

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
November 15, 2018**

A meeting of the Louisville Metro Planning Commission was held on November 15, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Vince Jarboe, Chair  
Marilyn Lewis, Vice Chair  
Lula Howard  
Robert Peterson  
Rich Carlson  
Jeff Brown  
Donald Robinson  
Ruth Daniels

**Commission members absent:**

David Tomes  
Emma Smith

**Staff Members present:**

Emily Liu, Planning Director  
Joseph Haberman, Planning Manager  
Brian Davis, Planning Manager  
Chris French, Planning Supervisor  
Julia Williams, Planning Supervisor  
Joel Dock, Planner II  
Lacey Gabbard, Planner I  
Beth Stuber, Transportation Planning  
Travis Fiechter, Legal Counsel  
Pamela M. Brashear, Management Assistant

**Others Present:**

Tony Kelly, Metropolitan Sewer District

The following matters were considered:

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**APPROVAL OF MINUTES**

**OCTOBER 18, 2018 PLANNING COMMISSION REGULAR MEETING CORRECTION TO MINUTES**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the correction of (Pg. 97 – Case 18ZONE1043 should be C-1, not C-2) the minutes of its meeting conducted on October 18, 2018.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioners Smith and Tomes**

**NOVEMBER 1, 2018 PLANNING COMMISSION REGULAR MEETING MINUTES**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on November 1, 2018.

**The vote was as follows:**

**YES: Commissioners Carlson, Daniels, Howard, Lewis, Peterson and Jarboe**

**NOT PRESENT FOR THIS CASE: Commissioners Smith and Tomes**

**ABSTAINING: Commissioners Brown and Lewis**

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**PUBLIC HEARING**

**2018.11.15 CORE GRAPHICS**

Request: Adopt Resolution Updating Comprehensive Plan Core Graphics  
Project Name: Plan 2040 Core Graphics  
Location: Louisville Metro  
Applicant: Louisville Metro Planning Commission  
Jurisdiction: Louisville Metro  
Council District: All Council Districts  
**Case Manager: Joseph Haberman, AICP, Planning Manager**

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

**Discussion**

00:41:29 Mr. Haberman provided an overview of the request to update the Core Graphics that are attached to the Comprehensive Plan. The request will go into effect January 1, 2019.

**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 Howard, seconded by Commissioner Robinson, the following resolution was adopted.

**Deliberation**

00:44:49 Commissioner Howard said the Planning Committee reviewed this request on November 1, 2018 and unanimously voted that the resolution was ready to be heard here today.

00:45:11 Commissioner Brown stated he has issues with the quality and content with some of the maps.

00:45:56 Chair Jarboe said they weren't labelled correctly. Mr. Haberman said that has been updated since the Planning Committee meeting.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **ADOPT** the resolution by the Planning Commission updating the Comprehensive Plan (Plan 2040) Cord Graphics.

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**PUBLIC HEARING**

**2018.11.15 CORE GRAPHICS**

**RESOLUTION NO. \_\_\_\_, SERIES 2018**

**A RESOLUTION UPDATING AND ADOPTING THE 21 MAPS KNOWN AS CORE GRAPHICS**

**WHEREAS**, in 2018, the Metro Council and all jurisdictions within Jefferson County with zoning authority adopted Plan 2040 as the comprehensive plan for all of Louisville Metro; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the set of maps of the community that comprise the Core Graphics facilitate understanding of Plan 2040 and the application of the plan to specific locations; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the Goals, Objectives, and Policies express the substance of Plan 2040, and that the Core Graphics aid in interpretation of the plan's text.

**NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING COMMISSION AS FOLLOWS:**

**SECTION I:** That the Louisville Metro Planning Commission does hereby adopt the set of 21 maps known as Core Graphics, with the stipulation that they are to be used only as interpretive aid to Plan 2040 Goals, Objectives, and Policies.

**SECTION II:** That the Louisville Metro Planning Commission expresses its intention that the Core Graphics be updated periodically, to present current information on development related conditions and infrastructure needs.

**SECTION III:** This Resolution updating the Core Graphics shall take effect on the same day as Plan 2040; January 1, 2019.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

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**2018.11.15 CP DATE**

Request: Adopt Resolution Clarifying Effective Date of Plan 2040 for Land Development Code Applications  
Project Name: Plan 2040 Effective Date for Land Development Code Applications  
Location: Louisville Metro  
Applicant: Louisville Metro Planning Commission  
Jurisdiction: Louisville Metro  
Council District: All Council Districts  
**Case Manager: Joseph Haberman, AICP, Planning Manager**

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

**Discussion**

00:48:55 Mr. Haberman stated the Comprehensive Plan goes in to effect January 1, 2019. Any application that's formally filed up until December 31, 2018 can be reviewed under Cornerstone 2020. It has to be administratively complete. Also discussed at Planning Committee was if someone is goes past December 31, 2020, it has to be reviewed under Plan 2040.

00:52:10 Commissioner Howard stated the Planning Committee reviewed this request November 1, 2018 and a recommendation was made to change the resolution that related to the completion of the application.

**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 Howard, seconded by Commissioner Carlson, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **ADOPT** a resolution by the Planning Commission clarifying the application of the updated Comprehensive Plan (Plan 2040) on Land Development Code applications submitted prior to its effective date.

**RESOLUTION NO. \_\_\_\_, SERIES 2018**

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**2018.11.15 CP DATE**

**A RESOLUTION OF THE LOUISVILLE METRO PLANNING COMMISSION  
CLARIFYING THE APPLICATION OF THE UPDATED COMPREHENSIVE PLAN  
(PLAN 2040) ON LAND DEVELOPMENT CODE APPLICATIONS SUBMITTED  
PRIOR TO ITS EFFECTIVE DATE**

**WHEREAS**, At a public hearing on April 16, 2018, the Planning Commission recommended that Plan 2040, a Comprehensive Plan for Louisville Metro, be adopted as an update to Cornerstone 2020; and

**WHEREAS**, Following the Planning Commission's recommendation, on June 14, 2018, Metro Council passed Ordinance #085, 2018 adopting Plan 2040. Plan 2040 was also forwarded to the 12 cities with zoning authority in the Louisville Metro planning unit. The plan was formally adopted by each of the legislative bodies or deemed to have been approved by operation of law pursuant to Kentucky Revised Statutes; and

**WHEREAS**, the effective date of Plan 2040 is January 1, 2019;

**NOW, THEREFORE, BE IT RESOLVED BY THE LOUISVILLE METRO PLANNING  
COMMISSION AS FOLLOWS:**

**SECTION I:** That all administratively complete Land Development Code applications that have been formally filed on or before December 31, 2018, may be reviewed under the provisions Cornerstone 2020. Decisions on such applications that are based on a finding of consistency with Cornerstone 2020 and not Plan 2040 must be finalized by January 1, 2020.

**SECTION II:** That all Land Development Code applications formally filed after January 1, 2019, shall be reviewed under the provisions of Plan 2040.

**SECTION III:** This Resolution shall take effect on the same day as Plan 2040; January 1, 2019.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson,  
Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

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**PUBLIC HEARING**

**CASE NO. 18ZONE1025**

Request: TNZD map amendment from Neighborhood General, Multi-family Residential to Neighborhood General, Institutional with revised district development plan

Project Name: Bridgehaven Expansion

Location: 950 and 964-968 South 1<sup>st</sup> Street

Owner: Bridgehaven, Inc.

Applicant: Bridgehaven, Inc. & VBN Architects

Representative: Gresham, Smith & Partners

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

**Case Manager: Joel Dock, AICP, Planner II**

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

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

**Agency Testimony:**

00:56:28 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Jon Henney, 111 West Main Street, Suite 201, Louisville, Ky. 40202

**Summary of testimony of those in favor:**

01:04:16 Mr. Henney gave a power point presentation and stated Bridgehaven is proposing a TNZD amendment to allow the expansion of their operation. The Planning Commission asked questions of Mr. Henney to clarify the request.

**Deliberation**

01:12:49 Planning Commission deliberation.

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**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.**

**TNZD Map Amendment from Neighborhood General, Multi-family Residential to Neighborhood General, Institutional**

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

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal does not impact the existing use of the public network; the proposal expands an existing community service facility upon vacant land and does not impact the use of land intended commercial activities; the proposal does not impact the use of public open spaces and is located in an urban neighborhood; the proposal introduces new construction which has been reviewed and approved by the Old Louisville Architectural Review Committee and found to be appropriately designed and compatible with the architectural character of the neighborhood; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is in an urban area with a sufficient population to serve the use; the proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment; the proposal expands an existing community service facility upon vacant land and does not impact the use of land intended commercial activities. It provides for connectivity and the use of alternative forms of transportation. It puts to use currently vacant land to provide a community service; the proposed community service facility provides a variety of services to serve the needs of the community; the proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns as parking facilities will be shared amongst all property involved and connect to an alleyways which serve as primary access to parking facilities; the proposal is located in the urban services districts and utilities would appear to be available; the proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as pedestrian connectivity and interconnectivity between affected property and bike parking is provided; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed building materials increase the new



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development's compatibility. These materials have been reviewed and approved by the Old Louisville Architectural Review Committee and found to be appropriately designed and compatible with the architectural character of the neighborhood; the proposal does not constitute a non-residential expansion into an existing residential area as the site abuts multiple non-residential sites and the proposed use provides a community service to the area; the proposal mitigates any potential odor or emissions associated with the development; the proposal mitigates any adverse impacts of its associated traffic on nearby existing communities as the site is located along a collector level roadway which is intended to serve a wide variety of high intensity uses. The use is limited in intensity and provides a community service; lighting will be compliant with LDC 4.1.3; the proposal is located in a walkable neighborhood along a transit route; the proposal provides appropriate transitions between uses that are substantially different in scale and intensity as all required landscape buffers are provided; the proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs as landscaping is being provided as required; setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as the development is located at or near the right-of-way consistent with a traditional pattern for non-residential development; parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts as these areas are located to rear, served by an alley, and landscaping is provided; the proposal includes screening and buffering of parking and circulation areas adjacent to the street as required by Ch. 10 of the LDC; Signage will be in conformance with Ch. 8 of the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the proposal is located in an urban area which is served by multiple parks and open spaces in the general vicinity; no significant natural features are located on the affected property; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems as no significant natural features are present; the proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as the proposal introduces new construction which has been reviewed and approved by the Old Louisville Architectural Review Committee and found to be appropriately designed and compatible with the architectural character of the neighborhood; development is not located in area with highly permeable or unstable soils; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the site is appropriately located within proximity of employment and population centers and provides a community service; the proposal constitutes reinvestment within close proximity to the central business district; the subject site is located along an arterial roadway providing transit service; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means; the proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as connectivity to public ways and inter-connectivity between affected sites is provided, as well as bike parking. The site is located along a transit route; the proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as an appropriately located community service is being provided which connects to the urban street network; right-of-way will be dedicated as deemed appropriate by the Planning Commission; the proposal includes adequate parking spaces to support the use as the expanded use provides an equivalent portion of parking as demanded by the existing use; access for vehicles is provided with connectivity to rear and side alleys and pedestrian connectivity is provided via pedway over an alley; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because the proposal does not include the creation of new roadways; access to the subject property is through areas of similar intensity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity as the site is located along an arterial roadway with transit service in a walkable urban neighborhood; and

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

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the affected property does not contain any natural corridors; and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the TNZD Map Amendment from Neighborhood General, Multi-family Residential to Neighborhood General, Institutional.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**Revised Detailed District Development Plan**

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

**WHEREAS**, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided. The site does not contain any significant natural resources. The proposed development has been reviewed and approved by the Old Louisville Architectural Review Committee and found to be appropriately designed and compatible with the architectural character of the neighborhood; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as connectivity to

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public ways and inter-connectivity between affected sites is provided, as well as bike parking. The site is located along an arterial roadway with transit service in a walkable urban neighborhood; and

**WHEREAS**, multiple parks and open spaces are within the general vicinity; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds, the development is compatible as the Old Louisville Architectural Review Committee has reviewed the project and found it to be appropriately designed and compatible with the architectural character of the neighborhood; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan as demonstrated in the staff analysis for TNZD map amendment and Cornerstone 2020 staff analysis.

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

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. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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 Chapter 10 prior to requesting

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a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

4. 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.
5. 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.
6. The proposed development must conform to the approval received by the Old Louisville Architectural Review Committee on August 22, 2018. Any changes to the approved proposal shall be submitted to Urban Design staff for review and approval prior to installation.
7. A license agreement with the Department of Public Works and Assets shall be secured for the proposed pedestrian bridge as shown on the approved development plan prior to construction plan approval. The pedestrian bridge shall maintain 14 feet of clearance from its lowest point to the grade of the local roadway/alley.
8. Right of way shall be dedicated by deed or minor plat to the alley at the rear of lot 2 prior to construction plan approval.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

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**PUBLIC HEARING**

**CASE NO. 18ZONE1050**

Request: Change in Zoning from R-4, Single-family Residential to PRD, Planned Residential Development  
Project Name: Stewart – Taylorsville Road  
Location: 10620 Taylorsville Road  
Owner: Albert L. Gregg  
Applicant: Stewart Companies, LLC  
Representative: Bardenwerper, Talbott & Roberts, PLLC  
Jurisdiction: City of Jeffersontown  
Council District: 20 – Stuart Benson  
**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:**

01:16:26 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Nick Pregliasco, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Grady Stewart, Stewart companies, LLC, 857 Sparta Court, Lexington, Ky. 40504

**Summary of testimony of those in favor:**

01:24:51 Mr. Pregliasco gave a power point presentation. The existing driveway serving neighbors will remain with an access easement. The proposal will be similar to condominiums. Sidewalk connections were added because of the number of units.

01:40:53 Mr. Young discussed the design of the development. Vice Chair Lewis asked about the fence that separates the units. Mr. Young said it's a wrought iron fence on the ends but will be privacy fences between the units. Also, if you're in a middle unit

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and a garage catches fire, how would one get out? Mr. Pregliasco said there are windows on the opposite side of the garage. Commissioner Brown asked, what is the material of the walking path? Mr. Young said it may be a mulch walking trail/exercise path. Commissioner Daniels stated the owner would have to come through the garage to let a visitor into the home. Mr. Pregliasco said that's correct, the style and design are different but it has been successful. Chair Jarboe added, Planning and Design staff's concern is that a person will have to walk on the streets to get from the front units to the back units, but one of your renderings shows sidewalks. Mr. Young said he thinks it can be done. Chair Jarboe asked, are there fire walls between the units? These type of units have to have 2 means of egress to be insured.

01:50:29 Mr. Stewart said yes the carport only has 1 egress but there have been no issues in Lexington.

01:56:56 Commissioner Brown asked Mr. Dock if there are residential design guidelines? Mr. Dock said Traditional Neighborhood Form District and residential development have stronger guidelines on garage placement but for single family development in Neighborhood or Suburban Form Districts there's no maximum width or percentage of garage and no staggering requirements.

01:57:55 Chair Jarboe asked if the provision of a sidewalk in front of the driveways would solve pedestrian connectivity? Mr. Dock said only partially, but is a move in the right direction.

**Deliberation**

02:00:15 Commissioner Howard said it meets the Comprehensive Plan in terms of the residential portion but appears to be unfriendly to visitors.

02:01:51 Commissioner Peterson said he doesn't see the value of adding little pieces of sidewalk between the curb and 3-4 units. The Land Development Code will dictate egress requirements. We do need affordable housing.

02:04:12 Commissioner Carlson agrees with the zoning change but is concerned about the development plan. There is a need for sidewalks.

02:05:41 Commissioner Brown said he agrees with Commissioner Carlson. The units could be flipped around and create an alley. The proposal does not meet the intent of Cornerstone 2020 and is not compatible with surrounding land uses.

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02:06:33 Commissioner Lewis stated the design needs to be improved. It's not pedestrian-friendly.

02:07:02 Commissioner Robinson said the concept is unique but is concerned about the egress.

02:07:33 Commissioner Daniels stated she has the same concerns as the other commissioners.

02:07:58 Chair Jarboe stated the people that live in the center units don't have easy access to the walking paths.

**Out of Deliberation**

02:09:17 Mr. Pregliasco requests a continuance (taking no action today) to look at other options for design. The addition of sidewalks may trigger the need for a variance.

02:10:56 Mr. Dock said the proposal doesn't have to go to LD&T. The Planning Commission has full authority to approve or deny variances and waivers.

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the December 20, 2018 Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**



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**CASE NO. 18ZONE1045**

Request: Change in zoning from R-4 to OR-3 with detailed district development plan, setback variances, height variance, and sidewalk waiver

Project Name: L&N Federal Credit Union

Location: 9101 and 9104R Lantana Drive

Owner: L&N Federal Credit Union

Applicant: L&N Federal Credit Union

Representative: Bardenwerper, Talbott, & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

**Case Manager: Joel Dock, AICP, Planner II**

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

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

**Agency Testimony:**

02:26:26 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

John Talbott, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223  
Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, Ky. 40220

**Summary of testimony of those in favor:**

02:32:17 Mr. Talbott presented on behalf of the applicant.

02:47:10 Mr. Chris Brown provided some details about the proposed drainage plan for the development.

02:49:34 Mr. Talbott resumed testimony and showed elevations of the proposed building. Commissioner Carlson said at LD&T he asked for a binding element regarding the times the generator would be tested. Mr. Talbott said a binding element was not

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done, but it's used once a week at 8:15 a.m. to 8:45 a.m. (as a maximum time). A binding element will be fine for this committed time. Commissioner Carlson said the 2<sup>nd</sup> binding element deals with larger caliper evergreens being planted. Mr. Talbott said they committed to the trees being 8 to 10 feet in height, but the caliper was not discussed. Also, the bigger the tree, the more undergrowth has to be removed and a lot of the neighbors wanted to keep the undergrowth.

**The following spoke in opposition to this request:**

Leslie Weller, 9110 Satinwood Court, Louisville, Ky.

**Summary of testimony of those in opposition:**

02:57:42 Ms. Weller stated she is concerned about the vagueness of the binding elements in regards to maintenance and preservation of the trees. Also, the buffering needs to provide as much privacy from the development as possible.

**Deliberation**

03:00:18 Commissioner Howard said the proposal will not have an adverse impact on the neighborhood.

Commissioner Carlson said normally sidewalks are good for safety reasons, but not in this case. The applicant has agreed to specific testing times for the generators as well as 8-10 feet evergreens and buffering. Mr. Dock read the binding elements as follows: 1. Evergreen plantings at the rear of the subject site shall be installed at a height of no less than 8 to 10 feet. 2. Generator testing shall not occur prior to 8:00 a.m. and no later than 10:00 a.m. Monday through Friday. No testing shall be permitted on the weekends and all testing shall be in accordance with the manufacturer's guidelines and any applicable codes.

Commissioner Brown stated he agrees with the sidewalk waiver. At some point pedestrian accommodations will need to be provided at the interchange but will be done as a whole project, not this one site.

Commissioner Lewis said it's a beautiful development plan and building.

Commissioners Peterson, Robinson and Daniels agree with the other commissioners.

Chair Jarboe agrees and the binding elements will be added onto the development plan.

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

**Zoning Change from R-4 to OR-3**

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

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal expands an existing area of commercial and office center; the district requested is limited in intensity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal will not create a new center and is located in the Neighborhood form district; the proposal demonstrates an efficient use of land through the provision of minimum parking requirements, drainage facilities, and office user; the existing center including this expansion has a variety of zoning districts promoting mixed-use; the proposed office district allows for a variety of services to be provided for an individual or multiple entities within an area of commercial and office activity; the proposal would be the largest development in this small activity area and includes outdoor features for employees, landscaping, and compatible architecture with the area; the proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns; the proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements; the proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as connections are made to an existing pedestrian network and cross-connectivity is provided for multiple modes; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed building materials increase the new development's compatibility as the proposed rendering indicates a variation of material and heights that provide character to the small activity center; the proposal does not constitute a non-residential expansion into an existing residential area as it is located at the intersection of an expressway and collector level roadway and connected with adjacent non-residential uses; the proposal does not appear to have any significant odors or emissions; traffic will not impact existing communities given the proximity to a major interstate along a collector road; Lighting will be compliant with LDC 4.1.3; the

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intensity of the proposed district is consistent with adjacent commercial and office development; the proposal provides appropriate transitions between uses that are substantially different in scale and intensity as required setbacks and buffers are provided at the rear; the proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as required setbacks and buffers are provided at the rear and the architecture of the proposed develop is attractive and enhances the aesthetic character of the area; setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as the proposed development as demonstrated in the applicant's rendering shows a variation of material and heights that benefits to the character of the area; parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts as required setbacks and buffers are provided at the rear; the proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots as ILA is provided and the required parkway buffer is being provided; signs will be in compliance with LDC Ch. 8; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because Highview neighborhood plan calls for public/private open space to be integrated into a development site. Terraces on the second and third floors of the development have been indicated on the development plan that conforms to this recommendation; Highview neighborhood plan calls for public/private open space to be integrated into a development site. Terraces on the second and third floors of the development have been indicated on the development plan that conforms to this recommendation; the proposal integrates natural features into the pattern of development as required TCCA is being provided; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal respects the natural features of the site through the provision of TCCA at the perimeter of the property; the site is vacant; The development appears to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the subject site is located at the intersection of a collector and limited access highway; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities,

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contribution of money, or other means; the proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as pedestrian and cross-connectivity is provided; the proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as cross-connectivity is provided; the proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development; the proposal includes adequate parking spaces to support the use; the proposal provides for joint and cross access through the development and to connect to adjacent development sites; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because no stub roadways are needed; access to the site is from a collector roadway; the site appropriately links to the abutting development; and

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

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

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

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

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

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Community Form guideline because this application complies with this Guideline because the Suburban Neighborhood Form District is characterized by *predominantly*

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residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services to serve the residential areas; the proposed use is at a scale appropriate for the area, with significant landscaping buffers and other screening for the adjacent residential areas; the detailed district development plan (the “DDDP”) is in an appropriate location along the major Smyrna Parkway corridor; this office development is precisely what is contemplated by the Neighborhood Form District, which will provide much improved buffering from the higher intensity use and the busy Smyrna Parkway corridor; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because this application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline as follows. The overall site subject of this rezoning looks and feels very much like the balance of the existing CN and OR3 zoned properties to the south which are the current corporate offices and branch bank for the applicant, L&N Federal Credit Union to compliment and complete its corporate campus; it creates a focal point in the area, connecting the corner of the Gene Snyder Freeway and the collector, Smyrna Parkway, with pedestrian connections to the residential areas, while at the same time provided appropriate buffers to mitigate any impacts; utilities are available at property lines and this has proven to be a good location for offices because of its location on a primary collector immediately adjacent to the Gene Snyder Expressway, with significant intensity of residential uses and commercial uses south of the site. Locating this corporate office building as proposed on this site reduces vehicle miles traveled and further improves the vitality of the area, particularly on the undeveloped lots next to the Gene Snyder Expressway; and the proposed development serves to revitalize a portion of the Smyrna Parkway and immediate surroundings that are presently underutilized and in need of rejuvenation; and it conforms to a “neighborhood center” in that this area along Smyrna Parkway acts currently and will continue to compliment the area of intensity for the commercial “center” where it belongs along Smyrna Parkway; and further it is appropriately located on a primary collector and the Gene Snyder Expressway; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because this application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 11,12, 21, 22, 23, 24, 28 and 29 of this Guideline as follows. As referenced above, the overall site subject of this rezoning looks and feels very much like the balance of the existing CN and OR3 zoned properties to the south which are the current corporate offices and branch bank for the applicant, L&N Federal Credit Union, to compliment and complete its corporate campus in a compatible style, the only difference being that the style upgrades the quality by a significant degree; the proposed building is residential in style and design, two stories in height of brick construction. In addition to these aesthetic factors, office building does

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not create odors or noise. Lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because this application complies with the Intents and applicable Policies 2, 3, 6, and 7 of this Guideline as follows. As referenced above, this is a vacant site; Smyrna Parkway has proven to be a great location for the corporate office building because it is a center of fairly intense residential and commercial activity. Therefore, redeveloping this overall site will lead to a continuing revitalization of Smyrna Parkway, south of the Gene Snyder; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation; Transportation Facility Design; and Bicycle, Pedestrian and Transit guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7; Policies 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows. The office development will have a shared point of access from the existing curb cut for the existing L&N Federal Credit Union branch bank and office from the adjoining site to the south. It provides for excellent cross-connectivity and helps address issues of traffic congestion at peak hours. Furthermore, the detailed district development plan (DDDP) accompanying this zoning application must receive the preliminary stamps of approval from Metro Transportation Planning and Public Works, prior to docketing of this application for any Planning Commission public review. Those agency reviews will look at the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking. Transit is available in the area and sidewalks will be provided where required; also bicycle parking will be accommodated; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding, Stormwater guideline because this application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows. Post-development rates of runoff will not exceed pre-development conditions. Additionally, because area residents have advised the applicant of drainage problems in the area, the applicant has promised to have his engineer review these drainage conditions and advise MSD of them so as to determine whether reasonable repairs and/or mitigation measures can be made to existing storm water systems in association with this proposed office development; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Water Quality guideline because this application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline as follows.

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At time of construction, the developer of this site will be required to comply with MSD's soil erosion and sedimentation control regulations. Also, new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline as follows. As referenced above, this proposed corporation office is basically an expansion of the existing branch bank, call center and offices located south of this proposed site. Thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area. Reduced miles traveled leads to improved air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because this application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows. The LDC requires tree canopies as well as both perimeter and interior landscaping of all sites. This application will comply with LDC standards, and will provide screening and buffering as promised nearby residents as explained above.

**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 OR-3, Office Residential on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

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

**Variances**

- 1. Variance from Land Development Code (LDC), section 5.3.1.C.5 to allow parking encroachments into 30' non-res to res setback (north P/L) as shown on the development plan**



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**WHEREAS**, the requested variance will not adversely affect the public health, safety or welfare as the encroachment does not impact sight lines for pedestrian or vehicular traffic or impact natural features; and

**WHEREAS**, the requested variance will not alter the essential character of the general vicinity as the encroachment is minimal is does not impact surrounding uses; and

**WHEREAS**, the requested variance will not cause a hazard or nuisance to the public as the encroachment does not impact sight lines for pedestrian or vehicular traffic or impact natural features; and

**WHEREAS**, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance is minimal and needed to meet minimum parking requirements; and

**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 encroachment is necessitated by the full application of the setback along the frontage and rear of the property and the variance at this location does not impact abutting users; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as they would not be able to meet parking minimums without the requested relief; 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 no development has occurred; and

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because only a very small portion of the pavement in this area encroaches into the setback and there is still a very large distance between this proposed pavement and the neighboring residence along Lantana Drive; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because the pavement is located along the rear portion of the property, away from Smyrna Parkway and will not cause a negative impact with the neighbor to the north. Screening and buffering will be preserved and/or provided through plantings or a fence; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because it will not cause any unsafe condition and the impact of the variance will be mitigated through screening and buffering; and

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**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is the minimal amount required for the proposed office to fit on the site and provide vehicular maneuvering; and

**WHEREAS**, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because of the very small portion of the site in the area requested. Additionally, the encroachment is in large part caused by the non-uniform shape of the property as it approaches the entrance to the Gene Snyder Expressway; and

**WHEREAS**, the Louisville Metro Planning Commission finds, 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 is providing the minimum number of parking spaces allowed and the variance is necessary because of the unique shape of the lot in this area; 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 regulation because this is the only potential use of this site at this time, the commercial office use is appropriate at this area Smyrna Pkwy where it is next to the Gene Snyder Expressway, and because of the unique shape of the property.

**2. Variance from LDC, section 5.3.1.C.5 to allow building to exceed maximum 95' setback as shown on the development plan**

**WHEREAS**, the requested variance will not adversely affect the public health, safety or welfare as the increased setback does not impact sight lines for pedestrian or vehicular traffic and allows for necessary buffers to be met along the parkway and minimum parking standards; and

**WHEREAS**, the requested variance will not alter the essential character of the general vicinity as the area displays a variation in setback; and

**WHEREAS**, the requested variance will not cause a hazard or nuisance to the public as the required rear buffer and setback adjacent to residential uses is being provided; and

**WHEREAS**, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the variance is the minimum needed to allow for the parking and the application of more significant setback and buffering requirements; and

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**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 increased setback is necessitated by the parkway buffer and minimum parking standards, and the variance at this location does not impact abutting users; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as they would not be able to meet parking minimums without the requested relief; 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 no development has occurred; and

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because it will allow for the last parcel to be developed in this small corridor to be developed in the same pattern as the first, it will allow for the access easement that benefits both the existing office and branch bank to the south and the proposed office building to the north to continue in force while allowing this property to be developed in a way that complies with the parkway buffer requirements as well. Moreover, the development is largely dictated by the unique shape of the property and the multiple differing uses on each side of the property; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because for the reasons mentioned above and because this area is not residential being along the primary collector of Smyrna Pkwy. and abutting the Gene Snyder Expressway; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because the variance request is slight, it will allow the proposed office building to comply with the intent of the required parkway buffer and it will allow sufficient parking and maneuvering in front of the office building in a practical and rational way. If the variance is not granted, the site cannot be developed in the pattern proposed and would significantly detract from the significant design applications incorporated into the project, which will be an asset to the area and greatly improve the aesthetics of along Smyrna Parkway next to the Gene Snyder Expressway; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because in this case, context, including legally binding easement agreements, limits the pattern of development on the subject property so that development can either occur with the requested variance or not occur at all due to the unique shape and configuration of the property and limitations because of surrounding property; and

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**WHEREAS**, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because among other reasons, the subject property is sandwiched between the Gene Snyder Expressway to the north, the existing L&N branch bank and office to the south, residential to the east and Smyrna Parkway to the west. The existing branch bank and office development to the south both contain parking in the front of the buildings on site. The pattern of parking in the front of buildings has therefore been set in this area and this project attempts to create consistency with while also improving the character of the area. Also, there is a 30' parkway buffer required between the right of way of Smyrna Parkway and the parking area and a 30' shared access easement that benefits both the existing branch bank and office center, which, when combined with the pattern of development in the area makes contextually compatible development impossible without the requested variance; and

**WHEREAS**, the Louisville Metro Planning Commission finds, 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 create a development that would preclude the location of the corporate offices at the very least and break a well-defined pattern of development in this area; 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 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 the surrounding development.

**3. Variance from LDC, section 5.3.1.C.5 to allow building to exceed maximum height of 30'**

**WHEREAS**, the requested variance will not adversely affect the public health, safety or welfare as the increased height does not impact sight lines for vehicle or pedestrian traffic in the area; and

**WHEREAS**, the requested variance will not alter the essential character of the general vicinity as the proposed rendering indicates a variation of material and heights that provide character to the small activity center. The subject site is located in an existing activity center/node. A clear boundary between residential and non-residential development is defined and the proposed development orients itself to the higher classification roadway which is at the intersection of the expressway; and

**WHEREAS**, the requested variance will not cause a hazard or nuisance to the public as the proposed renderings display a variation of material, heights, and amenities and all

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required setbacks and buffers are being provided to the rear of the subject site adjacent to residential districts; and

**WHEREAS**, the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposed height is accompanied by attractive architecture that provides character to the small activity center; and

**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 site is located at the intersection of an expressway and collector level roadway and the user demands the office space proposed which cannot be spread across the parcel due to its size; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the proposed building material are compatible with the area; 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 no development has occurred; and

**WHEREAS**, the variance will not adversely affect the public health, safety or welfare because this is an aesthetic/nuisance issue, not a public health, safety or welfare one. Further, the building is appropriate in the location along the primary collector or Smyrna Pkwy and the property will be significantly buffered to reduce adverse impacts to the residential properties to the east with fencing, landscaping, the retention of a significant 50 foot depth of mature trees already separating the project from the residences; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity because the significant buffering with a 50 foot buffer of mature trees, addition of landscaping, and incorporation of a fence inside the property line of the project; and

**WHEREAS**, the variance will not cause a hazard or a nuisance to the public because there is no safety issue involved in this height variance. Moreover, this slightly taller than Code-allowed building adjoins the Gene Snyder Freeway to the north, a primary collector of Smyrna Parkway to the west, and the existing L&N office and branch bank to the south, none of which will be adversely impacted by a minor additional height. The height does allow the property to be a tremendous aesthetic asset to the area by improving the architecture of the building and allowing room for the minimum parking and increasing the landscaping buffers with the residential properties; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is the minimal amount necessary

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for the proposed office to fit on the uniquely shaped site, provide necessary room for vehicular maneuvering, and still permitting the necessary scale of the building; and

**WHEREAS**, the variance arises from special circumstances, which do not generally apply to land in the general vicinity because this slightly taller than Code-allowed building adjoins the Gene Snyder Freeway to the north, existing L&N office and branch bank south, a primary collector/parkway west, none of which will be adversely impacted by a few additional feet of height, but rather make this property unique and appropriate for the requested variance; and

**WHEREAS**, the Louisville Metro Planning Commission finds, 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 variance is necessary because of the unique shape of the lot in this area and the surrounding properties and uses, such as the Gene Snyder Expressway and Smyrna Pkwy.; 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 regulation, but rather are a result of the practical circumstances of this corporate office's space needs, including height, especially in relationship to a location such as this one adjoining an interstate, another commercial uses and a parkway.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** 1. Variance from Land Development Code (LDC), section 5.3.1.C.5 to allow parking encroachments into 30 foot non-residential to residential setback (north P/L) as shown on the development plan 2. Variance from LDC, section 5.3.1.C.5 to allow building to exceed maximum 95 foot setback as shown on the development plan and 3. Variance from LDC, section 5.3.1.C.5 to allow building to exceed height allowed of 30 feet and a maximum height of 49.5 feet.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**Waiver of LDC, section 5.8.1 to not provide required sidewalk along Smyrna Parkway**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners as pedestrian connections are being provided consistently with adjacent development; and

**WHEREAS**, the Louisville Metro Planning Commission finds, Cornerstone 2020 calls for the provision, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. The proposed development provides appropriate connectivity for pedestrians which are consistent with the development pattern of adjacent development; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the expressway severely restricts pedestrian movement and the full application of the sidewalk requirements would create a disconnected sidewalk form adjacent development.

**WHEREAS**, the waiver will not adversely affect adjacent property owners because this site is at the corner of Smyrna Parkway and the on-ramp to 1-265 East. Moreover, the area of the requested waiver consists of unsafe pedestrian conditions going toward the 1-265 on-ramp, which is an existing condition, not created by the development; and

**WHEREAS**, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks should only be located where thoughtfully designed with public safety in mind, and the construction of the sidewalks would not serve a useful purpose; and

**WHEREAS**, the Louisville Metro Planning Commission further finds strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would be building sidewalks in areas where there is no practical possibility of use and which would encourage unsafe conditions where pedestrians could attempt to cross Smyrna Pkwy. at a particularly busy area next to the Gene Snyder Expressway.

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of the Land Development Code, section 5.8.1 to not provide the required sidewalk along Smyrna Parkway.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**Detailed District Development Plan and Binding Elements**

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

**WHEREAS**, the proposed development provides tree preservation along its perimeter and does not contain any features of historic significance; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as connections are made to an existing pedestrian network and cross-connectivity is provided for multiple modes; and

**WHEREAS**, the proposal provides open space that helps meet the needs of the proposed development and community, as well as the Highview Neighborhood Plan as terraces on the second and third floors of the development have been indicated on the development plan; and

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

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposed development is compatible with the existing and projected future development of the area as the proposed building materials increase the new development's compatibility. The proposed rendering indicates a variation of material and heights that provide character to the small activity center. Setbacks, lot dimensions and building heights are also compatible. Appropriate transitions are also provided between uses that are



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substantially different in scale and intensity as required setbacks and buffers are provided at the rear; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to the Comprehensive Plan as demonstrated in the Staff Analysis for Change in zoning.

**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 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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining

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property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services

4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 15, 2018 Planning Commission meeting.
7. Generator testing shall not occur before 8:00 a.m. and no later than 10:00 a.m. Monday through Friday and all testing shall be for the minimum time required by the applicable codes and manufacturers recommendations.
8. Evergreen plantings at the rear of the subject site shall be installed at a height of 8-10 feet.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

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Request: Change in Zoning from R-4 to R-5A and a District  
Development Plan  
Project Name: 3620 Charlane Parkway  
Location: 3620 Charlane Parkway  
Owner: HLSC, LLC  
Applicant: Elder Construction  
Representative: Land Design and Development; Bardenwerper, Talbott and  
Roberts, PLLC  
Jurisdiction: City of Jeffersontown  
Council District: 20-Stuart Benson  
**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:**

03:15:00 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

**The following spoke in favor of this request:**

Nick Pregliasco, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223  
Kevin Young, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

**Summary of testimony of those in favor:**

03:19:00 Mr. Pregliasco presented on behalf of the applicant. The proposal is to create 46 single family townhomes on the site.

03:32:02 Commissioner Brown asked if there was discussion with the fire dept. regarding access to this site. Mr. Young said the fire dept. is fine with access and the turnaround.

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**The following spoke in opposition to this request:**

Jay Bailey, 5307 Robbs Lane, Louisville, Ky. 40219 and 3619 Saint Edwards Drive, Jeffersontown, Ky. 40299

**Summary of testimony of those in opposition:**

03:32:57 Mr. Bailey provided a picture power point presentation. There are children in the area and safety will be an issue. They're proposing townhomes now, but what will they be in 10 years? The proposal will destroy the character of the area. Drainage and traffic are concerns as well.

**Rebuttal**

03:50:12 Mr. Pregliasco stated drainage is a reoccurring theme with neighbors but the subject site is 4 feet lower so the neighbors will drain to us. Also, the impervious surface will not be increased. Mr. Young said there is a storm drainage pipe and 40 feet of extra-large green space areas to handle the storm drainage.

**Deliberation**

03:54:19 Commissioner Howard said she is concerned about the location of the prior pool on site. The site is not in the flood plain. If the site was to remain single family, there could be more units proposed. Another concern is the fact there's no connectivity, but it is an infill sight and they can't go through someone else's property.

03:56:01 Commissioner Peterson said the property has been an eyesore sitting vacant. The applicant is retaining a large amount of open space and they have addressed the neighbors' concerns.

03:57:01 Commissioner Carlson said the proposal is a good use for the area. The density is smaller than what it could be and is compatible. One side of the street could be no parking.

03:59:07 Commissioner Brown stated the proposal is compatible and adds diversity to housing in the area. It has a vast network of connected local roads with many different options.

03:59:23 Commissioner Lewis stated the proposal offers diversity of housing and less traffic. The plan is appropriate.

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04:00:15 Commissioner Robinson agrees that the zoning change and development plan are in compliance.

04:00:29 Commissioner Daniels agrees with the development plan. Also, the green space is an added feature.

04:00:52 Chair Jarboe stated the compromise to change the proposal to townhomes was a nice gesture. The detention basin will hold water and slowly dissipate, making the drainage much better. The vacant site is ruining the character of the neighborhood, not this project.

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

**Zoning Change from R-4 to R-5A**

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

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is located in an area dominated by single family residences and will be offering more diverse housing options with additional multi-family; the development is located off of a local road and will be accessed directly from a stub of Charlane Pkwy. utilizing the existing network of streets. The proposal is of moderate density with limited impact on adjacent low density development; all structures are oriented to the interior of the site and will not be taller than the maximum height allowed in the Neighborhood form; the proposal extends Charlane Pkwy. into the site and connects into the existing sidewalk; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal displays efficient use of land with a compact layout of buildings; the proposal is for medium density multi-family surrounded by single family residential where sidewalks are proposed and connect to the existing sidewalks in the area; this development is for residential uses alone; this proposal has one access point for this development only, but a shared access in this location is not appropriate, due to the property being bounded by single family residential on all sides; utilities and easements are provided as necessary; the parking is located in the most appropriate areas of the site and pedestrian access is provided; pedestrian access is provided to the existing sidewalks; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because keeping the development two stories and allowing adequate setbacks and buffers, the development is in character with surrounding single family; the building materials are similar to what is found in the area; the proposal introduces a new density to the area. The proposal is in compliance with all required buffers and setbacks making it compatible with the adjacent single family residences; Transportation Planning has not indicated that the proposal will have adverse impacts on traffic; lighting will be in compliance with the LDC; the proposal adds diversity in housing choices to the area by proposing multi-family in an area that offers predominantly single family homes; the proposal is medium density; the proposal possibly offers a housing option for the elderly, as there are several TARC routes and services nearby; the proposal is appropriate and inclusive in that it offers a different housing choice for those that may not be able to afford or prefer single family homes; buffers and setbacks appear to be in compliance with LDC standards; all setbacks and building heights appear to be within LDC standards and are compatible with surrounding development; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because 49% of the site is open space; the intermittent stream on site appears to be preserved and will be used as part of the on-site detention; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because LOJIC did not identify any wetlands on site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because Transportation Planning is not requiring any roadway improvements; the proposal has adequate access and is not required to connect to any other abutting use due to the lower intensity of uses surrounding the development; no ROW dedication will be required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access to the site is from a public right-of-way; by connecting to the existing street network, the appropriate linkages are made; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because sidewalks within the site connect to the existing network of sidewalks located within the area; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because there are existing utility connections on site; there are existing public water connections; the Health Department has no issues with the proposal.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the applicant, David Elder, Sr., proposes a single family townhome community with a total of 46 condominium units to be sold to individual purchasers on 5.8+/- acres at the end of Charlane Parkway, in the city of Jeffersontown, being revised from 84 proposed rental apartments at the time of the neighborhood meeting to 46 townhomes; the subject property was the former location of a community pool, but has long been vacant and fallen into disrepair; the subject property is located a very short distance from St. Edward School, Tully Elementary, the Historic Gaslight Square District, and all businesses located therein, thereby making it attractive to people who want to live close to work or to their children's school, as it provides opportunities for this anticipated community of residents to gain quick and easy access to schools and workplaces in the J-Town area, including the Historic Gaslight Square District; and this proposal provides the area with diverse housing opportunities in an area predominantly containing only single family residences, with an attractive townhome housing choice for residents who desire to live within short commutes; the applicant's 46 unit single family residential townhome community contains 9 buildings with 127 surface parking spaces; gross density will be 7.93 dwelling units per acre, less than the 12.01 dwelling units per acre allowed in the R-5A zoning district proposed; buildings will be constructed of attractive durable building materials (brick and "hardy plank" lap siding) and will feature high- end architectural details, as shown in the PowerPoint presentation shown at the Planning Commission public hearing and accompanying this application; perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC), with no waivers or variances requested; the buildings all face the interior of the site, providing additional buffering from the parking lots and the resident activities, with the buildings providing a screen and buffer to the resident activities along the north and south property lines; the applicant is proposing fencing and additional landscaping to further buffer the rear of the buildings from the adjacent property owners, which, along with the drop in elevation of this site compared to the neighboring residential will provide further buffering and screening; this property is located in the Suburban Neighborhood form district characterized by predominantly residential uses that range from low to high density, and will provide a condominium townhome community intended for empty-nesters who most often are elderly retired people who are interested in maintenance free living, as opposed to that form of housing that still predominates most

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of Metro Louisville – i.e., standard single family homes on larger lots which residents are normally expected to maintain by themselves; the Jeffersontown area of Metro Louisville is like almost all others where traditional style, detached single family homes are the norm; there are very few maintenance free housing options in the J-Town area that allows homeownership; and the proposed maintenance free townhomes community of attached housing on smaller lots and thus adds to the diversity of housing types in this area lacking in the area; and the long ago abandoned pool facility will be a redevelopment of a vacant and problematic site as it currently sits today; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposed townhome community conforms with the overall Intents of and specifically with applicable Policies 1, 4, 5, 7, 11, 12, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above and because it will make efficient adaptive re-use of property that lies within the Neighborhood Form District and is located, as said, close to workplaces, schools, and significant shopping opportunities; being located where it is, residents seeking new housing options will have easy access to the referenced workplaces, plus the commercial centers nearby; internal open space focal points are included on the detailed district development plan (DDDP) accompanying this application; this application will provide a mixture of housing options that will accommodate people of different ages, particularly those seeking maintenance free living, and with the style and design of the proposed buildings will match well with the surrounding residential area; as said, the parking is located in the interior of the site to reduce impact on the neighboring properties; and by providing diversity in the housing opportunities in the area, it will allow more people to live in the area reducing commute times; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed townhome community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, and 28 of Guideline 3 for all the reasons described above and because this proposed townhome community is in a density range and design to provide differing housing opportunities, while still maintain the residential character of the area; the current vacant pool site is no longer a viable use and this adaptive re-use compliments the area. Buildings will be 2 stories in height and constructed with attractive building materials comparable to residential communities in the area, as shown on the elevations in the PowerPoint accompanying this application and shown at the Planning Commission public hearing; Perimeter landscaping, screening and buffering will be provided and/or retained along all property lines, as described above, which include attractive wood fencing along the perimeter, as the owners of the adjacent properties requested this type screening; along the south property line, where there is the most concern, the over 7 foot elevation drop to this property, along with the fencing and landscaping, will drastically reduce any impacts from the buildings, as will



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be submitted and shown in the process through detailed elevation renderings; buildings are situated and located along the exterior of the site, so as not to disrupt lower intensity adjoiners through the noise of residents coming and going and the impacts of vehicle parking; sidewalks are provided where required within the site, and accommodations are made for pedestrian and bicycle transportation as well as the handicapped and elderly; odors won't exist as in commercial and industrial developments, and air quality concerns related to traffic congestion or delay will be greatly mitigated by the fact that this is a residential townhome community purposely located where it is so as to reduce commuting distances; refuse will be picked up on a regular basis; lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations, and further shielded by the buildings, with no lighting proposed along the exterior of the buildings facing adjoiners; all signage will be in conformance with LDC regulations; and no waivers or variances from the LDC regulations are being sought with this application; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space and Natural Areas and Scenic Historic Resources guideline because the proposed townhome community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 3, 4, 5, 6 & 7 of Guideline 4 and with the Intents of Guideline 5 for all the reasons described above and because it will feature open space interspersed among the buildings, parking areas and streets; there is an intermittent stream in the interior of the property, that will be maintained, while also providing detention to not only serve this proposed development, but sized in a way to provide more detention than required to help the flooding issues that occur in the area; the proposed development plan shows 50% recreational open space, over three times the amount required by the LDC and half of the total site; that open space will be available for both passive and active recreational enjoyment by residents and will provide gathering areas for an overall positive appearance and living experience for the community; landscaping will also be provided and/or trees retained along property perimeters, along street frontages and around buildings; setbacks and buffers along property lines will ensure good transitions between the proposed townhome community and other adjoining and nearby existing land uses, as will be demonstrated by the applicant; maintenance of landscaping, natural and open space areas will be performed by the corporate landlord of this rental community; this maintenance arrangement will result in a higher and more consistent level of maintenance of the open spaces than if the property were developed as a single-family subdivision; no known natural or historic resources will be disturbed; and the intermittent stream will be maintained and will be improved as discussed above; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Marketplace guideline because the proposed townhome community conforms with the overall Intents of and specifically with applicable Policies 1, 2, 3, and 5 of Guideline

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6 because, as noted above, residents will largely be those who, because of this proposed townhome community, will be able to reside near work and schools, which thus strengthens the live-work relationship which is important to the continuing ability of the larger metro area to function; the proposed townhome community will integrate well, being single family residences like those in the area; it will also support and be supported by the businesses, services, schools and churches in and around the Historic Gaslight Square District; this proposal also reduces public costs for land development by utilizing an existing vacant property, with easy connections to existing infrastructure for water, sewer, electric and phone services; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation, Transportation Facility Design and Bicycle, Pedestrian and Transit guideline because the proposed townhome community conforms with the overall Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14, 16, 17, and 18 of Guidelines 7; Policies 4, 5, 9, 10, and 11 of Guideline 8 and Policies 1, 2, 3, and 4 of Guideline 9 because the proposed DDDP has been designed in conformance with all Metro Public Works and Transportation Planning design standards; good internal circulation, with a single access to Charlane Parkway to avoid impacts to adjoiners, corner clearances and parking are provided; access to College Drive and Taylorsville Road is easy with multiple means of accessing same; while not required by Metro Public Works and Transportation Planning, due to the number of proposed units, the applicant is working with Diane Zimmerman, Traffic Engineer to provide further evidence that a townhome community of this size and traffic generation/distribution at this location will technically work; the DDDP and TIS accompanying this application received Metro Transportation Planning's preliminary stamp of approval prior to docketing for LD&T and Planning Commission; and sidewalks will be provided where required with connections internal to the site as well; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater, Water Quality and Air Quality guideline because the proposed townhome community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, all drainage will run to an internal detention basins, which will be oversized to not only address the run off from the proposed development, but to also address the flooding issues in the area; the sufficiently sized detention basin will then flow from there to existing drainage channels and pipes; in these ways the DDDP complies with all MSD storm water management requirements as respects no increase in peak rates of run-off post verse pre-development; this DDDP received the preliminary stamp of approval by MSD prior to docketing for LD&T and Planning Commission public review; Louisville Water Company will provide water to the site; a soil erosion and sediment control plan will also be implemented to control sediment and erosion drainage during construction; MSD water quality regulatory requirements will also be addressed at construction stage; and air

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quality, perhaps most importantly of all, is addressed by virtue of the referenced shorter commuting distances explained hereinabove; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the proposed townhome community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above as respects the wood fence and attractive additional landscaping over that required, and because landscaping and/or trees retained around buildings, and property perimeter; open space is provided as described hereinabove and shown on the DDDP for a positive natural appearance and for passive recreational enjoyment by residents; and Tree canopy requirements will be met; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposed townhome community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric, phone and cable service connections are available by nearby connection to ensure a reduced cost for infrastructure; and

**WHEREAS**, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

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

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith and Tomes**

**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.

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**WHEREAS**, there do not appear to be any historic resources on the subject site and the environmental features are being preserved. Tree canopy requirements of the Land Development Code will be provided on the subject site

**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**, 49% of the site is preserved in open space; 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the city of Jeffersontown that the Detailed District Development Plan be **APPROVED, 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 and to the City of Jeffersontown 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

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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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works, The City of Jeffersontown and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 15, 2018 Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Lewis, Peterson, Robinson and Jarboe**

**NOT PRESENT AND NOT VOTING: Commissioners Smith 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 8:00 p.m.

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**Chair**

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**Planning Director**