

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Special Night Hearing
June 7, 2021**

A meeting of the Louisville Metro Planning Commission was held on June 7, 2021 at 6:00 p.m. via Cisco Webex Video Teleconferencing and in person at the Jeffersonian, 10617 Taylorsville Road, Louisville, KY 40299.

Commission members present:

Marilyn Lewis, Chair
Lula Howard
Jeff Brown
Pat Seitz
Jim Mims
Rich Carlson
Rob Peterson
Te'Andre Sistrunk
Patricia Clare

Commission members absent:

Ruth Daniels

Staff Members present:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Julia Williams, Planning Supervisor
Joel Dock, Planner II
Beth Stuber, Engineering Supervisor
Tony Kelly, MSD
Laura Ferguson, Legal Counsel

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the minutes of the May 19, 2021 Development Review Committee meeting.

00:04:58 On a motion by Commissioner Clare, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the meeting of the May 19, 2021 Development Review Committee meeting.

The vote was as follows:

YES: Commissioners Mims and Clare.

ABSTAIN: Commissioners Peterson, Howard, Sistrunk, Brown, Seitz, Lewis, and Carlson.

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PUBLIC HEARING

CASE NO. 20-ZONE-0090

Request: Change in zoning from R-4 to R-7 with detailed district development plan
Project Name: LDG Hikes Lane Apartments
Location: 3042 Hikes Lane
Owner: Roman Catholic Bishop of Louisville
Applicant: LDG Development, LLC
Representative: Dinsmore & Shohl, LLP - Cliff Ashburner
Jurisdiction: Louisville Metro
Council District: 26 - Brent Ackerson
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:

00:07:06 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:14:53 Commissioner Mims asked if the traffic study included an analysis of the Hikes Point/Breckinridge Lane intersection. Beth Stuber, with Metro Transportation Planning, discussed the study. She said there is no traffic signal proposed for this intersection. Mr. Dock said there is a signalized crosswalk on Hikes Lane in front of the subject site. He said ultimately it will be up to Metro Public Works, after Hikes Lane improvements are done, to figure out precisely what will be required at this intersection and whether this crosswalk will be kept or not.

00:18:22 Commissioner Lewis asked why the traffic study was done, if it was not required. Ms. Stuber said a larger proposal last year mandated a traffic study; this proposal is for a lower number of units, so the study presented today was re-worked to reflect that.

00:19:28 In response to a question from Commissioner Lewis, Mr. Dock said the maximum height is 45 feet in this district.

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00:20:02 In response to a question from Commissioner Carlson, Commissioner Brown discussed the warrants for a pedestrian signal.

00:22:05 In response to a question from Commissioner Clare, Mr. Dock said preliminary approval has been received from MSD. There is a portion of a protected waterway that comes into the southwest corner; it will be protected by a 100-foot buffer around it and no disturbance is occurring in that area.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore & Shohl, 101 S 5th St #2500, Louisville, KY 40202

Michael Gross, LDG

John Campbell, Heritage Engineering, 642 South Fourth Street, Louisville, KY 40202

Diane Zimmerman, traffic engineer, 12803 High Meadows Pike, Louisville, KY 40059

Frank Hulsman, 2816 Winter Haven Road, Louisville, KY 40220

Summary of testimony of those in favor:

00:23:24 Cliff Ashburner, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He noted that the height of the proposed building as measured per the Land Development Code is 41 feet 6 inches.

00:36:27 John Campbell discussed more details about the proposed development plan.

00:44:27 Mr. Ashburner resumed the presentation.

00:46:43 Mr. Campbell discussed an additional screening element that had been brought up at LD&T (how to buffer surrounding properties from parking areas.)

00:50:17 Mr. Ashburner resumed the presentation.

00:50:53 Diane Zimmerman, traffic engineer, explained the traffic study.

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00:54:28 Mr. Ashburner concluded the presentation.

01:01:08 In response to a question from Commissioner Mims, Mr. Ashburner and Beth Stuber, with Metro Transportation Planning, discussed connectivity with an adjacent apartment complex (St. Michaels); Mr. Campbell discussed sustainability and/or green infrastructure in the detention basin. Mr. Ashburner said there are currently no affordable units being proposed; the units will be market rate only.

01:07:29 In response to a question from Commissioner Peterson, Mr. Ashburner said the roofs are gable roofs.

01:08:17 In response to a question from Commissioner Clare, Mr. Ashburner said the perimeter is landscaping only, with no fencing planned.

01:09:18 In response to a question from Commissioner Carlson, Mr. Campbell said that existing vegetation, new landscaping, and the change in grade should buffer neighbors from vehicle lights in the parking area.

01:12:05 In response to a question from Commissioner Carlson, Mr. Ashburner discussed karst terrain, State regulations regarding blasting, and pre-blast surveys.

01:13:48 In response to a question from Commissioner Howard. Mr. Ashburner said there will not be elevators, but all units on the first floor will be fully accessible for residents who cannot use stairs. All units will exceed Kentucky's requirements under the Fair Housing Act in order to provide accessibility, including the size and design of bathrooms, the height and location of outlets and light switches, the width of hallways, and added backing for handrails in the showers.

01:16:40 Frank Hulsman said he is a neighbor of the subject site and is also a member of the parish that is selling the property. He showed a Power Point presentation illustrating his support (see recording for detailed presentation.) He noted that the Hikes Lane Cemetery is not adjacent to this property and will not be affected by this proposal.

01:27:17 Laura Ferguson, Assistant County Attorney, said she had some information concerning Commissioner Carlson's questions about State blasting regulations (see recording for detailed discussion.) Mr. Ashburner provided a letter from the applicant's blasting contractor (see recording.)

01:34:57 In response to a question from Commissioner Seitz, Mr. Ashburner said there would be no basement apartments; any excavation would be for utilities that are

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typically found in basements. Mr. Dock discussed the karst survey and procedures for determining if the construction methods were appropriate for development atop a karst feature. Land Development Code Chapter 4 Part 9 covers disturbance of any karst features.

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

01:39:45 – after some discussion and questions, it was determined that speakers who had initially signed up as “Other” were actually in opposition. These speakers were moved from the “Other” category in the minutes to the “Opposition” category in the minutes.

The following spoke in opposition to this request:

Randy Strobo, Strobo Barkley PLLC, 239 S 5th St #917, Louisville, KY 40202

Father Lucas Rice, 8909 Selma Lane, Louisville, KY 40220

Michael Harris, 1701 Ashfield Lane, Louisville, KY 40220

Stephen Jacobs, 3705 St. Michael Church Drive, Louisville, KY 40220

Susan Milliner, 3214 Furman Boulevard, Louisville, KY 40220

John Azzara, 3611 Deibel Way, Louisville, KY 40220

Arlene Toon (was called but had left the meeting)

Olga Atty, 3012 Hikes Lane, Louisville, KY 40220

Claudia Schindler, 3919 Layside Drive, Louisville, KY 40220

Tony and Denise Gieger

Nicholas Bryzowski (sp), 3012 Hikes Lane, Louisville, KY 40220

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Summary of testimony of those in opposition:

01:39:45 Randy Strobo, representing St. Michael Orthodox Church, said St. Michael's is not opposed to R-7 zoning, but they are opposed to the height of the proposed structures. They feel that two stories are more appropriate for the neighborhood and the surrounding properties. He discussed concerns about blasting, and the traffic study. He said residents have expressed concerns about the proposed buffering, fencing, and connectivity between the church property and the subject site. He requested that a binding element be added, as submitted in his letter of June 4, 2021, regarding blasting. He also noted that he had not received the traffic study until 4:40 p.m. today and had no chance to review it.

01:48:55 Mr. Strobo and Ms. Zimmerman discussed the traffic study she submitted (see recording for detailed discussion.)

01:57:21 Commission recessed.

01:57:37 Commission resumed.

01:57:50 Mr. Strobo resumed questioning Ms. Zimmerman (see recording for full discussion.)

02:03:15 Father Lucas Rice, the pastor of St. Michael's, emphasized that the church has no opposition to housing or housing developments, and will welcome any one as a neighbor. However, the primary objections are to the density and the number of stories. He said all of his parishioners also feel that the three-story proposal is too tall and dense.

02:07:49 Michael Harris, a member of St. Michael's, said the proposal is not consistent or compatible with the surrounding area. He said he does not support a road connection to the property or pedestrian traffic that is not related to the church facilities or activities. He expressed concerns about increased traffic and asked for a postponement to allow opposition to review the traffic study, which was received two hours prior to today's meeting. The church has requested fencing to alleviate pedestrian traffic but has had no response from the applicant. He expressed particular concern about possible effects of blasting, hoe-ramming or other rock removal on the sacred artwork within the church or the church buildings. He noted that the east side of the campus is not used for parking; it contains the chapel, senior housing, and housing for people with developmental disabilities. There are concerns with the buffering, landscaping, and transition from the project to this side of their property.

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02:15:07 Stephen Jacobs expressed concern for the senior housing and developmentally disabled residents. He also discussed rising crime rates and vagrancy in the area, and emphasized that St. Michael's does not want more pedestrian access from neighboring housing and developments. Parking is at a premium in the area and does not want parking overflow in the church campus. Roads and traffic are already dangerous in the area.

02:24:50 Susan Milliner addressed the traffic study, which she said was done during the pandemic and did not reflect traffic on Furman Boulevard accurately. She asked if the proposed development "had a budget for upkeep" in the future. She also asked how many of the apartments would be "voucher pay", Section 8, etc. and expressed concern about her property values going down.

02:28:04 John Azzara said the density is too high; there are not enough "activities" in the activity center; residents already can't find parking space at the nearby Kroger; already too much traffic on Hikes Lane; and asked if the existing buildings be reused. He asked if the site is in a floodplain and if there are sinkholes on the property. He said this area has had sewer and drainage problems for over 20 years. He said the proposed fiber cement housing does not match the brick homes in the neighborhood. He asked if there will be a traffic light to help with traffic from this development as well as St. Michaels. He said there are "major infrastructure questions."

02:35:09 Olga Atty said that though the developers claim to provide affordable housing, they are a for-profit company. She said her primary concern is the developer and read a news articles about another LDG development in Indianapolis which went into foreclosure and faced lawsuits. Laura Ferguson said the Planning Commission today is determining the land use only. Ms. Atty said she is opposed to the development because there are already plenty of apartments in Hikes Point, and traffic is an issue.

02:40:39 Claudia Schindler said she does not think the proposal meets the LDC Plan 2040 standards for scale, height, and massing as well as the relationship of the development to nearby buildings, the community, the street, and the site. She discussed the probability of cut-through traffic to avoid Hikes and Breckenridge Lane to get to the highway. She read the numbers about how many renters versus homeowners in the area within 5 miles of the site.

02:47:42 Nicholas Bryzowski (sp) said the high density is inappropriate; also, he does not think that the traffic study is accurate. He said that if LDG sells this property to another developer, the new developer could build a larger structure with even more units in it.

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02:51:22 In response to a question from Commissioner Lewis, Beth Stuber, with Metro Transportation Planning, and Ms. Zimmerman compared the traffic difference between the previous use of this site (an elementary school and church) versus the proposed apartment development.

Rebuttal:

02:54:47 Mr. Ashburner delivered rebuttal (see recording for detailed presentation.)

03:02:43 Commissioner Brown asked when the traffic count occurred for Ms. Zimmerman's traffic study. Ms. Zimmerman said that a traffic count was not made, because this process started in July 2020 during the pandemic. She said traffic counts for Furman were used from Metro Traffic Engineering, dated July 2010. The Kentucky Transportation Cabinet did traffic counts on Hikes Lane in January 2020. See recording for detailed discussion.

03:03:38 The Commissioners, Ms. Ferguson, and Mr. Dock discussed a binding element regarding a pre-blast and post-blast survey. The binding element would be a requirement for the applicant to offer it, not a requirement for individuals to have it done. See recording for detailed discussion.

03:14:30 Mr. Ashburner said the applicant would agree to abide by the letter they showed this evening (from Sauls Seismic, on file.)

03:16:39 Mr. Dock read the following proposed binding element into the record, as follows:

All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur, and be offered pre- and post-blast surveys. Any blast surveys shall be done in a manner consistent with Kentucky blasting regulations.

See recording for detailed discussion.

03:20:03 Commissioner Carlson suggested that if, in the future, another plan were to be proposed for this site with a greater number of units, it could be reviewed by the full Planning Commission to be reviewed for density.

03:22:51 Commission recessed.

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03:23:13 Commission resumed.

03:23:13 In response to a question from Commissioner Lewis, Ms. Ferguson recommended going with a more general binding element language, rather than the letter submitted by the applicant.

03:26:29 Commissioners' Deliberation

During the deliberation, the binding element regarding blast surveys was discussed. Mr. Dock read into the record a revised proposed binding element that did not include a post-blast survey.

03:46:25 Before the motions were made, Mr. Dock read the proposed binding element into the record as follows:

The density shall not exceed 29.1 dwelling units per acre, unless approved by the Planning Commission at a full 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.

Change-in-Zoning from R-4, single-family to R-7, multi-family residential

03:47:41 On a motion by Commissioner Brown, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Land Use & Development Goal 1: Community Form because the proposed district is located along an arterial roadway with TARC service having connectivity to 2 nearby major transportation corridors and activity centers where demand and adequate infrastructure exists or is planned; and because the proposed district is in an area that maintains higher intensities and densities along the frontage of the corridor with lower densities to the rear; thus, providing an appropriate transition between uses. The development plan is in full compliance with the Land Development Code; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Form because a former private institution will be placed into a district providing housing choice at an appropriate location; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Community Form because the development site is previously developed and does not contain environmental features. MSD preliminary approval to prevent environmental degradation with respect to drainage has been received; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 4: Community Form because the site does not contain distinctive cultural or natural features. However, structures on site appear to be over 50 years old which requires a 30-day demolition hold and review by Historic Preservation; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Mobility because the proposed higher intensity use is located along a transit corridor within proximity to activity centers providing a wide variety of 1st and 2nd order goods and services. The site is located on an efficient public transportation system as route #23 on Hikes Lane connects to Bardstown Road and Taylorsville Road, each having their own transit routes into and away from the central business district and to employment areas throughout the Metropolitan area; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Mobility because the proposed district is located along an arterial roadway having mixed intensities and densities and would not create a significant nuisance with respect to accessing the site. The frontage roadway is intended to serve high volumes of vehicular traffic; and

WHEREAS the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Mobility because The subject property is easily accessible by bicycle, car, transit, pedestrians and people with disabilities as public sidewalks and transit service are available and connectivity from the site to activity centers is readily available; and the roadway fronting the development site is intended to serve high volumes of vehicular traffic, public sidewalk is available, and transit service is accessible. The development is appropriately located to take advantage of the existing transportation network; and because all improvements to the right-of-way and/or dedication will be made as required, if any; and because the roadway fronting the development site is intended to serve high volumes of vehicular traffic, public sidewalk is available, and transit service is accessible. The development is appropriately located

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to take advantage of the existing transportation network. All improvements to the right-of-way and/or dedication will be made as required, if any. Roadway improvements are planned to Hikes Lane and are currently in process; and because all improvements to the right-of-way and/or dedication will be made as required, if any. Roadway improvements are planned to Hikes Lane and are currently in process; and because no direct access to high speed roadways is provided for individual units. Two points of access to Hikes Lane are provided as required; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Facilities because the site will be served by existing utilities or capable of being served by public or private utility extensions; the development will have an adequate supply of potable water and water for fire-fighting purposes; and because MSD preliminary approval has been received to protect public health and to protect water quality in lakes and stream; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Livability because the site does not appear to contain unique landscape characteristics and is previously developed. Tree canopy lost will be replaced as required by the Land Development Code; and because A survey of karst features was performed and identified karst features on site which have been shown on the development plan. Disturbance of these features are subject to the requirements of the Land Development Code; and because construction measures and appropriate mitigation have been provided as indicated in the report contained in the Planning Commission record; and because the site is on a previously developed site and is largely outside of the floodplain, except a small portion in the southwest corner. MSD has reviewed the project and given preliminary approval for development. Construction plans will be reviewed by MSD prior to site disturbance; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Housing because the proposed district provides for appropriately located high density development between major transit corridors in the Neighborhood form district. The district remains consistent with the pattern of the corridor in provisioning for alternative forms of housing transitioning from higher density to lower density moving away from the corridor; and because the proposed district and location support aging in place as distance and transit connectivity to nearby services and amenities reduce travel time to essential services; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Housing because the proposal continues the existing pattern of mixed-intensity and density along the corridor that is connected to the neighborhood and nearby centers. Housing choice permitted by the district allow for

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multi-generational and mixed-income living within neighborhoods at appropriate locations; and because the subject site and proposed district provide safe and convenient access to employment opportunities and amenities as distance and transit connectivity to nearby services and amenities reduce travel time to essential services, employment, and amenities in the area and throughout Louisville Metro. The proposed higher intensity use is located along a transit corridor within proximity to activity centers providing a wide variety of 1st and 2nd order goods and services. The site is located on an efficient public transportation system as route #23 on Hikes Lane connects to Bardstown Road and Taylorsville Road, each having their own transit routes into and away from the central business district and to employment areas throughout the Metropolitan area; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Housing because the proposed district encourages the provisioning of fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling the provision of affordable housing in dispersed locations throughout Louisville Metro. Housing choice permitted by the district allows for multi-generational and mixed income living within neighborhoods at appropriate locations, and distance and transit connectivity to nearby services and amenities reduce travel time to essential services; and because the proposed district allows for an increase in residential occupancy at an appropriate location where a former private institution was present; and because the proposed zoning district allows for a variety of styles and methods which increase choice and opportunity for fair and affordable housing to be provisioned; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby recommend to the Louisville Metro Council that the proposed change-in-Zoning from R-4, single-family to R-7, multi-family residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

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

NOT PRESENT: Commissioner Daniels.

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Detailed District Development Plan

03:48:43 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that 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 conserved. The development site is previously developed and contain environmental features. MSD preliminary approval to prevent environmental degradation with respect to drainage has been received. A survey of karst features was performed and identified karst features on site which have been shown on the development plan. Disturbance of these features are subject to the requirements of the Land Development Code. Construction measures and appropriate mitigation have bene provided as indicated in the report contained in the Planning Commission record; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as subject site is in an area that maintains higher intensities and densities along the frontage of the corridor with lower densities to the rear; thus, providing an appropriate transition between uses. The development plan is in full compliance with the Land Development Code. Further, the proposal is located along a transit corridor within proximity to activity centers providing a wide variety of 1st and 2nd order goods and services. The site is located on an efficient public transportation system as route #23 on Hikes Lane connects to Bardstown Road and Taylorsville Road, each having their own transit routes into and away from the central business district and to employment areas throughout the Metropolitan area; and

WHEREAS, the Commission further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided as recreational opens space is being provided as required by the Land Development Code, and provides functional open space for future occupants of the development; 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

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WHEREAS, the Commission further finds that the proposal is compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the proposal is in an area that maintains higher intensities and densities along the frontage of the corridor with lower densities to the rear; thus, the proposal provides an appropriate transition between uses. The development plan is in full compliance with the Land Development Code; and

WHEREAS, the Commission further finds that the proposed development plan conforms to Plan 2040 and is in full compliance with the Land Development Code. The proposed land use provisioned by the development provides for appropriately located high density development between major transit corridors in the Neighborhood form district. The proposal remains consistent with the pattern of the corridor in provisioning for alternative forms of housing transitioning from higher density to lower density moving away from the corridor. The subject primary road serving the development provides safe and convenient access to employment opportunities and amenities as distance and transit connectivity to nearby services and amenities reduce travel time to essential services, employment, and amenities in the area and throughout Louisville Metro; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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. Before any permit (including but not limited to building, parking lot, change of use, sitedisturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.

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- 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 7, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission
3. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. The owner(s), applicant(s), and/or developer(s) shall coordinate with TARC to provide improvements to the TARC stop located along the subject site's frontage on Hikes lane. The applicant shall install a 9'x3' concrete pad at the rear of the public sidewalk and current bus stops as shown on the approved development plan.
7. Prior to requesting a permit for demolition or ground disturbance on the subject site, an Individual Historic Resource Survey Form (available from the Kentucky Heritage council, the State Preservation Office) which includes photographs of

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all elevations and significant architectural features shall be provided to Planning and Design Services' Urban Design/Historic Preservation staff.

8. In accordance with Land Development Code, section 4.9, the proposed treatment and construction method outlined in the geotechnical report approved by the Director of Planning and Design Services and on file with the Louisville Metro Planning Commission shall be followed, unless otherwise approved by the Director. The licensed geotechnical engineer shall be on the construction site to observe and verify that the correct treatment was applied during construction. The licensed geotechnical engineer shall submit a letter to Planning and Design Services stating that the approved treatment method was applied.
9. The density shall not exceed 29.1 dwelling units per acre, unless approved by the Planning Commission at a full public hearing.
10. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur, and be offered a pre-blast survey. Any blast surveys shall be done in a manner consistent with Kentucky blasting regulations.

The vote was as follows:

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

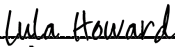
NO: Commissioner Seitz.

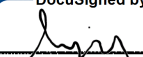
NOT PRESENT: Commissioner Daniels.

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ADJOURNMENT

The meeting adjourned at approximately 9:51 p.m.

DocuSigned by:

Chair 1B6F7FEAC7453...

DocuSigned by:

Planning Director 1140111