtless provide added testimonial evidence at LD&T and the full Planning Commission Public Hearing. Final storm water determinations will be made by MSD from the preliminary assertions and design concepts evident on the PDD Plan and to be discussed at LD&T and the public hearing. Suffice it say that this project is being designed with storm water, as well as water quality, definitely in mind so as to improve both from what exists at present at this totally unplanned site.

In terms of water quality, buildings will include green roof features in order to help cleanse water particulate matter and vehicular discharges prior to entering the storm

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water system. Pervious pavers are also planned around street trees. Both of these are set forth on the PDD Plan and/or in the PDD Pattern Book. The main thing to think about in terms of improved air quality is that whenever you have high intensity/high density mixed uses, like "One Park", there is great opportunity to seriously reduce vehicle miles traveled. As anticipated at this "One Park" PDD project site, lots of residents will occupy a relatively small site, many of whom will also work, dine and shop in the same building and area, with lots of other residents and workers shopping and dining here as well. Also, because this location is directly across the street from Cherokee Park, many residents during evenings and workers during their lunch breaks will access the park by walking across Grinstead Drive rather than driving to a more remote recreational location.

Because this mixed-use location will also generate traffic from nearby neighborhoods, many of those can access it using their bicycles and sidewalk network, same as "One Park" residents, are anticipated to involve a higher than usual percentage of TARC and bike users, thereby also reducing vehicle miles traveled.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets PLAN ELEMENT 4.6: HOUSING this Application Package complies with Plan Element 4.6, its Goals and their Objectives, plus the following Policies. As to Goal 1, Policies 1, 2 and 3; Goal 2, Policies 1, 2 and 3; and Goal 3, Policies 1, 3 and 4, it complies as follows, in addition to the other ways set forth above:

In terms of housing types, density, accessibility and issues of that kind, there will be a large number of residential units at this proposed "One Park" mixed-use PDD project. They will include units that are designed to accommodate elderly and handicapped and will also incorporate units at attractive price points for all generations at various income levels. Because this is a popular residential, dining and shopping area at a major already existing activity center, high density is not only encouraged here but will be a significant aspect of this proposed "One Park" PDD project, indeed, one of the reasons the PDD zoning is proposed -- in order accommodate the kinds of intensity/density for an important gateway location like this one.

For all of the above-stated reasons, those shown on the revised PDD development plan and those explained in the revised PDD Pattern Book, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this revised application complies with all other applicable Goals, Objectives and Policies of the "Plan 2040" Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from C-2, Commercial to PDD Planned Development District on properties described in the attached legal description be **APPROVED**.

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The vote was as follows:

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

Detailed District Development Plan with Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution based on the Plan 2040 Staff Analysis and the Land Development Code was adopted.

WHEREAS, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. To further improve water quality within Beargrass Creek run-off from the site will be diverted from the existing CSO; and

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

WHEREAS, there are no open space requirements pertinent to the current proposal. The development provides private roof top open space as well as public/private open space through a “piazza” on the site and outdoor dining areas; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all setbacks; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, **SUBJECT** to the following binding elements:

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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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A road closure approval for the interior alley off of Etley Avenue shall be approved prior to requesting a building permit.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the pattern book as presented at the September 30, 2019 Planning Commission. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 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

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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. All street lighting shall be fully shielded and aimed downward.
6. The median island along the west portion of Lexington Road at its intersection with Grinstead Drive will be replanted. The applicant will work with Planning and Design Services to determine the plantings within the median. The plantings will be installed within 3 months (or next planting season) from the completion of the roadway improvements at the intersection.
7. Five percent (5%) of the multi-family units, 1 bedroom or more, either sold or rented shall comply with the following:

Units sold: Unit sale prices shall be calculated using 80% of the current Jefferson County area median income (AMI) limit for a given household size.

For rented units: The most current published HUD Fair Market Rent value and the Low-Income Housing Tax-Credit rent limits for Jefferson County will be used to calculate the Affordable Rent. Affordable Rent must not exceed the higher of the two rent calculations in order to be classified as an affordable rental unit (see LDC Chapter 4.3.20 (MRDI or HUD guidelines) for more information on calculating affordable rents).

The developer/owner shall be responsible for submitting an annual report to Planning & Design Services staff at 12-month intervals from the date of the first certificate of occupancy (for a residential unit), until all affordable owner occupied units have been issued building permits and for a period of 15 years after the last affordable rental unit building permit has been issued. The annual report shall identify the name of the development, the unit numbers, the unit addresses, and the sale price and/or rental rates of the designated affordable units. The annual report shall indicate separately the number of building permits issued for owner occupied and for rental dwellings

8. All exterior lighting, whether freestanding or attached to any structure, including street lights, lot lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. No exterior LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 3000 Kelvin. No parking lot light fixtures shall be more than fourteen feet high, measured from ground level (this shall not apply to the parking garage).

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9. No changing image or moving business signs shall be permitted. All freestanding business signage shall not exceed six feet in height, measured from ground level.
10. Developer shall work with Louisville Metro Parks and the Olmsted Conservancy to secure better maintenance and infrastructure in the Willow Lake area of Cherokee Park and will report back to the Planning Commission before Certificate of Occupancy with a plan to achieve the objective of this binding element.
11. At least 30 days in advance of any blasting, developer shall send regular US mail notices to the Director of Planning and Design Services, the Director of Metro Parks, the owner of Cave Hill Cemetery and the owners of the properties located opposite the subject property along Lexington Road west of the Lexington Road/Grinstead Drive intersection and continuing west of the Lexington Road/Etley Avenue intersection for a distance of 1000 feet. Such notice shall include a schedule when blasting is anticipated to occur and the name, address, phone number and contact person of the blasting contractor. This blasting schedule shall also be made available to anyone who specifically requests such schedule from developer. Developer shall meet in advance of blasting with the owners or other legal representatives of any of the forgoing properties who request a meeting and shall provide each such property owner (or other legal representative) with a copy of the pre-blast survey, including photographs, affecting such property. Any blasting that occurs shall be performed by a certified and bonded blasting contractor and only after the aforementioned pre-blast survey is conducted and issued to the adjoining property owners/legal representatives. The pre-blast surveys as respects Cave Hill Cemetery and Metro Parks' properties shall only be conducted as respects structures within 1000 feet of the subject property. This binding element shall not relieve the developer of its obligation to comply with any statutory or other legal requirements.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes

PRESENT: Commissioners Carlson and Mims

Pattern Book

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On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution based on the design of the proposal and it meets the Land Development Code and Comprehensive Plan was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Planned Development Use Plan and pattern book.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes

PRESENT: Commissioner Mims

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PUBLIC HEARING
CASE NO. 19SUBDIV1019

Request: Petition for Night Hearing - Major preliminary subdivision with waiver to allow frontage/access to an alley only
Project Name: Indian Trail Subdivision
Location: 4804 East Indian Trail
Owner: LAICC, Inc.
Applicant: LAICC, Inc.
Representative: Mindel Scott
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:

00:41:44 Mr. Dock said he received a petition for a night hearing. It has been verified with 321 signatures. The petitioners provided a potential location for the night hearing, the Newburg Church of Christ (sanctuary). The other location is the Newburg Community Center (gymnasium).

00:42:48 Mr. Carroll, Legal Counsel, asked why are we having another night hearing for a ministerial subdivision? Chair Jarboe said the Land Development Code doesn't specify that night hearings are for zoning cases only. Mr. Dock read the ordinance. Mr. Carroll said it's a waste of time and effort and maybe the ordinance should be changed. Chair Jarboe said he agrees.

00:48:52 Chair Jarboe stated that it was determined in the past, for safety reasons, to have the night hearings at government centers. Mr. Dock said there will be security. Also, capacity and parking are sufficient at both locations.

Deliberation

00:51:13 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.

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

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PUBLIC HEARING
CASE NO. 19SUBDIV1019

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** a night hearing for this case on December 9, 2019, 6:30 p.m. at the Newburg Church of Christ.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes

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PUBLIC HEARING
CASE NO. 19-LDC-0001

Request: Amend Section 6.1.3 of the Land Development Code (LDC) regarding access requirements for residential development
Project Name: Access for Residential Developments
Jurisdiction: Louisville Metro
Case Manager: Chris French, AICP, Planning and Design Supervisor

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:

00:54:23 Mr. French discussed the case summary, standard of review and staff analysis from the staff report.

00:55:53 Commissioner Mims asked if the requirement is for one access to a collector road and then to another collector road or to the same collector road? Mr. French said they can be to the same collector road. Commissioner Mims asked if there was any feedback from the development industry. Mr. French said yes.

00:56:59 Commissioner Howard asked if Councilman Benson is in agreement with the proposal. Mr. French said he was fine with the previous language and shouldn't have any issues with the change because it just clarifies the intent.

Deliberation

00:57:31 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.

Amend Section 6.1.3 of the Land Development Code (LDC) regarding access requirements for residential development

6.1.3 Residential Developments

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When a residential subdivision is proposed that abuts an arterial or collector roadway, it shall be designed to provide lots abutting the roadway with access only from an alley, frontage road or interior local road. (See also Section 5.4.2.B.1.a).

Direct driveway access to individual one and two family dwellings from arterial and collector roadways are prohibited unless the Planning Commission determines, in consultation with the Director of Works, that there is no acceptable access alternative.

Developments with an aggregate of 200 or more dwellings (single family or multi-family) shall have at least two separate access roadways connecting directly to existing collector level or higher classification roadway(s). The Director of Public Works or designee may waive the requirement that the access roadways connect directly to existing collector level or higher classification roadway(s). Alternatively, the development may create a new collector level roadway through the development. Developments created prior to the effective date of this paragraph and not in compliance with it may be modified, including construction of ancillary facilities and improvements to existing structures, provided that the modifications do not increase the number of dwelling units.

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis, including changes in the handout staff presented today, the Planning Committee's work, Metro Council and the legislative bodies having zoning jurisdiction in Jefferson County was adopted.

WHEREAS, the Planning Commission finds that the proposed amendments to Section 6.1.3 of the LDC comply with the applicable policies of Plan 2040; and

WHEREAS, the Planning Commission further finds that the proposed LDC text amendments comply with Mobility policy 3.5 because the proposed text amendments would clarify the intent of the code and provide additional options to reduce impacts of development on transportation networks; and

WHEREAS, the Planning Commission further finds that the proposed LDC text amendments comply with Mobility policy 3.12 because the amendments provide the option for the creation of a collector level roadway through developments to provide an additional option for appropriate development of additional lands; and

WHEREAS, the Planning Commission further finds that the proposed LDC text amendments comply with Housing policy 3.20 because these amendments will further clarify the intent of the LDC regarding access to larger residential developments and will provide an additional option for collector level roadway development to multi-building site developments; and

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WHEREAS, the Planning Commission further finds that the proposed LDC text amendments comply with Housing policy 2.2 because the amendment further clarifies the intent that large residential development should be near collector level or higher roadways in order to provide convenient access to employment opportunities as well as goods and services.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council amend section 6.1.3 of the Land Development Code (LDC) regarding access requirements for residential development.

The vote was as follows:

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

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PUBLIC HEARING
CASE NO. 19-ZONE-0029

Request: Change in zoning from R-5 to OR with Detailed District
Development Plan
Project Name: Kenney Office Building
Location: 3822 Taylorsville Road and 3004 Melbourne Avenue
Owner: Lonnie William Cowles
Applicant: Mike Kenney
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 26 – Brent Ackerson
Case Manager: Dante St. Germain, 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:

01:02:27 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

01:06:33 Commissioner Brown asked if there was a resolution regarding language for the TARC binding element. Ms. St. Germain said TARC requested the binding element and at the LDT meeting the applicant said they would draft it here today.

01:06:58 Commissioner Mims stated he owns some office buildings about a mile from the proposed site but it shouldn't affect his ability to vote on this case. Office uses are great transitional uses.

The following spoke in favor of this request:

Bissell Roberts, Bardenwerper, Talbott and Roberts, 1000 Hurstbourne Parkway, Suite 200, Louisville, Ky. 40223
Sarah Beth Sammons, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:08:44 Mr. Roberts gave a power point presentation and read proposed binding element 8 requested by TARC. All the fencing will be removed and landscaping will be

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added, as well as providing a TARC pad and bench. There are 2 proposed monument style signs to be consistent with the Land Development Code. The proposal will be constructed in 12 months and compatible with the current Comprehensive Plan.

01:20:57 Ms. Sammons stated, initially Public Works asked the applicant to close the entrance on Taylorsville Rd., but KYTC is requiring a full curb cut.

01:21:34 Commissioner Brown said TARC agreed to install the bench. Mr. Bissell said the applicant would rather put it in and control the advertisements. Commissioner Brown said a private property owner can't install an advertising bench in the public right-of-way. Mr. Roberts said TARC's proposal is that the applicant keep the area clean and that binding element is in the staff report.

The following spoke in opposition to this request:

Kurt Humke, 4017 Rosemont Avenue, Louisville, Ky. 40220

Summary of testimony of those in opposition:

01:23:31 Mr. Humke stated he's not against the proposal but is concerned about the notification process and traffic – mainly from parents picking up their children from the school and Melbourne being used as a shortcut.

Mr. Humke requests that the entrance/exit not be on Melbourne.

Rebuttal

01:27:14 Mr. Roberts said notification was done properly with signage on the property, notices mailed and it was published in the newspaper. The traffic has been reviewed and approved.

Deliberation

01:31:31 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-5 to OR

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On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis, testimony heard today and the Applicant's Findings was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, access to the site will be via Taylorsville Road and Melbourne Avenue, not directing traffic through the adjoining neighborhood. Appropriate transitions between the subject site and the adjoining residential uses will be provided; the proposed zoning district will allow higher density and intensity uses, and the subject site is located on a major transit corridor and near transportation facilities; the proposed zoning district would not permit hazardous uses or uses with air, noise and light emissions; the proposed zoning district will not permit uses that generate noxious odors, particulates or emissions; access to the site is immediately adjacent to Taylorsville Road, a major arterial at this location; and the proposed zoning district will not permit uses that create excessive noise; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is immediately adjacent to an existing activity center, and the proposal would extend the existing activity center; The site has appropriate access and connectivity; the proposed zoning district would not permit retail development; the proposal reuses existing structures and will include the construction of new structures to increase the density of activity on the site, resulting in a more efficient land use and cost-effective infrastructure use; the proposed zoning district would permit a mixture of compatible land uses, and would increase the allowable mix of land uses in the existing activity center; the proposed zoning district would permit residential land uses; the proposed zoning district would permit residential and office uses, and reuses an existing structure; the proposal does not include underutilized parking lots; and the design and scale of the proposal is compatible with the nearby residences, as the proposal reuses an existing residential building; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the existing tree canopy is proposed to be preserved to the greatest extent possible; no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; no karst features were found on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no historic assets are evident on the site; and No distinctive cultural features are evident on the site; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is immediately adjacent to an existing activity center in the Regional Center form district; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the site will be achieved immediately adjacent to Taylorsville Road, a major arterial; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal would permit neighborhood serving businesses and services; the site is located adjacent to the Regional Center form district, and the proposal would permit an increase in the mixture of compatible land uses of the Regional Center; the proposal would permit mixed-use development; and Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; and MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the site is located on a major arterial street, Taylorsville Road; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site is located on karst terrain. No karst features were located on the site; and the site is not located in the regulatory floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed zoning district would permit aging in place, as the site is located adjacent to a Regional Center and is adjacent to transit; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district would allow inter-generational mixed-income and mixed-use development; the proposed zoning district would permit housing to be located on the site. The site is adjacent to a multi-modal transportation corridor, Taylorsville Road; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no current residents will be

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displaced by the proposal. The proposed zoning district would permit residential uses in the future; the proposed zoning district would permit innovative methods of housing.

WHEREAS, this proposal is for a change in zoning on a 1.1 acre site located at the Southwest corner of Taylorsville Road and Melbourne Avenue in Louisville Metro to permit conversion of a single-family brick residence into a professional office for a State Farm Insurance Office, a possible construction of a one story 3,000 square foot, professional office replacing the an existing garage consisting of 1,933 square feet. The site is in close proximity to the Taylorsville Road and Breckenridge Lane interchange which ensures that the Insurance Agency will be highly convenient for easy access to area residents; and

WHEREAS, the property is South of and West of properties that are zoned OR-1, OR and just East and North of those properties are large commercial properties zoned C-1 and C-2 Commercial and the conversion of this site will enhance the appearance of the site and maintain its compatibility with adjoining residential properties including condominiums located on an R-6 zone, which are North of the site; and

WHEREAS, the proposed zone change and detailed district development plan (DDDP) comply with applicable Community Form Goal 1 Objectives b, c, & f and applicable Policies 6-8, 15-18 and 12 because the proposed change in zoning to OR complies with Goal 1 in several ways as this development will take an existing vacant residence and modify it only to the extent of allowing Office which is consistent with the Neighborhood Form District and to allow property to provide low intensity office use to serve the surrounding neighborhoods and the rezoning will repurpose the residence for a low intensity office use compatible with adjoining properties and the development and proposed zone change will remain compatible with the scale and site design of nearby existing developments because virtually no physical changes are being proposed to the residence on the property; and

WHEREAS, the proposed zone change and DDDP complies with applicable Community Form Goal 2 Objective b and Policies 1, 4-11 because the site is immediately adjacent to an existing activity center, has appropriate access and connectivity; the proposed zoning does not permit retail development and reuses existing residence and will include the construction of new structure to increase the intensity of activity on the site resulting in a more efficient land use and cost effective infrastructure use permitting a mixture of compatible land uses and would increase the allowable mix of land uses in the existing activity center while permitting residential land uses and reuses an existing structure; the proposal does not include underutilized parking lots and the design and scale of the proposal is compatible with the nearby residences in that it reuses an existing residential building; and

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WHEREAS, the proposed zone change and DDDP complies with applicable Goal 3 Objectives a, & c and Policies 9 - 12 because: the proposed development plan will enhance the surrounding neighborhoods by not diminishing any open space or natural resources. The zoning change will not impact any flood prone areas, nor will it impact any wet or permeable soils or steep slopes. The proposal avoids any change in topography and does not increase any environmental changes or damage. The landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding residential properties and the site is not located within the Ohio River Corridor; and

WHEREAS, the proposal complies with Community Form Goal 4 Policies 1 and 2 as there are no historic assets evident on the site and there are not distinctive cultural features evident on the site; and

WHEREAS, the proposed zone change and DDDP complies with applicable Mobility Goal 1 Objectives a, b, c & e and Policy 4 because the development plan evidences the current existing physical condition of the property which contains an accessible system of alternative transportation modes of travel through sidewalks and connections between the uses for bicycles and pedestrian traffic. The site is served by public transportation through multiple TARC bus lines adjacent to the property. The entire development encourages efficient access and minimizing distances of travel. It also continues to place higher density and intensity near existing commercial corridors and along the major arterial and primary collector with TARC service available and the site is immediately adjacent to an existing activity center in the Regional Center form district; and

WHEREAS, the proposed zone change and DDDP complies with applicable Mobility Goal 2 Objectives a, b, & d and Policy, 4 because the development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access. The entrances are compatible with surrounding development and aesthetically pleasing to adjacent areas and access will be achieved immediately adjacent to Taylorsville Road, a major arterial; and

WHEREAS, the proposed zone change and DDDP complies with applicable Mobility Goal 3, Objectives a, c, d, e & f and Policies 1-3, 5, 6, 9 & 10 because the development plan complies with the objectives and policies of Goal 3 by providing walking and bicycling opportunities with the sidewalks. The plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the neighborhood. The plan is consistent with long range transportation plans of the community. The parking requirements of the site consider the density of the use and the character and pattern of the Form District. The plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of access. The proposal would permit neighborhood serving businesses and services adjacent to a Regional Center and permits an increase

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its mixture of land uses with a minimal impact on the transportation network and includes dedication of right of way and creation of a bus pad; and

WHEREAS, the proposed zone change and DDDP complies with applicable Community Facilities Goal 2, Objectives a-d, f & h and Policies 1 -3 3 because this development plan is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities; and

WHEREAS, the proposed zone change and DDDP complies with Economic Development Goal 1, Objectives d and h and the applicable Policies 3 - 5 because the site is located on a major arterial; and

WHEREAS, the proposed zone change and DDDP complies with Economic Development Goal 2, Objectives b, & e and applicable Policies 1 and 2 because the site is accessible to multi-modal transportation and is an adaptive reuse of an existing structure; and

WHEREAS, the proposed zone change and DDDP complies with Livability Goal 1 applicable Objectives a & d and Policies 21, and 24 in that it provides pedestrian and bicycle connectivity while not creating new traffic for the area. Landscaping will be added where necessary and required under the Land Development Code to reduce the impacts of the site to nearby residential uses and is not located in a regulatory floodplain; and

WHEREAS, the proposed zone change and DDDP complies with Livability Goal 2 and applicable Objectives a & d because multiple transit options are available to the site and there will be no impact to the tree canopy; and

WHEREAS, the proposed zone change and DDDP complies with Housing Objectives a and f and applicable Policies of Goals 1, 2, & 3 as it creates and locates necessary services and employment opportunities near residential areas, thereby strengthening and supporting the housing in the area. This use will help facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community.

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing as well as the submitted public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals and Objectives of the Plan 2040;

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

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The vote was as follows:

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

Detailed District Development Plan with Binding Elements

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, there do not appear to be any historic resources on the subject site. No karst features were discovered on the site. Tree canopy will be preserved to the extent possible given the proposed future construction; and

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

WHEREAS, there are no open space requirements pertinent to the current proposal; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. The site provides a transition between the more intensive uses to the east and the less intensive uses to the west; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. No waivers or variances are requested.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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 upon binding elements unless amended pursuant to the Land Development

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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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. 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 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. The materials and design of proposed structure shall be substantially the same as depicted in the rendering as presented at the October 17, 2019 Planning Commission hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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.

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6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The developer or property owner shall install a concrete boarding pad, bench pad and notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the developer/property owner shall clean the stop as needed.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson and Tomes

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PUBLIC HEARING
CASE NO. 19-ZONE-0019

Request: Change in Zoning from C-1 to C-2, commercial with detailed district development plan

Project Name: Awesome Auto

Location: 4910 Poplar Level Road

Owner: Ibrahim H. Ahmed

Applicant: Awesome Auto, LLC

Representative: Greg Butrum

Jurisdiction: Louisville Metro

Council District: 2 – Barbara Shanklin

Case Manager: Joel P. Dock, AICP, Planner II

NOTE: COMMISSIONER CARLSON LEFT AND DID NOT VOTE ON THIS CASE OR THE REMAINING CASES

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:

01:36:26 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

01:41:16 Commissioner Mims asked if this site is currently compliant with C-1 zoning? Mr. Dock said he's not sure if there was a citation issued for non-compliance. The applicant can clarify.

01:42:38 Commissioner Howard said the landscape plan says it's a proposed car wash. Mr. Dock said the landscape plan is from 2002.

The following spoke in favor of this request:

Greg Butrum, 101 North 7th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

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01:43:29 Mr. Butrum, attorney for Awesome Auto, said the sidewalk has already been installed. The applicant is aware of the landscaping requirements and plans to follow them.

01:44:10 Chair Jarboe asked Mr. Butrum if he agrees with the (CUP) conditional use permit for the sidewalk. Mr. Butrum said yes. It will be an improvement for the area.

Deliberation

01:44:34 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 C-1 to C-2

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed district is located in an area of commercial activity and within the boundaries of the marketplace corridor; the proposal is located along a major arterial roadway with TARC service, and in area of employment within close proximity to infrastructure; the proposed district is located along a major arterial roadway and does not have access through lower classification roadways; uses within the district with respect to noise are similar to those of adjoining and nearby property; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the subject property is located along an activity corridor; the subject property is located along an activity corridor and sufficient population is available to support a wide range of uses permitted within the district; the proposed land use efficiently uses the land as it is located in an existing area of non-residential use with existing infrastructure; the subject property is located along an activity corridor. TARC service and sidewalks are available; commercial, office and/or residential uses are permitted within the district which is located along an activity corridor; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are apparent; no wet or highly permeable soils, severe, steep or unstable slopes are apparent; no flood-prone areas and other features vulnerable to natural disasters such as sinkholes and landslides are apparent; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, buildings on site are not historic in nature and will be reused; no distinctive cultural features including landscapes, natural elements and built features are apparent; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed district is located in an area of commercial activity and within the boundaries of the marketplace corridor. Sidewalks and TARC service are available; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed district is located in an area of commercial activity and within the boundaries of the marketplace corridor. Sidewalks and TARC service are available; all improvements required of the developer within the public right-of-way will be made; all improvements required of the developer within the public right-of-way will be made; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the proposed development is located in an area of existing development. Utilities would appear to be available; the development has an adequate supply of potable water and water for fire-fighting purposes; the development has adequate means of sewage treatment and disposal to protect public health; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is located along a major arterial roadway with TARC service, in area of employment, and within close proximity to infrastructure (highway and railway).

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site is previously developed and does not appear to contain karst features; the proposal is not located in the floodplain.

RESOLVED, that the Louisville Metro Planning Commission does hereby
RECOMMEND to the Louisville Metro Council the change in zoning from C-1,

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Commercial to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

Development Plan and Binding Elements

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

WHEREAS, the development plan does not significantly impact natural resources on the property as no site construction is proposed; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as a pedestrian connection from the public way will be provided through landscaped area into the site; and

WHEREAS, open space is not required of the proposed development; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision 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 existing infrastructure will be repurposed for the proposed use; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040. The proposal is located in an area of commercial activity and within the boundaries of the marketplace corridor. The proposal is located along a major arterial roadway with TARC service, and in area of employment within close proximity to infrastructure. Buildings on site are not historic in nature and will be reused. No distinctive cultural features including landscapes, natural elements or built features are apparent.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **ON CONDITION** that an ADA compliant sidewalk is provided within the landscape island to connect the public sidewalk to the building entrance through the display area, **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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
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 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 requirements of the approved landscape plan in case L-106-02 shall be satisfied on the subject site within 6-months of final action of the Louisville Metro Council.

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6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

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PUBLIC HEARING
CASE NO. 19-ZONE-0025 AND 19-STRCLOSURE-0005

Request: Change in zoning from R-4 to C-1 with detailed and revised detailed district development plan and setback variance

Project Name: Anchorage Plaza

Location: 12903, 12910 and 12920 Factory Lane

Owner: Ghasem Properties, Inc. and Atlantic Development Group, LLC

Applicant: Ghasem Properties

Representative: Bardenwerper, Talbott & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 19 – Anthony Piagentini

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:

01:48:18 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

01:51:47 Commissioner Mims asked if connection to the existing shopping center is worked out in regards to the receiving end of the driveway. Mr. Dock said it's an internal drive lane so the right-of-way will be abandoned and improvements will be made. It will be converted into a private drive lane with parking on one side, parking on the other side and some pedestrian facilities that come through.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223
Mark Madison, Milestone Design Group, 108 Daventry Lane, Suite 300, Louisville, Ky. 40223

Summary of testimony of those in favor:

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01:53:17 Mr. Bardenerper gave a power point presentation. The center will continue with the current design. The same justification used in October will apply for this proposal.

01:59:47 Commissioner Daniels asked if the Factory Ln. road closure will be parking. Mr. Bardenwerper said yes, the county will be relieved of the burden of providing maintenance as well.

02:00:58 Commissioner Howard asked if the main entrance off Factory Ln. is a 10 foot roadway. Mr. Madison said it's a drive-through to access the side of the building. Commissioner Howard asked if there's only one access point for the property. Mr. Madison said no, there are 2 other access points.

02:04:37 Commissioner Mims asked what the back of the building will look like. Mr. Dock said there's a binding element that requires renderings for the proposed building to be reviewed and approved by staff prior to permit.

Deliberation

02:05:50 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 (19-STRCLOSURE-0005)

On a motion by Commissioner Brown, seconded by Commissioner Howard, 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. Easements and access to utilities was coordinated with respective agencies and will be provided by individual easement or recorded with the closure plat; 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. Easements and

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access to utilities was coordinated with respective agencies and will be provided by individual easement or recorded with the closure plat; and

WHEREAS, the Louisville Metro Planning Commission finds, Plan 2040 calls for developments to be evaluated for their impact on the transportation net-work (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. The closure does not result in a decreased level of connectivity/service as the street is a remnant of a former road relocation and will be incorporated into a cross-connectivity and parking scheme for the associated development; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other matters concerning this street closure request at this time.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the right-of-way street closure on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

Zoning Change from R-4 to C-1

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed district is located between existing and proposed non-residential developments and districts; the proposal is located along a collector level roadway with immediate connectivity to higher classified roadways and the interstate. It is located in an area of existing commercial development and employment centers; traffic flow will be consistent with existing and proposed development in proximity to the interstate; the proposal is consistent with expectations for noise currently occurring within commercial development adjoining the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposed district is located in an existing activity center. Design and density will be compatible with desired

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form, adjacent uses, and existing and planned infrastructure; the proposal is located where a sufficient population will support the use; the proposed district concentrates commercial uses at an appropriate location resulting in an efficient land use and cost-effective infrastructure investment; the proposal allows for a mixture of compatible land uses that reduces trips; the proposed district does not limit the potential for residential uses above retail; the proposal allows for new development consistent with current and proposed uses; the proposal puts to use an inappropriately zoned district between commercial centers; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, minimum canopy will be provided as required; MSD will ensure that the development complies with all standards to mitigate impact of wet or highly permeable soils; the site is not located in the floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the site does not appear to contain historic resources; the site does not appear to contain cultural resources; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed higher intensity use is located within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal allows for a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities; the proposal promotes public transit by concentrating activities near transit routes; the proposal will allow for walkable centers to connect different modes of travel; all transportation improvements required will be made to improve the network; the proposal will bear or share in rough proportionality the costs of transportation facilities and services made necessary by development; Transportation facilities will be made adequate; all roadway improvements will occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the proposal served by existing utilities or capable of being served by public or private utility extensions; an adequate supply of potable water and water for fire-fighting purposes will be provided; the proposal will have an adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD); and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposed district meets the needs of adjacent uses and district as these uses are commercial; the proposal is located with adequate access to a major arterial and at locations where nuisances and activities of the proposed use will not adversely affect adjacent areas; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no karst features have been identified at this time; the subject site is not located in the regulatory floodplain.

WHEREAS, the proposed zone change and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 1, 2.1, 3.1.8, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 because the small retail center proposed as an addition to the both the existing retail center along LaGrange Road and Factory Lane and the recently rezoned parcel under development; all three parcels have similar ownership and are proposed and designed to be operated as one cohesive development allowing the property to function better as a whole; together this site and the other one mentioned that was previously approved and developed/under development are appropriate for this location, among other reasons, because they are at the intersection of LaGrange Rd. and Factory Lane just outside the Snyder Freeway where a large retail activity center already exists; this small retail center addition is located across Factory Lane from a very large Kroger anchored retail center and across LaGrange Rd. from yet another small retail center developed by the principal of this same applicant; and with the new residential growth outside of the Gene Snyder, commercial retail locations like this have an increased demand, particularly at the best locations for such retail, being in close proximity to the Gene Snyder; and

WHEREAS, the new retail center will continue to drive retail traffic to support the existing retail stores in the center and position the overall development to adapt readily now and in the future to new market demands; the rezoning will allow the center to survive and continue to serve the suburban area in a robust and healthy commercial manner fulfilling the Suburban Workplace goals; and the property will continue to have connected and shared parking along with sidewalks promoting pedestrian and bicycle use consistent with the Suburban Workplace goals; and

WHEREAS, the development and proposed zone change will remain compatible with the scale and site design of nearby existing developments as the property to the south is the Gene Snyder expressway, the property to the east is the adjoining development for which this parcel will become a part, the property to the north across Factory Lane is the large Kroger anchored retail center, and the property to the east is zoned OR-1; Factory Lane further to the east has already been developed making this truly an infill

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rezoning development; this undeveloped property is too small to be functionally developed on its own as a separate stand-alone development such that this proposal is the highest and best use from a land use perspective to allow the development in the area wherein it makes sense to do so and in a way that works best; the property will continue to allow a mixture of intensities through the development of this small parcel is the best way possible; appropriate buffers are already in place such that this rezoning will not cause the expansion of the Suburban Workplace into residential areas; the proposed rezoning will continue to locate the higher density and intensity uses near the major arterial and primary collector of La Grange Road, Chamberlain Lane and Factory Lane, and it will place the employment uses near existing infrastructure and public transportation; and the potential adverse impacts, such as noise, lighting and traffic will continue to be mitigated through the use of buffers, setbacks and compliance with the Land Development Code; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 9, 10, 12 13, 14, 15, 16, & 17 because the additional retail uses will encourage sustainable growth and avoid potential decline and will continue to provide intensity around a mixed-use center and along commercial corridors by placing intensity compatible with the Suburban Workplace and existing infrastructure; the design and density are appropriate with adjacent uses that will serve the needs of the surrounding community as they will not change from what exists at the site other than the potential use; the development will be compact in an activity center resulting in efficient land use and will take advantage of and complement cost-effective infrastructure investment; the mixture of compatible uses will reduce traffic and limit trips for customers and users of the site, along with providing “capture trips” by providing additional retail services to those already traveling La Grange Road, Chamberlain Lane and Factory Lane thus avoiding more lengthy trips; this site is within an existing activity center of the adjoining developments already mentioned, and also exists along corridors where major support population exists; as an addition to an existing small retail center, the combination are compact and will contain a mixture of acceptable/desirable retail and office uses, complementary to what exists in the growing area; there is no other practical use of this property other than what is proposed due to the small size of the property as any other solitary development would need many waivers and variances from the LDC to have even a very small building located thereon; the users in these, essentially combined centers will share parking so that there will be no change in traffic and no change to the number of curb cuts currently serving the site, all of which will also continue to be accessible by pedestrian and bicycle traffic; utilities already exist for extension into this site and with the adjoining property under development provision for utilities can be easily made; and they will also share points of access, such that traffic can better enter and exit utilizing both Lagrange Rd. and Factory Lane; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10 & 12 because the proposed development will enhance the

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surrounding neighborhoods by not diminishing any open space or natural resources; the zoning change will not cause any impact to flood prone areas, nor will it impact any wet or permeable soils or steep slopes, and by providing an additional detention basin in a location where one could not be previously located (due to being an unrelated property), the stormwater management will be handled more effectively; the proposal avoids any significant change in topography and does not cause any environmental changes or damage; the landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties; and the stormwater drainage improvements already under construction as part of the proposed combined developments will continue to limit any issues with flooding or standing water with no new impervious surface proposed, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 because there are no historic buildings or features on the property; the rezoning and development plan will essentially provide an infill activity center location where a large support population exists; and thus, it represents a good opportunity for continued economic development for the area; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & e and Policies 1, 3, 4, 7 & 14 because the site is served by public transportation through TARC service along LaGrange Road, which is directly adjacent to the retail development to which this property will become a part; the retail uses are located on a minor arterial of La Grange Road and a secondary collector of Factory Lane, encouraging efficient access and minimizing vehicle miles travelled, along with the capture of pass-by trips by providing goods and services along routes already traveled; and it also continues to place higher density and intensity near existing commercial corridors and along the minor arterial and secondary collector with TARC service available; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policies 1, 2, 4, 5, 6, 7, & 8 because the development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access through the connected lots and accessible rights-of-way between the lots which are already part of the development; this portion of the development will also tie these other developments together; the site distances for the curb cuts will not change and are adequate for the area; the internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways and shared access, parking, etc.; and the entrances are compatible with surrounding development and aesthetically pleasing to adjacent areas; and

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WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20 & 24 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complementary neighborhood serving businesses, services and reducing miles travelled by car by providing the activity center with additional development in this infill situation; the plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Suburban Workplace; the plan is consistent with long range transportation plans of the community by promoting infill development along established routes; the parking requirements of the site consider the intensity of the use and the character and pattern of the Form District in that it will continue to serve the community; and the plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of transportation, with additional bike parking provided; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 because it is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 because this development provides an economic climate that improves growth, innovation, and investment opportunity for all by providing for the use of an otherwise undevelopable parcel in an infill context; it locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area; and it will also provide opportunities to small businesses by providing another location for same; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 because this development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location, while at the same time protecting and improving the economic value of the surrounding areas by supplementing the economic viability of the activity center; and it also satisfies the goal and policy of infill development to take advantage of the existing infrastructure; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives d & e and Policies 7, 12, 17, 23, 25, 26, 27, 28, 31, 32, 35, & 39 because the development plan provides pedestrian and bicycle connectivity while not creating new traffic for the area; it also continues to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the impervious surface; and landscaping will be added where necessary and required under the Land Development Code to reduce the drainage impacts of the site to nearby residential uses; and

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WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policy because the development provides additional goods and services in close proximity; and

WHEREAS, The proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 because the development plan provides equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for citizen involvement in the plan design and sought-after zoning changes; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 because the development is providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed services to an area needing such services; it also provides needed entertainment and retail services in and along high capacity transit corridors of La Grange Road and Factory Lane, supporting public transportation with the medium and high intensity uses; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities in an existing activity center near residential areas, thereby strengthening and supporting the housing in the area; and this use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community; and

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing testimony and exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan.

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 C-1, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

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Variance to encroach 5' upon the required 25' front yard setback

On a motion by Commissioner Brown, seconded by Commissioner Howard, 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 public health, safety, or welfare as the proposed reduction does not impede the safe movement of pedestrians or vehicles; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the setback appears consistent with existing development; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the proposed reduction does not impede the safe movement of pedestrians or vehicles and the setback appears consistent with existing development; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations as the setback appears consistent with existing development.

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the variance allows for the safe provisioning of pedestrian access on the south side of the building; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land for the reasons previously stated in these findings; and

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 the site has not been developed and relief is being sought.

WHEREAS, the variance will not adversely affect the public health, safety or welfare because the request is limited to five feet to provide the building and drive through required by the user of the building; due to the terrain and drop from Factory Lane, and the excess right of way at this location, the reduced front yard setback will not affect the ability to extend the existing sidewalk and will not cause issues with the ability to make the sidewalk and driveway section ADA compliant; and the very small variance request is offset by the excess right of way beyond the roadway pavement; and

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WHEREAS, the variance will not alter the essential character of the general vicinity because the setback allows the proposed building to be in line with the existing retail building along Factory Lane; and

WHEREAS, the variance will not cause a hazard or a nuisance to the public because this is an aesthetic regulation, and the impacts of this encroachment, if any, are not ones identified with hazards or nuisances, but rather with visual considerations; this is particularly true in this case where sidewalks are still being provided; and

WHEREAS, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because only a 5 foot variance is requested, which is the minimum to allow the proposed use consistent with the existing retail building along Factory Lane; and

WHEREAS, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this is an effort to locate the retail/commercial building where one would logically be located and where it is best situated for purposes of good access, circulation, limiting walking distances and addressing existing grade conditions; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would be forced to squeeze this site, losing building depth and/or parking that would make it difficult if not impossible, to accommodate viable uses for the anticipated tenants; and

WHEREAS, the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather the applicant is attempting to develop in accordance with the pattern created by the unique shape and location of the property and surrounding development.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance to encroach 5 feet upon the required 25 foot front yard setback.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

Revised Detailed and Detailed District Development Plan and Binding Elements

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

WHEREAS, the development plan does not significantly impact natural resources on the property and all tree canopies, landscaping buffering, and open space is provided; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as pedestrian connections and internal parking lot connectivity is provided; and

WHEREAS, sufficient open space is provided as tree canopy, landscaping buffering, and open space is provided; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision 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 proposed development is consistent with existing development; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040. The proposal is located between existing and proposed non-residential developments and districts. The proposal is located along a collector level roadway with immediate connectivity to higher classified roadways and the interstate. It is located in an area of existing commercial development and employment centers. The proposed district is located in an existing activity center. Design and density will be compatible with desired form, adjacent uses, and existing and planned infrastructure. The proposal concentrates commercial uses at an appropriate location resulting in an efficient land use and cost-effective infrastructure investment.

WHEREAS, the proposed zone change and detailed district development plan (DDDP) complies with applicable Objectives a, b, c, & f and applicable Policies 1, 2.1, 3.1.8, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 23, 27 & 28 because the small retail center proposed as an addition to the both the existing retail center along LaGrange Road and Factory Lane and the recently rezoned parcel under development; all three parcels have similar ownership and are proposed and designed to be operated as one cohesive development allowing the property to function better as a whole; together this

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site and the other one mentioned that was previously approved and developed/under development are appropriate for this location, among other reasons, because they are at the intersection of LaGrange Rd. and Factory Lane just outside the Snyder Freeway where a large retail activity center already exists; this small retail center addition is located across Factory Lane from a very large Kroger anchored retail center and across LaGrange Rd. from yet another small retail center developed by the principal of this same applicant; and with the new residential growth outside of the Gene Snyder, commercial retail locations like this have an increased demand, particularly at the best locations for such retail, being in close proximity to the Gene Snyder; and

WHEREAS, the new retail center will continue to drive retail traffic to support the existing retail stores in the center and position the overall development to adapt readily now and in the future to new market demands; the rezoning will allow the center to survive and continue to serve the suburban area in a robust and healthy commercial manner fulfilling the Suburban Workplace goals; and the property will continue to have connected and shared parking along with sidewalks promoting pedestrian and bicycle use consistent with the Suburban Workplace goals; and

WHEREAS, the development and proposed zone change will remain compatible with the scale and site design of nearby existing developments as the property to the south is the Gene Snyder expressway, the property to the east is the adjoining development for which this parcel will become a part, the property to the north across Factory Lane is the large Kroger anchored retail center, and the property to the east is zoned OR-1; Factory Lane further to the east has already been developed making this truly an infill rezoning development; this undeveloped property is too small to be functionally developed on its own as a separate stand-alone development such that this proposal is the highest and best use from a land use perspective to allow the development in the area wherein it makes sense to do so and in a way that works best; the property will continue to allow a mixture of intensities through the development of this small parcel is the best way possible; appropriate buffers are already in place such that this rezoning will not cause the expansion of the Suburban Workplace into residential areas; the proposed rezoning will continue to locate the higher density and intensity uses near the major arterial and primary collector of La Grange Road, Chamberlain Lane and Factory Lane, and it will place the employment uses near existing infrastructure and public transportation; and the potential adverse impacts, such as noise, lighting and traffic will continue to be mitigated through the use of buffers, setbacks and compliance with the Land Development Code; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives b & d and Policies 1, 2, 5, 6, 7, 9, 10, 12 13, 14, 15, 16, & 17 because the additional retail uses will encourage sustainable growth and avoid potential decline and will continue to provide intensity around a mixed-use center and along commercial corridors by placing intensity compatible with the Suburban Workplace and existing infrastructure;

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the design and density are appropriate with adjacent uses that will serve the needs of the surrounding community as they will not change from what exists at the site other than the potential use; the development will be compact in an activity center resulting in efficient land use and will take advantage of and complement cost-effective infrastructure investment; the mixture of compatible uses will reduce traffic and limit trips for customers and users of the site, along with providing "capture trips" by providing additional retail services to those already traveling La Grange Road, Chamberlain Lane and Factory Lane thus avoiding more lengthy trips; this site is within an existing activity center of the adjoining developments already mentioned, and also exists along corridors where major support population exists; as an addition to an existing small retail center, the combination are compact and will contain a mixture of acceptable/desirable retail and office uses, complementary to what exists in the growing area; there is no other practical use of this property other than what is proposed due to the small size of the property as any other solitary development would need many waivers and variances from the LDC to have even a very small building located thereon; the users in these, essentially combined centers will share parking so that there will be no change in traffic and no change to the number of curb cuts currently serving the site, all of which will also continue to be accessible by pedestrian and bicycle traffic; utilities already exist for extension into this site and with the adjoining property under development provision for utilities can be easily made; and they will also share points of access, such that traffic can better enter and exit utilizing both Lagrange Rd. and Factory Lane; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c & d and Policies 9, 10 & 12 because the proposed development will enhance the surrounding neighborhoods by not diminishing any open space or natural resources; the zoning change will not cause any impact to flood prone areas, nor will it impact any wet or permeable soils or steep slopes, and by providing an additional detention basin in a location where one could not be previously located (due to being an unrelated property), the stormwater management will be handled more effectively; the proposal avoids any significant change in topography and does not cause any environmental changes or damage; the landscape buffers and setbacks will continue to provide the community transitions between the site and the surrounding properties; and the stormwater drainage improvements already under construction as part of the proposed combined developments will continue to limit any issues with flooding or standing water with no new impervious surface proposed, while respecting the natural features of the property and protecting the health, safety and welfare of the adjacent properties and future uses of the development; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1 & 2 because there are no historic buildings or features on the property; the rezoning and development plan will essentially provide an infill activity center location where a large support population exists; and thus, it represents a good opportunity for continued economic development for the area; and

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WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & e and Policies 1, 3, 4, 7 & 14 because the site is served by public transportation through TARC service along LaGrange Road, which is directly adjacent to the retail development to which this property will become a part; the retail uses are located on a minor arterial of La Grange Road and a secondary collector of Factory Lane, encouraging efficient access and minimizing vehicle miles travelled, along with the capture of pass-by trips by providing goods and services along routes already traveled; and it also continues to place higher density and intensity near existing commercial corridors and along the minor arterial and secondary collector with TARC service available; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policies 1, 2, 4, 5, 6, 7, & 8 because the development plan complies with the objectives and policies of Goal 2 by promoting safe, accessible and efficient transportation uses by accommodating pedestrian, bicycle and vehicular access through the connected lots and accessible rights-of-way between the lots which are already part of the development; this portion of the development will also tie these other developments together; the site distances for the curb cuts will not change and are adequate for the area; the internal circulation of pedestrian and vehicular traffic is appropriate with the connected walkways and shared access, parking, etc.; and the entrances are compatible with surrounding development and aesthetically pleasing to adjacent areas; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, & d and Policies 1, 2, 3, 4, 5, 7, 10, 12, 14, 17, 18, 20 & 24 by providing walking and bicycling opportunities with the sidewalks and interconnected walkways and by providing a mix of complementary neighborhood serving businesses, services and reducing miles travelled by car by providing the activity center with additional development in this infill situation; the plan will not burden the transportation network but will allow the site to continue to be consistent with the purpose of the Suburban Workplace; the plan is consistent with long range transportation plans of the community by promoting infill development along established routes; the parking requirements of the site consider the intensity of the use and the character and pattern of the Form District in that it will continue to serve the community; and the plan also satisfies the policy of supporting biking and pedestrian travel by providing for those modes of transportation, with additional bike parking provided; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objective b and Policies 1, 2, & 3 because it is not a community facilities plan, but it does locate development in areas currently served by existing infrastructure, it has adequate water supply and access to sewers so as to not burden existing or future community facilities; and

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WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, c, d, f & h and Policies 3, 7, & 9 because this development provides an economic climate that improves growth, innovation, and investment opportunity for all by providing for the use of an otherwise undevelopable parcel in an infill context; it locates these new potential uses in an area with existing infrastructure in an efficient manner increasing economic opportunities in the area; and it will also provide opportunities to small businesses by providing another location for same; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, d & f and Policies 1, 3, 4, 5, & 7 because this development plan complies with Goal 2 of Economic Development as it enhances the quality of life in the area by developing a small infill location, while at the same time protecting and improving the economic value of the surrounding areas by supplementing the economic viability of the activity center; and it also satisfies the goal and policy of infill development to take advantage of the existing infrastructure; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives d & e and Policies 7, 12, 17, 23, 25, 26, 27, 28, 31, 32, 35, & 39 because the development plan provides pedestrian and bicycle connectivity while not creating new traffic for the area; it also continues to deal with any impacts to drainage associated with the site through the use of detention basins accounting for the impervious surface; and landscaping will be added where necessary and required under the Land Development Code to reduce the drainage impacts of the site to nearby residential uses; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c & d and Policy because the development provides additional goods and services in close proximity; and

WHEREAS, The proposed zone change and DDDP complies with applicable Objective c and Policies 1, 2, & 4 because the development plan provides equitable access to the land use planning and policy resources by providing the surrounding residents and property owners notice of the development changes, notice of all public meetings, by providing the neighborhood meeting, and providing an opportunity for citizen involvement in the plan design and sought-after zoning changes; and

WHEREAS, the proposed zone change and DDDP complies with applicable Objectives a, b, c, e & f and Policies 1, 2, & 8 because the development is providing and enhancing choices for mobility and encouraging clean air by reducing miles driven by providing needed services to an area needing such services; it also provides needed entertainment and retail services in and along high capacity transit corridors of La Grange Road and Factory Lane, supporting public transportation with the medium and high intensity uses; and

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WHEREAS, the proposed zone change and DDDP complies with applicable Objectives and applicable Policies of Goal 1, 2, & 3 as it creates and locates necessary services and employment opportunities in an existing activity center near residential areas, thereby strengthening and supporting the housing in the area; and this use will facilitate connected and mixed-use areas and ensure long term affordability and living options for all in the community; and

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing testimony and exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed and Detailed District Development Plan **SUBJECT** to the following Binding Elements:

Proposed Binding Elements (Revised Detailed and Detailed District Development Plan for 9-74-00, 9-88-98, 18ZONE1022 and 19-ZONE-0025)

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. An Individual Historic Resource Survey Form shall be completed for any historic resources (structures over 65 years old) on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.
3. Signs shall be in compliance with Ch. 8 of the Land Development Code.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage sales, or display on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.

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7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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 Land Development Code, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor plat creating the lots as shown on the approved district development plan shall be recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - g. A road closure for a portion of "Old Factory Lane" as shown on the development plan shall be recorded prior to requesting a building permit. Easements will be provided prior to recording of the street closure for each utility agency requesting the retention of their services within the area of the closure
 - h. Building renderings for all new structures and additions shall be approved by Planning Commission staff.
9. 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.

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10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
11. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. A copy of said plan shall be provided to Planning and Design Services for incorporation into the record.
13. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the November 2, 2000 & October 18, 2018 public hearings of the Planning Commission.
14. The property owner shall provide a cross over access easement if the property to the east is ever re-developed for a nonresidential use requiring the provision of additional parking or any voluntary expansion of parking. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

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PUBLIC HEARING
CASE NO. 19-ZONE-0046

Request: Area-wide change in zoning from R-6 and OR-2 to C-2
Project Name: Urban Government Center
Location: 768, 810, 850 Barret Avenue and 1235 East Breckinridge Street
Owner: Louisville Metro
Applicant: Louisville Metro
Representative: Louisville Metro
Jurisdiction: Louisville Metro
Council District: 4- Barbara Sexton Smith
Case Manager: Julia Williams, AICP, Planning Supervisor

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:

02:11:00 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

02:15:38 Commissioner Howard asked why C-2 was proposed versus another classification. Ms. Williams said because it encompassed high density and intensity uses within the development site. It allows for mixed-use, which was a part of the development agreement. Ms. Liu added, a small portion of the area is already C-2.

The following spoke in opposition to this request:

Nicholas Mellen, 1125 East Breckinridge Street, Louisville, Ky. 40204
Cindy Pablo, 1039 Lampton Street, Louisville, Ky. 40204
Joann Robinson, 854 Vine Street, Louisville, Ky. 40204
Steve Porter, 2405 Tucker Station Road, Louisville, Ky. 40299

Summary of testimony of those in opposition:

02:17:17 Mr. Mellen stated the rezoning of this parcel needs to take the existing structures into consideration. If new tenants are brought into the neighborhood prior to the existing structures being demolished, and moving into new structures, they will be

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exposed to the pollutants (asbestos, black mold) associated with demolition of the existing structures.

02:19:18 Ms. Pablo, Board of Paristown Point Neighborhood Association, stated they went through the list of C-2 uses crossing out the one's they definitely did not want, but it's not reflected in the staff report. No zoning change should occur before you know what will be built. Also, what is the plan for the health safety of the residents when demolishing these buildings? Chair Jarboe explained that the Planning Commission does not regulate the demolition. The applicant will have to follow federal guidelines.

02:22:48 Ms. Pablo said there's no justification for a zoning change and asked the following questions: What is the existing activity center? What will be done to increase the green space? What is the plan for keeping the mature trees? What is the plan? What will be done regarding the environmental and health concerns?

02:26:26 Ms. Williams stated this is treated like a general plan, but anything to do with the development of the property will be vetted once there's a plan. This case is identified as an activity center because of the commercial corridor that's been created along Barret Ave. This is an area-wide zoning and will benefit everyone, not just Paristown Point.

Ms. Williams explained the activity center corridor.

02:31:35 Ms. Pablo stated she doesn't agree with this being an activity center. It's an existing business (no new ones), only a couple of places to eat and can't walk to the grocery. Paristown Point will be affected the most.

02:32:21 Ms. Robinson stated it's been 2 years and still no plan. There were 3 developers interested in this development now Marion has been given this valuable property. The site would be a good location for a library. The Marion Group took away the green space, houses, hotel and Scholar House.

02:35:50 Mr. Porter represents the Paristown Point Neighborhood Association. This case shouldn't be on the docket today. The process is very unusual. The case manager should not be the applicant, especially because there is a private developer that has entered into an agreement with the city.

02:42:29 Mr. Porter described Marion Groups' division of the site into 8 areas. None of their proposals are for C-2, therefore there's no need to rezone to C-2 until there's a plan.

Mr. Porter said he supports PD and suggests Louisville Forward go back to the drawing board.

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Mr. Porter said he does agree this property needs to be developed.

Rebuttal

02:49:13 Commissioner Howard asked if the city is giving this land to the Marion Group. Also, are all the existing buildings going to be demolished? Ms. Williams remarked, a plan is not required for a change in zoning and the Planning Commission has approved general plans in the past. Also, area-wide requests have been approved in the past as well.

02:52:28 Mr. O'Brien stated Louisville Metro still owns the property along with LMHA, Louisville Metro Housing Authority. There is an active development agreement with Marion Group and it is being negotiated. There is no land transfer at this time, nor a price set. If successful, there will be terms Marion Group will have to follow allowing Louisville Metro to dictate and manage the uses and what development goes in. Currently, there's additional review of the environmental issues – the previous (on Old Baptist East building) evidence showed lead, asbestos and mold. Regarding the C-2 zoning, it seems to be the most appropriate for the density, intensity, scale and uses.

02:56:10 Commissioner Mims asked if the city will be transferring the title to Marion Group. Mr. O'Brien said that is to be determined.

Commissioner Mims said it concerns him that there is no detailed plan.

02:58:43 Chair Jarboe stated the city did not say what C-2 uses can be thrown out. Mr. O'Brien said he's open to suggestions, but the developer will need to have some flexibility. Selling property at a discounted rate gives the city more control, but selling it at market rate gives the developer the most control.

03:02:11 Commissioner Howard asked if all the existing buildings will be demolished. Mr. O'Brien said that was the plan, but it's still in negotiations.

03:03:25 Chair Jarboe asked, is there too much cost to Marion Group to develop a plan before the zoning change? Mr. O'Brien answered, Marion is still operating under the conceptual plan, but some of the uses have changed. Also, there's a significant cost to demolish the buildings. The development will have to be marketable.

03:06:12 Commissioner Daniels asked if the buildings have been examined by an architectural firm to determine if they can or can't be saved. Mr. O'Brien said they've been examined by an environmental firm, architects and structural engineers.

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03:06:54 Mr. Porter asked if there was at least one proposal to rehabilitate the buildings instead of demolishing. Mr. O'Brien said yes, however it is a 2-phase development agreement. Mr. Porter said if done correctly, the buildings could be used. Mr. O'Brien said yes but the cost would be very significant (~\$35 million).

03:09:09 Mr. Porter asked, in the development agreement, does it state the developer will pay rent of \$1/yr. during the construction phase? Mr. O'Brien said that's not relevant to the proposal today.

03:11:21 Commissioner Brown asked if the proposal is pre-planned certain. Ms. Williams said yes. Also, could a PDD allow higher densities than C-2? Ms. Williams said yes.

Deliberation

03:16:44 Commissioner Mims said he understands the challenges Louisville Metro has with working on problems and getting deals done.

03:17:58 Commissioner Brown said this case is still bound by the Land Development Code and the C-2 is needed for the density. Also, there are a few uses that need to be taken out.

03:19:42 Commissioner Daniels said most of the time a zoning change comes before the Planning Commission, there is a development plan and that's how it should be. Chair Jarboe reminded Commissioner Daniels that this is an area-wide rezoning.

03:21:04 Commissioner Howard stated she has no problem with the area-wide rezoning or the general plan because it's for the government. Any developer will have to bring a detailed plan to this board before receiving construction approval. If the zoning is approved for C-2, it will be compatible with the area on the west side of Barret Ave.

03:22:36 Chair Jarboe said he understands the opposition wanting to know what's going on. It is a blank slate but everything will have to come through the Planning Commission.

03:24:55 Commissioner Brown asked how some uses can be taken out. Ms. Williams said you could have suggested land uses to be excluded from the re-development agreement.

03:25:50 Mr. Fiechter, legal counsel, stated Lexington has the ability to bind out uses, but Louisville does not. The applicant would have to agree to it.

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03:28:42 Commissioner Daniels said after hearing other commissioners' comments and being reminded this case is an area-wide, she can support the proposal because there will be an opportunity to review it when the development plan is submitted.

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.

Area-wide change in zoning from R-6 and OR-2 to C-2

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Planning Commission finds that the area wide rezoning complies with the applicable guidelines and policies of Plan 2040; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Community Form Goal 1 of Plan 2040 as the proposal is not a non-residential expansion into an existing residential area as the site is currently zoned for high density residential, office, and commercial. The proposal is for high density and intensity zoning located at the intersection of a minor arterial and primary collector, along a transit corridor (Barret Ave.), within an existing activity center, and where adequate infrastructure exists or is planned with the proposal. C-2 zoning does not allow for hazardous uses. C-2 zoning will not negatively impact vulnerable populations or the environment because there is no residential on the site currently nor are there existing environmental features.

Any traffic issues will be addressed with a development proposal. The site has access to a minor arterial, primary collector, local level road, and an alley around the site. There are no residential land uses located adjacent to the subject site. Noise issues will be addressed with a development proposal; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Community Form Goal 2 of Plan 2040, as the proposal is located in an existing activity center. C-2 permits high density and intensity uses that when developed will follow the Traditional Form. The proposal permits uses that are compatible with the surrounding neighborhoods. The site has access to a minor arterial, primary collector, local level road, and an alley around the site. The proposal is located in an existing activity center where population is proposed and existing to support the zoning. The proposal allows for compact mixed use development in an existing activity center. C-2 zoning results in an efficient land use pattern as there are a mix of non-residential

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zoning districts along Barret Ave. The proposal is located in an existing activity center where mixed use is permitted. Alternative modes of travel are supported. A transit stop is located on the site along Barret Ave. Sidewalks exist around the site. The proposal allows for mixed use development in an existing activity center where residential and office can be located above commercial which would be consistent with the Traditional Form. The proposal is for mixed use development in an existing activity center where residential and office will be located above commercial. The proposal is appropriately located in an existing activity center in the Traditional Neighborhood form. All residential is located across a right of way from the proposal; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Community Form Goal 3 of Plan 2040, as the existing site is mostly impervious surface with a few mature trees which makes it largely absent of natural features. Soils are not an issue with the proposal; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Community Form Goal 4 of Plan 2040, as the C-2 zoning does not affect the preservation or demolition of the structures on the site; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Mobility Goal 1 of Plan 2040, as the proposal is located near an existing marketplace corridors (Broadway) The proposal is within an existing activity corridor where it supports existing public transit and where sidewalks exist along all roadways; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Mobility Goal 2 of Plan 2040, as access to the development is by way of a minor arterials, primary collector, and a local level road; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Mobility Goal 3 of Plan 2040, as the proposed C-2 allows for mixed use development. The land uses permitted are generally neighborhood serving and can encourage trips made by walking and bicycling due to the existing sidewalk around the site and existing connection to surrounding neighborhoods. The proposed C-2 allows for mixed use development. The proposal promotes public transit and pedestrian use by way of an existing sidewalk around the site and transit along Barret; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Community Facilities Goal 2 of Plan 2040, as existing and proposed utilities will serve and be improved for the site. An adequate water supply is available to the site. Sewerage and drainage will be evaluated with development plans for the site; and

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WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Economic Development Goal 1 of Plan 2040, as the proposal for C-2 located along a minor arterial, primary collector, and local level road with access down Barret to Broadway which is a major arterial; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Livability Goal 1 of Plan 2040, as erosion control measures during construction will be put in place per MSD requirements; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Housing Goal 1 of Plan 2040, as the C-2 proposal provides an environment where aging in place could occur due to permitted land uses and allowance for mixed use. The proposal is located on a transit route; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Housing Goal 2 of Plan 2040, as the proposal allows for mixed use development that is connected to the surrounding neighborhoods via existing sidewalks and transit. The proposal allows for mixed use development. Any permitted housing would be connected to the surrounding neighborhoods via sidewalks and transit. C-2 provides employment opportunities and non-residential uses that provide neighborhood goods and services. The proposal could include high density along a transit route and within an existing activity center; and

WHEREAS, the Planning Commission further finds that the area wide rezoning complies with Housing Goal 3 of Plan 2040, as the proposal allows for mixed use which could bring residential to the site where there is none existing. The proposal allows for mixed use which could bring residential to the site where there is none existing. Affordable housing could also be a component to any proposed residential; and

WHEREAS, the Planning Commission further finds that based on the reasons stated above, or otherwise stated in the staff report, and as depicted in the maps presented at the Planning Commission public hearing, the area wide rezoning complies with all other Guidelines and Policies of Plan 2040; and

WHEREAS, the Planning Commission further finds that the existing zoning classification is inappropriate and the proposed zoning classification is appropriate. The area wide rezoning will ensure that new development will be designed to be compatible with the scale and form of existing development in the neighborhood, as well as with the pattern of existing uses. The neighborhood is comprised of both residential and non-residential uses and a grid pattern of streets, alleys and sidewalks. The area wide rezoning will encourage the development of an underutilized site which is currently vacant.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the area-wide change in zoning from R-6, Multi-family Residential and OR-2, Office Residential to C-2, Commercial on properties described in the attached legal description, with the proposed land uses to be excluded (pg. 13 of staff report) be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Mims and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Tomes

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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

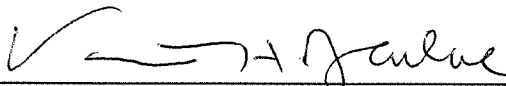
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 4:57 p.m.



Chair



Planning Director

