

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
May 6, 2021**

A meeting of the Louisville Metro Planning Commission was held on Thursday, May 6, 2021 via Webex.

Commissioners present:

Marilyn Lewis
Lula Howard, Acting Chair
Jeff Brown
Rich Carlson
Patricia Clare
Ruth Daniels
Jim Mims
Te'Andre Sistrunk
Rob Peterson (arrived at 1:13 p.m.)

Commissioners absent:

Patricia Seitz

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation Planning
Mark Sites or Tony Kelly, MSD representatives
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the Minutes for the April 15, 2021 Planning Commission night hearing.

00:04:25 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission night hearing conducted on April 15, 2021.

The vote was as follows:

YES: Commissioners Clare, Howard, Mims, and Carlson.

ABSTAIN: Commissioners Daniels, Brown, Lewis and Sistrunk.

NOT PRESENT: Commissioners Seitz and Peterson.

PLANNING COMMISSION MINUTES
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CONSENT AGENDA

CASE NO. 21-STRCLOSURE-0001

Request: Closure of Public Right-of-Way
Project Name: Minnis Alley Closure
Location: Unnamed Alley running parallel and to the East of S 20th St
north of Magazine St.
Owner/Applicant: South Central Conference Association of Seventh Day
Adventists
Jurisdiction: Louisville Metro
Council District: 4 - Jecorey Arthur
Case Manager: Jay Lockett, AICP, Planner I

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:

00:05:43 Jay Lockett said he had nothing else to add besides what was originally presented at LD&T.

00:06:41 In response to a question from Commissioner Mims, Commissioner Lewis noted that, in this case, the applicant owns all of the adjacent properties. Notice did go out before the LD&T meeting.

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.

00:07:54 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Case No. 21-STRCLOSURE-0001 be **APPROVED**.

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CONSENT AGEDA

CASE NO. 21-STRCLOSURE-0001

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims, Howard, Clare, Sistrunk, Carlson, and Lewis.

NOT PRESENT: Commissioners Seitz and Peterson.

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BUSINESS SESSION

BE_Final_Order_215 L.C. Drive

***NOTE: Commissioner Peterson joined the hearing at approximately 1:13 p.m.**

Request: Binding Element Citation Final Order - 215 Louis Coleman Drive

Case Manager: Laura Ferguson, Jefferson County Attorney's Office

Notice of this public hearing appeared in The Courier-Journal.

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:

00:08:56 Laura Ferguson, Assistant County Attorney, presented the case (see recording for full presentation and discussion.) In this case, binding element #1 was violated.

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.

00:13:05 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **UPHOLD** the citation issued on September 17, 2020 and does hereby enter a final order for property located at 215 Louis Coleman Drive.

The vote was as follows:

YES: Commissioners Sistrunk, Clare, Howard, Mims, Carlson, Daniels, Brown, and Lewis.

ABSTAIN: Commissioner Peterson.

NOT PRESENT: Commissioner Seitz.

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PUBLIC HEARING

CASE NO. 20-ZONE-0078

Request: **THIS CASE WILL BE CONTINUED TO THE JUNE 3, 2021 PLANNING COMMISSION PUBLIC HEARING** Change in Zoning from R-4, single-family residential to OR-3, office-residential with detailed plan, waivers and variances

Project Name: Chamberlain Woods Office Park

Location: 5220 Chamberlain Lane

Owner: McMahan Holdings, LLC; Roy F. McMahan

Applicant: McMahan Holdings, LLC

Representative: Cliff Ashburner - Dinsmore & Shohl, LLP

Jurisdiction: Louisville Metro

Council District: 16 - Scott Reed

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:14:23 Mr. Dock said the applicant has requested a continuance of this case to the June 3, 2021 Planning Commission public hearing to revisit the matter of the proposed height, as well as to continue conversations with the property owners of the Wolf Pen Mill Farm.

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.

00:17:15 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

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PUBLIC HEARING

CASE NO. 20-ZONE-0078

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **June 3, 2021** Planning Commission public hearing at the applicant's request.

The vote was as follows:

YES: Commissioners Mims, Howard, Clare, Sistrunk, Peterson, Brown, Daniels, Carlson, and Lewis.

NOT PRESENT: Commissioner Seitz.

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PUBLIC HEARING

2 YR Rule Waiver_Chathamwood Court

Request: Waiver of 2-Year Rule
Project Name: Chathamwood Townhomes
Location: 5208 Chathamwood Drive
Representative: Chris Crumpton - Bluestone Engineering
Kyle Galloway - Duncan Galloway Egan Greenwald PLLC
Jurisdiction: Louisville Metro
Council District:
Case Manager: Julia Williams, AICP, Planning Supervisor

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:

00:17:55 Julia Williams presented the case (see recording for detailed presentation.)

00:20:11 In response to a question from Commissioner Peterson, Ms. Williams confirmed that this is the second time the applicant has requested a waiver of this rule. The original number of units requested was 24.

00:20:39 In response to a question from Commissioner Carlson, Ms. Williams said that first and second tier adjacent property owners, as well as people who spoke at the public meeting, received notice of today's request.

00:21:12 In response to a question from Commissioner Clare, Ms. Williams said that the basis of the denial at the January meeting was that R-5A was not a significant land use difference from the proposed R-6 that was also denied.

The following spoke in support of this request:

Kyle Galloway, Duncan Galloway Egan Greenwald PLLC, 9625 Ormsby Station Road, Louisville, KY 40223

Summary of testimony of those in support:

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PUBLIC HEARING

2 YR Rule Waiver_Chathamwood Court

00:21:46 Kyle Galloway, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:31:58 In response to a question from Commissioner Peterson, Mr. Galloway confirmed that the applicant would like the ability to come before the Planning Commission with new plans, layout, elevations, etc. He said the applicant understands that they would have to begin the process over again (pre-app, neighborhood meetings, etc.)

The following spoke in opposition to this request:

Beverly and Joe Keating, 5200 Capewood Drive, Louisville, KY 40229

Summary of testimony of those in opposition:

00:35:14 Beverly Keating said this site is at the end of her property. She and Joe Keating said they are primarily concerned about additional traffic, and especially about speeding. Mr. Keating said this property is about 50 yards away from a school; also, there has been a great deal of development in the neighborhood. He said the developers initially told them that the property would be rezoned for 3-4 houses. Now, the plans are for high-density townhomes. Mr. Keating said residents can't drive anywhere in the neighborhood without hitting speed humps. He said the neighbors want only a few single-family homes, not apartments or condominiums.

Rebuttal:

00:42:02 Mr. Galloway delivered rebuttal (see recording for detailed discussion.)

00:43:20 The Commissioners, staff, Mr. Galloway, and Laura Ferguson, Assistant County Attorney, discussed the 2-year waiver rule process (see recording for detailed discussion.)

00:50:38 Commissioners' deliberation.

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

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PUBLIC HEARING

2 YR Rule Waiver_Chathamwood Court

00:58:38 Commissioner Carlson made a motion, seconded by Commissioner Daniels, to **DENY** the request to waiver the two-year rule.

The vote was as follows:

YES: Commissioners Sistrunk, Daniels, Carlson, and Lewis.

NO: Commissioner Mims, Howard, Clare, and Peterson.

ABSTAIN: Commissioner Brown.

NOT PRESENT: Commissioner Seitz.

01:05:17 It was determined that the motion failed due to lack of a majority.

01:06:34 Commissioner Mims made a motion, seconded by Commissioner Peterson, to **APPROVE** the request to waiver the two-year rule.

The vote was as follows:

YES: Commissioners Brown, Peterson, Howard, and Mims.

NO: Commissioner Carlson, Daniels, Sistrunk, Clare, and Lewis.

NOT PRESENT: Commissioner Seitz.

It was determined that the motion failed due to lack of a majority. Therefore, the request is deemed **DENIED**.

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PUBLIC HEARING

CASE NO. 2_YR_Rule_Waiver_Old Henry Rd.

Request: Waiver of 2-Year Rule
Project Name: Old Henry Road development (19ZONE0095)
Location: 14015 Old Henry Road
Representative: Kevin Young - Land Design & Development

Jurisdiction: Louisville Metro
Council District:
Case Manager: Julia Williams, AICP, Planning Supervisor

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:

01:09:42 Julia Williams presented the case. She did not show a full Power Point presentation, but did show a slide detailing findings of fact which must be met to justify the waiver (see recording for detailed presentation.)

The following spoke in support of this request:

Nick Pregliasco, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223 (signed in but did not speak)

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Summary of testimony of those in support:

01:11:10 Kevin Young presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:16:32 In response to a question from Commissioner Carlson, Mr. Young said the original request was either C-1 or C-N. The new request is for R-6.

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PUBLIC HEARING

CASE NO. 2_YR_Rule_Waiver_Old Henry Rd.

01:17:09 In response to a question from Commissioner Lewis, Mr. Young confirmed that the R-6 setback from Old Henry Road is further than it would be for Commercial zoning (residential zoning requires a 50-foot parkway buffer.)

The following spoke in opposition to this request:

Gary Stephan, 15004 Sycamore Falls Drive, Louisville, KY 40245

John Fenton, 14015 Tradition Drive, Louisville, KY 40245

Summary of testimony of those in opposition:

01:18:29 Gary Stephan, speaking on behalf of the homeowner's association of The Falls of Old Henry, said the homeowners are opposed to the development of anything other than single-family residential. He said neither apartments nor commercial development belong on a scenic byway. He said his neighborhood has a 150-foot setback with dense trees between the homes and the road. He said the homeowners do not think this new proposal is a significant change from the previous proposals.

01:21:46 John Fenton said he agreed with Mr. Stephan that the essence of the project has not changed.

01:23:48 Commissioners' deliberation.

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

Waiver of Two-Year Rule

01:27:31 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Plan 2040 Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the new application differs significantly from the original application, specifically that the applicant is proposing a different land use by removing the previously-proposed Commercial element; and that the Planning Commission finds other differences that constitute a significant change from the original application; now, therefore be it

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PUBLIC HEARING

CASE NO. 2_YR_Rule_Waiver_Old Henry Rd.

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of the two-year rule for property located at 14015 Old Henry Road.

The vote was as follows:

YES: Commissioners Daniels, Mims, Brown, Howard, Peterson, Clare, Sistrunk, Carlson, and Lewis.

NOT PRESENT: Commissioner Seitz.

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PUBLIC HEARING

CASE NO. 20-CAT3-0017

Request: Category 3 Development Plan with review of EZ-1 industrial uses adjacent to residential properties, approval of outdoor amenity area design, and a waiver
Project Name: Whayne Supply/Boyd Property
Location: 1400 Cecil Ave
Owner/Applicant: Whayne Supply Company
Jurisdiction: Louisville Metro
Council District: 1 - Jessica Green
Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

01:28:40 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:37:29 In response to a question from Commissioner Lewis, Mr. Lockett pointed out existing building versus proposed building, and discussed uses in the proposed zoning district.

01:38:35 In response to a question from Commissioner Carlson, Mr. Lockett discussed mitigation measures and other issues related to the waiver request and buffer issues. In response to another question from Commissioner Carlson, Mr. Lockett also described uses permitted in the M-2 zoning category.

01:41:38 In response to a question from Commissioner Howard, Mr. Lockett said that any hazardous materials stored more than 200 feet away from residential properties would be allowed by right in this zoning category. Laura Ferguson, Assistant County Attorney, clarified some issues regarding uses and the requested waiver.

01:42:57 In response to a question from Commissioner Peterson, Julia Williams, Planning Supervisor, said that no building which may encroach into the 200-foot zone would be allowed to store M-2 substances in it (see recording for detailed discussion.)

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PUBLIC HEARING

CASE NO. 20-CAT3-0017

01:44:46 Commissioner Clare asked if there were special buffer/setback requirements for any building next to the elementary school. Mr. Lockett said no, because the EZ-1 category only anticipates adjacent to residential uses **not** zoned EZ-1. The school was built at least 10 years ago as a replacement school.

01:46:18 In response to a question from Commissioner Mims, Mr. Lockett discussed more details about the waiver request. In response to a question from Commissioner Howard, Mr Lockett said the school property is zoned EZ-1.

The following spoke in support of the request:

Kent Gootee, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40219

Greg Oakley, 10451 Plantside Drive, Louisville, KY 40299

Lee Astin

Monty Boyd, 14403 Champion Place, Louisville, KY 40215

Brian Cameron

Summary of testimony those in support:

01:48:19 Kent Gootee, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:03:38 In response to a question from Commissioner Howard, Greg Oakley, the developer, said the majority of the site will be redeveloped for distribution with the current operator still there. Monty Boyd, the owner, discussed the buildings on the site plan which his business currently occupies. He discussed plans for future tenants and businesses here. Mr. Boyd said the Caterpillar storage will still be on-site.

02:08:10 Commissioner Carlson asked how the Commission can be sure that there will be no M-2 uses within the buffer zone near the residential area, or the school. Joe Reverman, Assistant Director of Planning & Design Services, said the applicant has been notified about M-1, M-2 and M-3 uses and the process needed to get permission for those uses. Laura Ferguson, Assistant County Attorney, also discussed the process and procedures outlined in the Land Development Code (see recording for full discussion.)

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CASE NO. 20-CAT3-0017

02:22:14 In response to a question from Commissioner Carlson, Mr. Lockett discussed the purpose of the transition zones.

02:24:12 Commissioner Mims suggested a Condition of Approval that addresses the portion of the building adjacent to the school.

02:25:57 Commissioner Daniels said she still is concerned that Whyne Supply will not be the occupants of the buildings. Mr. Oakley said there will be covenants controlling the outside maintenance of the property and also lease covenants which control what goes inside the building/s. Mr. Boyd added that Whyne Supply will still continue to occupy the property as it is their main location.

02:28:06 In response to a question from Commissioner Clare, Mr. Gootee addressed what the applicant will be doing about the portion of the Louisville Loop which will go along Southwestern Parkway for about 100 feet at this point.

The following spoke in opposition to the request:
No one spoke.

02:31:43 Mr. Gootee made closing statements (see recording.)

02:33:37 In response to a question from Commissioner Brown, Mr. Gootee said the median on Cecil Avenue will not extend into the public right-of-way. He also discussed an access that will remain gated.

02:35:08 Commissioners' deliberation.

02:43:46 Mr. Lockett read a proposed Condition of Approval into the record, as follows:

Only uses permitted within the C-2 or M-1 zoning districts shall be permitted within 200 feet of any residential property not zoned EZ-1. All other uses shall require explicit approval from the Planning Commission, in accordance with LDC Chapter 2.6.1.

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PUBLIC HEARING

CASE NO. 20-CAT3-0017

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.

Waiver (21-WAIVER-0005) of Land Development Code section 5.5.4.B.1 and 10.2.4 to allow existing structures to encroach into the required 50-foot property perimeter landscape buffer area.

02:46:53 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the staff report and the testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the structure that is to remain is an existing encroachment that predates this section of the Land Development Code. The applicant will remove significant pavement within the buffer area and add new screening and buffering; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of the Comprehensive Plan. The Comprehensive Plan requires that adequate screening and buffering are provided between incompatible uses. The applicant will remove significant pavement within the buffer area and add the required new screening and buffering adjacent to the residential properties; 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 all other existing encroachments will be removed and new landscaping and screening will be provided; and

WHEREAS, the Commission further finds that the strict application would deprive the applicant of the reasonable use of the land, as the structure to remain is an existing AT&T utility structure. The applicant has agreed to remove other encroachments in the buffer area; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver (21-WAIVER-0005) of Land Development Code section 5.5.4.B.1 and 10.2.4 to allow existing structures to encroach into the required 50-foot property perimeter landscape buffer area.

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PUBLIC HEARING

CASE NO. 20-CAT3-0017

The vote was as follows:

YES: Commissioners Sistrunk, Clare, Howard, Mims, Carlson, Daniels, Brown, Peterson, and Lewis.

NOT PRESENT: Commissioner Seitz.

Category 3 Development Plan and the Outdoor Amenity Areas

02:47:52 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the staff report and the testimony heard today, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Category 3 Development Plan and the Review of 200-foot setback adjacent to residential properties not zoned EZ-1, SUBJECT to the following Condition of Approval:

Only uses permitted within the C-2 or M-1 zoning districts shall be permitted within 200 feet of any residential property not zoned EZ-1. All other uses shall require explicit approval from the Planning Commission, in accordance with LDC Chapter 2.6.1.

The vote was as follows:

YES: Commissioners Peterson, Daniels, Carlson, Mims, Howard, Clare, Sistrunk, Brown, and Lewis.

NOT PRESENT: Commissioner Seitz.

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PUBLIC HEARING

Case No. 21-DDP-0046

Request: Text amendment to the Tyler Town Center Planned Development District to remove or alter Car Wash as an allowed use

Project Name: Tyler Town Center Car Wash Text Amendment

Location: Various Addresses - Tyler Town Center Planned Development District

Owner/Applicant: Louisville Metro

Jurisdiction: Louisville Metro

Council District: 20 - Stuart Benson

Case Manager: Jay Lockett, AICP, Planner I

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

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

Agency Testimony:

02:49:33 Jay Lockett presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

The following spoke in support of the request:

Councilperson Stuart Benson, 601 West Jefferson Street, Louisville, KY 40202

Jacqueline Mitchell, Grenden Fields, 4102 Berenger Field Drive Louisville, KY 40299

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

Summary of testimony of those in support:

02:55:27 Councilperson Stuart Benson discussed why the Metro Council proposed this request (see recording for detailed discussion.) He noted that car washes were a blocked use for a reason.

01:01:34 Jacqueline Mitchell said the neighborhood has deteriorated already, and should be protected from additional degradation. She said an industrial-sized, 24-hour

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Case No. 21-DDP-0046

car wash in the neighborhood is “a nightmare”. She said traffic is already dangerous and is concerned about further damage to the road. She said she already has very low water pressure, and the area already has water pressure and drainage problems. Commissioner Lewis said there are no plans for a car wash before the Commission. Ms. Mitchell said there is one proposed.

03:07:26 Steve Porter said he represents the Tucker Station Neighborhood Association; this property falls within the boundaries of this area. He said TSNA supports this proposed change. He said that not mentioning car washes specifically was an oversight; this change would protect the residents.

The following spoke neither for nor against the request (“Other”):

J.R. Bedel, 11703 Tur____ Drive, 40291

Summary of testimony of those neither for nor against:

03:08:47 J.R. Bedel said she wasn’t sure what the amendment/proposal was but wanted to learn more at today’s hearing. She said she supports the change. She said she wants to make sure that automotive car washes are not permitted in this area.

The following spoke in opposition to the request:

Nick Pregliasco, Bardenwerper Talbott & Roberts, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Danny Taylor, 4512 Portis Court, Louisville, KY

Houston Cockrell, 8509 Westport Road, Louisville, KY 40242

Summary of testimony of those in opposition:

03:11:01 Nick Pregliasco spoke in opposition and showed a Power Point presentation (see recording for detailed presentation.) He said there is no objection to the first part (the classification of “car wash”) but does object to the second part (to essentially downzone and change what four properties can be used for.)

03:26:20 Danny Taylor, Chairman for Portland Christian School, spoke in opposition. He discussed these properties which are owned by the school. He said they have tried to sell these properties to the condo owners and to Goodwill, but there have been no takers. He discussed how Portland Christian School has tried to be a good neighbor.

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03:30:08 Houston Cockrell said he was Chairman of Portland Christian School at the time these four properties were acquired, and discussed the time, effort and money he and others had put towards the original plan. He also discussed how the school has been a good neighbor and cares about the neighborhood.

03:34:59 Councilperson Benson said that the concern is where the residents live. He said the Metro Council wants to protect the residents on the other side of the road. He said the Metro Council put forward this resolution 14 months ago, and there was no opposition then.

03:38:25 Laura Ferguson, Assistant County Attorney, reviewed the actions needed from the Planning Commission. Mr. Pregliasco addressed property rights and Category 2-B permitted uses (see recording for detailed discussion.)

Rebuttal/Discussion:

03:40:13 Mr. Luckett noted that this case is a proposed reduction in intensity, which would make it a minor amendment, which would make this a Planning Commission decision. He said notice was sent to all property owners within the PD as well as first-tier/adjacent property owners and the Council District. He noted that he is not an “applicant” in the usual sense because this resolution came from Metro Council. Joe Reverman, Assistant Director of Planning & Design Services, said Planning & Design Services is confident that this is a minor amendment, based on the PD regulations and the Land Development Code. In response to a question from Commissioner Lewis, Mr. Reverman said that an application had been made about two months ago for a car wash on this site, but that Planning & Design Services staff had immediately advised the applicant that there is this outstanding resolution to not permit car washes on this site and offered the applicant a refund if they did not want to pursue the application. No proposal regarding this has gone to any Committee level.

03:43:58 In response to a question from Commissioner Peterson, Mr. Reverman said that the resolution from Metro Council was adopted in March 2020. The application for this car wash was received in 2021.

03:45:29 In response to a question from Commissioner Mims, Mr. Luckett discussed Case No. 20-INTERP-0001, heard at the February 5, 2020 DRC meeting, regarding what Limited Use 2 entails (see recording for detailed discussion.)

03:48:13 In response to a question from Commissioner Howard, Mr. Luckett said it is his understanding that the boundaries of the PD as shown on today’s map are as

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Case No. 21-DDP-0046

adopted (see recording for map.) This would include the south side of Taylorsville Road.

03:49:37 In response to a question from Commissioner Brown, Mr. Reverman said that, during the initial process, a property owner can ask to be excluded from a PD. After that, a property owner can request a rezoning if desired. He emphasized that no property owner was forced to rezone to PD, and they could have opted out if they wanted to. Mr. Luckett added that rules for altering or changing the PD are stated in the Land Development Code.

03:53:00 In response to a question from Commissioner Carlson, Mr. Luckett said that car washes are not mentioned in the PD in any way. That use was neither permitted nor prohibited. There was a detailed discussion with the Commissioners, staff, and Ms. Ferguson regarding minor amendment/s, zoning classifications, action/s to be taken today, and whether or not this is considered a minor amendment. See recording for detailed discussion.

04:04:39 Commissioners' deliberation.

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

Review of Text Amendment Proposals relating to Car Wash as an allowed use.

04:18:30 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, The Louisville Metro Planning Commission does hereby **APPROVE** the revision to Land Use Category #1 to expressly **exclude** car washes, and amend Land Use Category 2 to expressly **include** car washes as permitted uses.

The text changes are as follows:

The following changes are proposed to PD section 3.1.2.B limited Use Categories and Standards:

PLANNING COMMISSION MINUTES
May 6, 2021

PUBLIC HEARING

Case No. 21-DDP-0046

Limited Use Category 1 (LU1) - contains all uses within CU1 with the addition of more auto-oriented uses, typically these uses are indirectly related to the automobile (such as uses with drive-through and drive-in related facilities). Automobile and truck sales and rental facilities, **and car washes are prohibited**. This limited use category is only permitted on lots adjacent to Taylorsville Road.

The vote was as follows:

YES: Commissioners Daniels, Carlson, Mims, Howard, Clare, Sistrunk, Peterson, Brown, and Lewis.

NOT PRESENT: Commissioner Seitz.

04:20:52 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution, based on the staff report and evidence and testimony heard today, was adopted:

RESOLVED, The Louisville Metro Planning Commission does hereby **take no action** to eliminate the Limited Use Category 2 from area 2C, so that the map and the land uses will remain as they are as presented today.

The vote was as follows:

YES: Commissioners Daniels, Mims, Howard, Clare, Sistrunk, Peterson, Brown, and Lewis.

NO: Commissioner Carlson.

NOT PRESENT: Commissioner Seitz.

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PUBLIC HEARING

Case No. 20-TNZD-0001

NOTE: Commissioner Brown left the hearing at approximately 5:23 p.m. and did not vote on this case.

Request: TNZD Map Amendment from General Neighborhood, Single or Two-Family to General Neighborhood, Multi-Family
Project Name: TNZD Map Amendment
Location: 1801 & 1803 S 3rd Street
Owner: Mansard LLC
Applicant: Mansard LLC
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 6 - David James
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:

04:23:25 Julia Williams, Planning Supervisor, said the applicant wishes to continue this case to the May 20, 2021 Planning Commission public hearing.

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.

04:25:16 On a motion by Commissioner Daniels, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **May 20, 2021** Planning Commission public hearing.

The vote was as follows:

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PUBLIC HEARING

Case No. 20-TNZD-0001

YES: Commissioners Clare, Sistrunk, Howard, Mims, Carlson, Peterson, Daniels, and Lewis.

NOT PRESENT: Commissioners Seitz and Brown.

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ADJOURNMENT

The meeting adjourned at approximately 5:26 p.m.

Chairman

Division Director