

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION MEETING  
CASE NO. 19-ZONE-0073 ONLY**

**February 6, 2020**

A meeting of the Louisville Metro Planning Commission was held on Thursday, February 6, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

**Commissioners present:**

Vince Jarboe, Chair  
Marilyn Lewis, Vice Chair  
Robert Peterson  
Lula Howard  
Rich Carlson  
Ruth Daniels  
Jeff Brown  
David Tomes  
Jim Mims

**Commissioners absent:**

No one.

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Cynthia Elmore, Planning & Design Supervisor  
Dante St. Germain, Planner II  
John Carroll, Legal Counsel  
Beth Stuber, Transportation Planning  
Brad Selch, MSD  
Chris Cestaro, Management Assistant

The following matters were considered:

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Request: Change in zoning from R-4, OR-1 and C-1 to R-4 and C-1 with a Detailed District Development Plan and Binding Elements and associated landscape waiver  
Project Name: Jefferson Animal Hospital Expansion  
Location: 4504 – 4512 Outer Loop  
Owner: Capital Security Corp.  
Applicant: Capital Security Corp.  
Representative: Jon Baker - Wyatt, Tarrant & Combs  
Jurisdiction: Louisville Metro  
Council District: 24 – Madonna Flood

**Case Manager: Dante St. Germain, AICP, Planner II**

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

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

**Agency Testimony:**

Dante St. Germain presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

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

Jon Baker, 400 West Market Street Suite 2000, Louisville, KY 40202

Kelli Jones, Sabak Wilson & Lingo, 608 South 3<sup>rd</sup> Street, Louisville, KY 40202

**Summary of testimony of those in support:**

Jon Baker, the applicant's representative, confirmed the cross-access agreement.

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

No one spoke.

Commissioners' 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.**

**Zoning**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Staff Plan 2040 checklist, and evidence and testimony heard today and at the January 23, 2020 hearing, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form: Goal 1 because the existing structures are non-residential in use and the proposed zoning district will not constitute a non-residential expansion into an existing residential area; the proposal would allow for higher density and intensity uses. The site is located along Outer Loop, a major arterial and transit corridor at this location, and in an existing activity center; the proposal is not for industrial zoning; uses with air, noise and light emissions must comply with the limitations in the Land Development Code and Louisville Metro ordinances; the proposed zoning district will not permit uses which generate noxious odors, particulates and emissions; the site is located directly on Outer Loop and traffic will not be directed through nearby existing communities; the proposed zoning district is unlikely to generate adverse impacts from noise as the site is located on Outer Loop; and the proposed zoning district would not allow industries which handle hazardous or flammable materials, or are potentially offensive such as junkyards, landfills and quarries; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form: Goal 2 because the subject site is located in an existing activity center; the site is located in an existing activity center and overlaps with adjacent Regional Center form district. Appropriate access and connectivity exists on the site; the proposed zoning district would permit retail commercial development. The site is located in an existing activity center; the proposed zoning district would permit a more compact development pattern in an existing activity center; the proposed zoning district would permit a mixture of compatible land uses in an existing activity center; the proposed zoning district would permit residential and offices uses above retail or other mixed-use multi-story retail buildings; the proposal re-uses an existing structure; the proposal does not include underutilized parking lots; and the portion of the site which is proposed to be rezoned is located in the Neighborhood form district and limitations on height and scale of structures will be observed; and

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**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because no natural features are evident on the subject site; no severe, steep or unstable slopes are evident on the site. Hydric soils will be avoided by the proposed development; the site is not located in the Ohio River Corridor; and no karst features were located on the site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Form: Goal 4 because no historic assets are evident on the site; and no distinctive cultural features are evident on the site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility: Goal 1 because the proposed zoning district would permit higher density and intensity development. The site is located on a transit corridor and in an existing activity center; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility: Goal 2 because access to the site is via Outer Loop, a major arterial at this location; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the proposed zoning district would permit a mix of complementary neighborhood serving businesses and services; the proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car, transit, and pedestrians. The site is accessible by bicycle and people with disabilities; the proposed zoning district would permit higher density mixed-use developments and the site is located on a transit corridor; and Transportation Planning has approved the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Community Facilities: Goal 2 because the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; and MSD has approved the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Economic Development: Goal 1 because the proposal is not for industrial zoning; the site is located on Outer Loop, a major arterial at this location; the site is not located near the airport or the Ohio River; and the proposal is not for industrial zoning; and

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**WHEREAS**, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because no karst features were located on the subject site; and the site is not located in the regulatory floodplain; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Housing: Goal 1 because the proposed zoning district would permit residential uses. The site is located along a transit corridor and is in an activity center and near a major commercial corridor. The proposal would permit housing options that support aging in place. It furthermore promotes aging in place by siting neighborhood-serving commercial uses near existing residential areas; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Housing: Goal 2 because the proposed zoning district would permit inter-generational, mixed-income and mixed- use development. The site is connected to the neighborhood and surrounding area; and the proposed zoning district would permit residential uses. The site is in proximity to a multi-modal transportation corridor and within proximity to amenities providing neighborhood goods and services; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Housing: Goal 3 because no existing residents will be displaced by the proposal. The site is currently in commercial use; and the proposed zoning district would permit the use of innovative methods of housing; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4, OR-1 & C-1 to R-4 Single Family Residential and C-1 Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis and Jarboe.**

**Waiver**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence

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and testimony heard today and at the January 23, 2020 Planning Commission hearing, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the conditions are generally existing and landscaping will be provided in the reduced LBA; and

**WHEREAS**, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends appropriate buffers between uses that are in different density categories, to include landscaping. The appropriate landscaping will be provided within the reduced LBA; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the parking lot exists and is proposed to be restriped. Providing the full required LBA would reduce the amount of available parking below what is needed for the expanded business; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the conditions generally already exist and the parking lot is proposed to be restriped; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested waiver from LDC section 10.2.4.B to allow parking to encroach into the required property perimeter Landscape Buffer Area (19-WAIVER-0087).

**The vote was as follows:**

**YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.**

**Revised Detailed District Development Plan with Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today and at the January 23, 2020 Planning Commission hearing, was adopted:

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**WHEREAS**, the Louisville Metro Planning Commission finds that there do not appear to be any historic resources or natural resources on the subject site. Tree canopy will be provided; and

**WHEREAS**, the Commission further finds that 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**, the Commission further finds that there are no open space requirements pertinent to the proposal; and

**WHEREAS**, the Commission further finds that 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 Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. The site is adjacent to existing commercial development; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the requested waiver; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Revised Detailed District Development Plan** with Binding Elements; **SUBJECT** to the following binding elements:

**Existing Conditions of Approval for Conditional Use Permit (to be retained)**

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning District Regulations.
3. No freestanding signs shall be constructed on the property.

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4. If, within one year of the granting of the Conditional Use Permit, the roadway has not been closed as a public right-of-way, the developer shall grant additional right-of-way to provide a total of 25 feet from the centerline and widen the roadway to 20 feet per Jefferson County Department of Public Works standard. At such time the developer shall provide construction plans, the appropriate bonding and obtain an encroachment permit.
5. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
6. All driveways and the area used for the parking of vehicles shall be surfaced with a hard and durable material and be properly drained.
7. All outdoor lighting shall be directed downward and away from adjacent residential property. The lighting shall be low intensity vapor lighting.
8. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the Director of Works for the City of Louisville prior to use of the parking area.
9. The Conditional Use Permit shall be "exercised as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking without further review and approval by the Board.

**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. No animals shall be boarded on the premises, except as required for ongoing veterinary treatment, and no animal pens or runs shall be located outside the structure.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.



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4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 23, 2020 Planning Commission hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
  - g. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be

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implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.**

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**STANDING COMMITTEE REPORTS**

**Land Development & Transportation Committee**

No report given.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

No report given.

**Policy & Procedures Committee**

No report given.

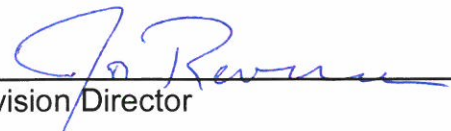
**CHAIRPERSON/DIRECTOR'S REPORT**

No report given

**ADJOURNMENT**

The Case concluded at approximately 1:25 p.m.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Division Director

