

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
January 7, 2021**

A meeting of the Louisville Metro Planning Commission was held on January 7, 2021 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the special Planning Commission meeting set for today was held online.

Commission members present:

Lula Howard, Acting Chair
Jeff Brown
Rich Carlson
Robert Peterson
Ruth Daniels
Jim Mims
Pat Seitz
Te'Andrea Sistrunk
Patricia Clare

Commission members absent:

Marilyn Lewis, Vice Chair

Staff Members present:

Emily Liu, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Joe Haberman, Planning and Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Joel Dock, Planner II
Laura Ferguson, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

Voting in Acting Chair

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

RESOLVED, that the Planning Commission does hereby **APPROVE** Commissioner Howard as Acting Chair for today's meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Mims, Peterson, Seitz and Sistrunk

NOT PRESENT FOR THIS CASE: Commissioner Lewis

ABSTAINING: Commissioner Howard

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APPROVAL OF MINUTES

DECEMBER 17, 2020 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on December 17, 2020 with the following revision: Commissioner Carlson did not make the motion or second for Case No. 20-ZONE-0079 as he was absent.

The vote was as follows:

YES: Commissioners Brown, Daniels, Mims, Peterson, Seitz, Sistrunk and Howard

NOT PRESENT FOR THIS CASE: Commissioner Lewis

ABSTAINING: Commissioners Carlson and Clare

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BUSINESS SESSION

CASE NO. 5200 Chathamwood Circle

Request: 5200 Chathamwood Circle Rezoning Application
Staff Case Manager: Julia Williams, Planning Supervisor

Agency Testimony:

00:12:06 Ms. Williams stated the request is to waive the 2-year rule for 5200 Chathamwood Circle. She discussed the changes for the new request.

The following spoke in favor of this request:

Kyle Galloway,
Chris Crumpton, 3703 Taylorsville Road, Louisville, Ky. 40220

Summary of testimony of those in favor:

00:23:40 Mr. Galloway stated they have substantially changed their plan but will discuss the concerns with his client.

00:25:31 Mr. Crumpton stated the revision or idea to provide townhomes came from Commissioner Mims. It should be a better fit for the neighborhood. It also allows use for the current access.

The following spoke in opposition to this request:

Deanna Allen Stinson, 10210 Charleswood Road, Louisville, Ky. 40229
Beverly Keating, 5200 Katewood Drive, Louisville, Ky. 40229
Joe Keating, 5200 Katewood Drive, Louisville, Ky. 40229

Summary of testimony of those in opposition:

00:28:53 Ms. Stinson stated the traffic is horrible and being used as a cut-through. Also, she will be looking at the backside of the townhomes.

00:30:51 Mrs. Keating said she is in favor of the site remaining vacant.

00:31:53 Mr. Keating said they will be building on a flood plain. The retaining ponds overflow currently.

Rebuttal

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CASE NO. 5200 Chathamwood Circle

00:38:39 Mr. Galloway said he understands the concerns and they will be researched. The proposal has been substantially changed.

Deliberation

00:40:30 Planning Commission deliberation.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **DENY** the request to waive the 2-year rule because it is not a significant change from 24 units to 15 units given the fact the site is only 1.92 acres, which is greatly affected by a flood plain. Also, the waivers have not been removed as originally presented, but only amended.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Peterson, Seitz and Howard

NO: Commissioners Brown, Mims and Sistrunk

NOT PRESENT AND NOT VOTING: Commissioner Lewis

ABSTAINING: Commissioner Clare

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BUSINESS SESSION
CASE NO. 20-ZONE-0020

Request: Change-in-Zoning from R-4, single-family residential to R-5, single-family; R-6, multi-family; and OR-1, office-residential with detailed district development plan and variances –
REQUEST NIGHT HEARING

Project Name: Hurstbourne Commons
Location: 8127 Watterson Trail
Owner: John A. Paddock
Applicant: RJ Thieneman
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 11 – Kevin Kramer
Case Manager: Joel P. Dock, AICP, Planner II
Presented By: Brian Davis, Planning and Design Manager

NOTE: COMMISSIONER SEITZ RECUSED HERSELF FROM THIS CASE

Agency Testimony:

00:51:36 Mr. Davis explained the Policy and Procedure meeting decisions concerning night hearings. The proposed venue will be the Jeffersonian.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:04:39 Mr. Ashburner thanks the staff and commissioners that served on the Policy and Procedures Committee. This plan has been in the process for a year or more. It's ready for a public hearing – February 22, 2021 is preferred.

The following spoke in opposition to this request:

James Jones, Inaudible
Tim Caudill, 1903 Green Leaf Drive, Louisville, Ky.
Councilwoman Cindi Fowler,

Summary of testimony of those in opposition:

01:09:34 Mr. Jones – Inaudible.

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CASE NO. 20-ZONE-0020

01:11:06 Mr. Caudill has 4 concerns for the next case.

01:18:46 Councilwoman Fowler stated there shouldn't be any night hearings during this pandemic.

01:30:59 Councilwoman Fowler stated the petitioners are not getting what they signed up for (virtual). That language needs to be clarified – night time, commissioners present and in their district. Mr. Reverman said the petition is handled by the citizens and does not obligate the Planning Commission. Mr. Davis noted that the petition does not take into account COVID-19.

Rebuttal

01:36:17 Mr. Ashburner said in both of these cases the petitions were submitted after the March 13, 2020 initial emergency order from the governor's office.

Deliberation

01:41:24 Planning Commission deliberation.

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

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution based on testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby set a night public hearing for February 22, 2021 at the Jeffersonian, 6:30 p.m.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Lewis

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BUSINESS SESSION
CASE NO. 20-ZONE-0034

Request: Change in form district from NFD to SMCFD, change in zoning from R-4 to C-1, with Detailed District Development Plan and Binding Elements – NIGHT HEARING REQUEST

Project Name: RaceTrac

Location: 11800 – 11908 E Orell Road, 11705 Dixie Highway

Owner: Herman and Karl Gohl, Catherine and Charles Grissett, Kathy Gibson

Applicant: RaceTrac Petroleum Inc.

Representative: Dinsmore & Shohl

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowler

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

Agency Testimony:

00:51:36 Mr. Davis explained the Policy and Procedure meeting decisions concerning night hearings.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:50:00 Mr. Ashburner thanks staff and the Policy and Procedures Committee for creating a hearing procedure that increases access, is mindful of safety and will provide a physical location in or near the council district.

Mr. Ashburner requests the February 15, 2021 night hearing date.

01:53:54 Commissioner Peterson said February 15th is a holiday (President's Day). Mr. Davis said it's not a metro holiday.

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
James Jones, Inaudible
Misty Pack, 6204 Winding Stream Drive, Louisville, Ky. 40272

Summary of testimony of those in opposition:

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CASE NO. 20-ZONE-0034

01:54:48 Mr. Porter stated night hearings should not be held during the pandemic.

Mr. Porter requests the March 1, 2021 night hearing. Also, binding elements have been submitted but will not be in the staff report.

01:59:13 Mr. Jones stated when the petition was submitted, everyone was under the impression the meeting would be held in person. It should not be considered or scheduled for a night hearing at this time.

02:02:30 Ms. Pack disagrees with in-person, hybrid and Webex meetings.

Rebuttal

02:07:07 Mr. Ashburner said there is no perfect solution and given the varied objections, there is no public hearing that would satisfy everyone who wants to participate in this case.

Mr. Ashburner requests February 15, 2021 date, but will accept March 1, 2021 as the night hearing date.

Deliberation

02:12:36 Planning Commission deliberation.

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

On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution based on the testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby schedule the night hearing for this case on March 1, 2021, 6:30 p.m. to be held at the Valley Hope Center, 10803 Deering Rd.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Lewis

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PUBLIC HEARING
CASE NO. 20-ZONE-0084

Request: Change in zoning from R-4 to C-1 with detailed plan and variance
Project Name: Bannon Woods Veterinary Hospital
Location: 11116 Dezern Avenue
Owner: Frederick and Gail Denzik; Adrienne Robertson
Applicant: Frederick and Gail Denzik; Adrienne Robertson
Representative: Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 13 – Mark Fox
Case Manager: Joel P. Dock, AICP, Planner II

NOTE: COMMISSIONERS DANIELS AND SISTRUNK LEFT AND DID NOT VOTE ON THIS CASE

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:

04:56:08 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in favor:

05:03:07 Mr. Ashburner gave a power point presentation. Pavement has already been added. The nearby residential property is also owned by Dr. Robertson. There will be buffering for the other residential homes. The goal is to create extra space to treat smaller animals.

Deliberation

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PUBLIC HEARING
CASE NO. 20-ZONE-0084

50:14:00 Planning Commission deliberation.

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

Zoning Change from R-4 to C-1

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed commercial district encroaches upon a residential area. However, the subject site is currently being operated as an equine clinic associated with a larger agricultural operation. The inclusion of the district at this location will provide all required buffers plus an additional zoning buffer between the proposed district and the nearest residentially used and zoned parcel; thus, minimizing potential adverse impacts. Future commercial use of the subject site, other than the use proposed, would require considerable improvements to Dezern Avenue that may make a change to any other commercial use disproportional to the required improvements and impractical; the subject site is currently being operated as an equine clinic associated with a larger agricultural operation. Limited commercial activity can be supported by a local population. Adequate infrastructure is available to support the proposed use but any future change to another commercial activity might be rendered impractical due to the considerable improvements that would be use; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposed commercial district would be most appropriate within the Village Center. However, the inclusion of the district at this location will provide all required buffers plus an additional zoning buffer between the proposed district and the nearest residentially used and zoned parcel; thus, minimizing potential adverse impacts; limited commercial activity can be supported by a local population; the subject site is currently being operated as an equine clinic associated with a larger agricultural operation; thus, encouraging a more compact development pattern; the proposed commercial district would be most appropriate within the Village Center, but the site is currently being used for veterinary operations on a portion of larger agricultural tract. For this reason, the district does not negatively impact neighborhood vitality or sense of place; the scale of the district is the minimum necessary to provide relief for the proposed user. The subject site is currently being operated as an equine clinic associated with a larger agricultural operation. The

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inclusion of the district at this location will provide all required buffers plus an additional zoning buffer between the proposed district and the nearest residentially used and zoned parcel; thus, minimizing potential adverse impacts; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access is generally appropriate for to support the current and limited expansion of commercial activity, but any future change to another commercial activity might be rendered impractical due to the considerable improvements that would be

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed district allows for the continued operation of a neighborhood serving use on an agricultural parcel; the proposed district allows for the continued operation of a neighborhood serving use on an agricultural parcel and supports nearby population. Expansion of commercial activities would not be appropriate at this location; any future change to another commercial activity might be rendered impractical due to the considerable improvements that would be required to Dezern Avenue. Future commercial expansion may be deemed to be inappropriate as a nuisance might be created. Public transit access is not available to the proposed location; all improvements necessary of the proposed use will be made. Gravel surfaces will be converted to asphalt or concrete to support the appropriate use of the property and accessibility for vehicles. Any future change to another commercial activity might be rendered impractical due to the considerable improvements that would be required to Dezern Avenue. Future commercial expansion may be deemed to be inappropriate as a nuisance might be created; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, traffic impacts will be limited by the current roadway conditions and restricted use. Expansion of the district beyond proposed limits would not be appropriate.

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

The vote was as follows:

YES: Commissioners Brown, Carlson, Mims, Peterson, Seitz and Howard
NOT PRESENT AND NOT VOTING: Commissioners Daniels, Sistrunk and Lewis
ABSTAINING: Commissioner Clare

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PUBLIC HEARING
CASE NO. 20-ZONE-0084

Variance from Land Development Code, section 5.3.1.C.5 to exceed the maximum setback of 95' as shown on the development plan for the proposed building addition

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

WHEREAS, the requested variance will not adversely affect public health, safety, or welfare as the proposed setback is consistent with the existing angle of the existing structure relative to the roadway. The required setback is a result of the proposed access easement boundary; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the subject site is located on an agricultural parcel beyond the local roadway; and

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

WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations as the proposed setback is consistent with the existing angle of the existing structure relative to the roadway; and

WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the roadway is existing and a private access easement is being proposed which requires the measurement of setback from the boundary of the easement; and

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

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the site has not been developed and relief is being sought.

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variance from the Land Development Code, section 5.3.1.C.5 to exceed the maximum setback of 95-feet as shown on the development plan for the proposed building addition.

The vote was as follows:

YES: Commissioners Brown, Carlson, Mims, Peterson, Seitz and Howard
NOT PRESENT AND NOT VOTING: Commissioners Daniels, Sistrunk and Lewis
ABSTAINING: Commissioner Clare

Detailed District Development Plan and Binding Elements

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

WHEREAS, the development plan does not significantly impact natural resources on the property and all required plantings and buffer will be provided and/or maintained; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as existing gravel surfaces serving the use will be converted to asphalt or concrete. The limited commercial operation minimizes negative impacts to the transportation or pedestrian network; and

WHEREAS, sufficient open space is provided as the site is located within a larger agricultural parcel; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the proposal is generally compatible within the scale and site design of nearby existing development as the proposal remains consistent with the existing structure on site; and

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WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040. Potential adverse impacts will be minimized by the small expansion of the structure and provisioning all required buffers.

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

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
 - b. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor subdivision plat shall be reviewed and approved by Planning Commission staff creating the lot lines and access easement as shown on the approved plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

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proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.

6. The applicant, developer or property owner shall provide a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.
7. A change in use from a veterinary clinic/equine clinic to another commercial use shall require improvements to Dezern Ave to meet minimum Louisville Metro roadway standards (18' of pavement).
8. The existing gravel drive beginning at the terminus of Dezern Avenue, continuing to the development site entrance, and contained within the 50' private access easement shall be surfaced with asphalt, concrete, or chip seal within 6-months of final action on the rezoning.

The vote was as follows:

YES: Commissioners Brown, Carlson, Mims, Peterson, Seitz and Howard
NOT PRESENT AND NOT VOTING: Commissioners Daniels, Sistrunk and Lewis
ABSTAINING: Commissioner Clare

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PUBLIC HEARING
CASE NO. 20-ZONE-0071

Request: Change in zoning from R-4 to C-1 with detailed plan
Project Name: Gustavo's Restaurant
Location: 8909 US Highway 42
Owner: Cushing-Eckler Family Trust
Applicant: Gustavo's Prospect, LLC
Representative: Mindel Scott
Jurisdiction: Encompass DDC, LLC
Council District: 16 – Scott Reed
Case Manager: Joel P. Dock, AICP, Planner II

NOTE: COMMISSIONERS DANIELS, SEITZ AND SISTRUNK LEFT AND DID NOT VOTE ON THIS CASE

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:

05:19:30 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Stewart, Encompass Develop Design and Construct, LLC, 113 East Main Street, LaGrange, Ky.
Todd Whittchurch, 150 Thurman Lane, Louisville, Ky. 40207

Summary of testimony of those in favor:

05:25:07 Mr. Stewart, architect for the project, stated there was no opposition at the neighborhood meetings.

05:27:09 Mr. Whittchurch said Gustavo's has a great reputation in the neighborhood.

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Deliberation

05:28:47 Planning Commission deliberation.

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

Zoning Change from R-4 to C-1

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed site is in a transitional area moving from the Village Center where it is adjacent to non-residential (institutional) uses. For this reason, it does not result in an expansion into a residential area even though residential zoning districts are present on either site; the proposed commercial zoning is located within proximity to an activity center where demand and infrastructure is available to support transit service; the proposal would not appear to generate volumes of traffic that would negatively impact nearby development; the proposed district does not generally allow uses that produce large volumes of noise that might cause a nuisance, specifically upon nearby institution uses.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposed site is in a transitional area moving from the Village Center where it is adjacent to non-residential (institutional) uses. For this reason, it does not result in an expansion into a residential area even though residential zoning districts are present on either site. Development will be compatible with the activity center and nearby uses; the proposed district allows for pedestrian connectivity to made in the future to the activity center by providing all required improvements; development on the subject site concentrates commercial activity in an area that does not encroach upon residential areas which results efficient land use and cost-effective infrastructure investment; the proposed district is located so that it provides additional activities in an area of commercial activity; the proposed district is located so that it provides additional activities in an area of commercial activity. The placement of the district is appropriate given its proximity to the center and adjacency to non-residential uses.

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site does not contain sensitive natural features. All required tree canopy will be provided; the development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists; the development site does not appear to be in a flood prone area or vulnerable natural disasters such as sinkholes and landslides.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the site is vacant and does not contain historic resources; the site is vacant and does not contain distinctive cultural features including landscapes, natural elements and built features.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed site is in a transitional area moving from the Village Center where it is adjacent to non-residential (institutional) uses. For this reason, it does not result in an expansion into a residential area even though residential zoning districts are present on either site. Development will be compatible with the activity center and nearby uses.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access is from an arterial roadway and would not impact lower intensity uses.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the propose district provides neighborhood serving uses and services adjacent to a village center which encourages shorter trips from population centers nearby; the proposed commercial zoning is located within proximity to an activity center where demand and infrastructure are available to support transit service; all improvements will be made as required; all improvements to the roadway and pedestrian infrastructure will be made as required.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, utilities are available; An adequate supply of potable water and water for fire-fighting purposes would appear to be available; MSD has provided preliminary plan approval to ensure a means of sewage treatment and disposal to protect public health and to protect water quality.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is on an arterial roadway adjacent to an activity center where nuisances and activities of the proposed use will not adversely affect adjacent areas.

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the development site does not appear to contain vulnerable environmental features; the development site is not located within the floodplain.

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

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Daniels, Seitz, Sistrunk and Lewis

ABSTAINING: Commissioner Clare

Detailed District Development Plan and Binding Elements

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

WHEREAS, the conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved as the site does not appear to adversely impact these features and tree canopy will be provided as required; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as sidewalks and access to US HWY 42 will be provided as approved by KYTC; and

WHEREAS, the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided; and

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

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WHEREAS, the Louisville Metro Planning Commission finds, the proposal is compatible within the scale and site design of nearby existing development and with the form district's pattern of development as all required setbacks and buffers are provided, and site design standards have been met; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040 as the site is located where demand and infrastructure is or will be made available to support future transit service. Pedestrian connectivity to facilitate future connection to the center will be provided. The proposal will provide a neighborhood serving use adjacent to a village center which encourages shorter trips from population centers nearby.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro 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.
 - 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 property shall be consolidated by minor plat or legal instrument as shown on the approved development plan.
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

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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.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Daniels, Seitz, Sistrunk and Lewis

ABSTAINING: Commissioner Clare

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PUBLIC HEARING
CASE NO. 20-ZONE-0081

Request: Change in Zoning from R-4 to C-1 with Detailed District Development Plan, Binding Elements, and Conditional Use Permit

Project Name: Taylorsville Road Restaurant

Location: 4508 Taylorsville Road

Owner: KST Properties LLC

Applicant: KST Properties LLC

Representative: Dinsmore & Shohl LLP

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

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

NOTE: COMMISSIONERS DANIELS, SEITZ AND SISTRUNK LEFT AND DID NOT VOTE ON THIS CASE

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:

05:34:05 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report. A phone call was received after the publication of the staff report. The person was mainly concerned about the expansion of the activity center in the direction of the large lot to the west.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Ann Richard, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

05:44:35 Mr. Ashburner gave a power point presentation. There's a lot of commercial in the vicinity of the proposed site. There's an existing tree buffer along the

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property line and everything that can be preserved will be. The outdoor area will be buffered as well.

05:15:17 Ms. Richard said they do not show a sign on the plan because staff is directing that the sign be compatible with the Land Development Code requirement. There will be a sign on the subject site.

Deliberation

05:53:35 Planning Commission deliberation.

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

Zoning Change from R-4 to C-1

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the site is adjacent to an existing activity center and would be an extension of the existing activity center; Taylorsville Road is a major arterial and transit corridor at this location; the proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC requirements; the proposed zoning district would not permit noxious odors, particulates or emissions; access to the site is via Taylorsville Road, a major arterial road; a privacy fence and landscaping will be provided to mitigate noise; the proposed zoning district would not permit industries which handle hazardous or flammable materials, or uses which are potentially offensive such as junkyards, landfills and quarries.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is adjacent to an existing activity center at the intersection; the site has appropriate access and connectivity via Taylorsville Road, a major arterial at this location; the proposed zoning district would permit a more compact pattern of development in an existing activity center; the proposed zoning district would permit a mixture of neighborhood-serving uses in an existing activity center; the proposed zoning district would permit residential

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and office uses above retail; the proposal is for re-use of an existing building to provide commercial uses; the proposal does not include underutilized parking lots; the proposed zoning district would permit appropriate design and scale that is compatible with existing nearby land uses. The site is an appropriate placement for neighborhood-serving commercial uses.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the majority of the site will remain undisturbed and tree canopy is provided; no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; the site is not in a flood prone area. No karst features are evident on the site.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the proposal reuses the existing structure.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed zoning district would allow higher intensity or density of uses. Taylorsville Road is a major arterial and transit corridor at this location, and the site is adjacent to an existing activity center.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the site is via Taylorsville Road, a major arterial road.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would permit a mixture of neighborhood serving businesses and services; the site is easily accessible by bicycle, car, transit, pedestrians and people with disabilities; the site is located along Taylorsville Road, a transit corridor at this location; Transportation Planning has approved the proposal.

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

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

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district would permit housing. The proposal would permit inter-generational mixed-income and mixed-use development; the proposed zoning district would permit housing. The site is in proximity to a multi-modal transportation corridor (Taylorsville Road) providing safe and convenient access to employment opportunities as well as within proximity to amenities providing neighborhood goods and services.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents will be displaced by the proposal; the proposal would permit innovative methods of housing.

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

The vote was as follows:

YES: Commissioners Brown, Carlson, Mims, Peterson and Howard
NOT PRESENT AND NOT VOTING: Commissioners Daniels, Seitz, Sistrunk and Lewis
ABSTAINING: Commissioner Clare

Conditional Use Permit to allow outdoor alcohol sales in a C-1 zoning district (LDC 4.2.41) (20-CUP-0117)

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

WHEREAS, the proposal does not conflict with any Comprehensive Plan policies. Plan 2040 describes the Neighborhood form district as having neighborhood-serving amenities, which the proposed conditional use permit would allow; and

WHEREAS, the proposal is compatible with the surrounding land uses and neighborhood. The area where alcohol will be served is relatively small and will be surrounded by a privacy fence; and

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WHEREAS, the subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site. Required parking is being provided; and

WHEREAS, the boundaries of the outdoor dining area are marked on the site plan and will be delineated on site with an asphalt pad; and

WHEREAS, a privacy fence will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds, the restaurant will hold an appropriate liquor license; and

WHEREAS, the Louisville Metro Planning Commission further finds, the use of outdoor dining areas for the sale and consumption of alcohol shall cease by 1 A.M. The site will comply with this provision; and

RESOLVED, that the Louisville Metro Planning Commission does hereby Conditional Use Permit to allow outdoor alcohol sales in a C-1 zoning district (LDC 4.2.41) (20-CUP-0117) be **APPROVED**.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Daniels, Seitz, Sistrunk and Lewis

ABSTAINING: Commissioner Clare

Detailed District Development Plan and Binding Elements

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

WHEREAS, the existing structure is proposed to be reused and maintained. Tree canopy will be preserved and provided; and

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

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

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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is compatible with the existing and future development of the area. The site is adjacent to an existing activity center and the proposal will expand the activity center in a logical direction; and

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.

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- 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
 7. 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.
 8. 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 Brown, Carlson, Mims, Peterson and Howard
NOT PRESENT AND NOT VOTING: Commissioners Daniels, Seitz, Sistrunk and Lewis
ABSTAINING: Commissioner Clare

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CASE NO. 19-ZONE-0091

Request: Change in Zoning from R-4 to R-5A with Detailed District
Development Plan and Binding Elements
Project Name: Regency Park
Location: 8816-8820 West Manslick Road, Parcel 104900700000
Owner: Cat VVB LLC
Applicant: Cat VVB LLC
Representative: Wyatt Tarrant & Combs
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler
Case Manager: Dante St. Germain, AICP, Planner II

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

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

Agency Testimony:

02:16:48 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant and Combs, 400 West Market Street, Louisville, Ky. 40202
Derek Triplett, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Marilyn Harris, Director of the Office of Housing, 444 South 5th Street, Suite 500, Louisville, Ky. 40202

Jim Davis, 333 Broadway, Paducah, Ky. 42001

Ralph Bing, 2903 Blevins Gap Road, Louisville, Ky. 40272

Summary of testimony of those in favor:

02:32:36 Mr. Baker gave a power point presentation. There will be 95 units and a clubhouse with recreational area behind it. It's important to provide these types of affordable homes (very needed).

02:43:21 Mr. Triplett explained the development plan in more detail.

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02:54:45 Mr. Baker continued with the presentation. The Comprehensive Plan, goals 1 and 3 are what this development is trying to achieve – expand and ensure a diverse range of housing choices and ensure long-term affordability and livable options in all neighborhoods.

03:24:30 Ms. Harris stated the proposal is a great option to help with affordable housing that Louisville desperately needs.

03:30:04 Mr. Jim Davis, EZ Homes, stated that it will be a quality product and meet all regulations and requirements. It gives people the opportunity for home ownership.

The following spoke in opposition to this request:

Tamara West, 2012 Berling Drive, Louisville, Ky. 40272
Ralph Bing, 2903 Blevins Gap Road, Louisville, Ky. 40272
Tim Caudill, 1903 Green Leaf Drive, Louisville, Ky. 40272
Renee Davis, 2907 Blevins Gap Road, Louisville, Ky. 40272

Summary of testimony of those in opposition:

03:32:00 Ms. West stated the proposal is not what homeowners are looking for and is not wanted for this neighborhood. This subdivision only provides one car garages and people will park on the street and/or in the grass.

03:38:37 Mr. Bing stated the increased traffic will be worse (already bad). Also, there's only one access point and no easy access to public transportation.

03:42:12 Mr. Caudill stated traffic is horrible and a safety issue.

03:44:50 Ms. Renee Davis said she's worried about how the proposed units will look in 10-20 years. Other concerns are as follows: construction; fee for homeowner's association; roads; sidewalks; turning lanes; binding elements; and flooding issues.

The following spoke neither for nor against the request:

Councilwoman Cindi Fowler,

Summary of testimony of those neither for nor against:

03:50:15 Councilwoman Fowler stated there's a real need for affordable and senior housing in the area. The concerns are as follows: foot traffic; plans for access route to

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Louisville Loop; affordability of condo association fees; possible foreclosure of homes; and emergency vehicle access.

Rebuttal

03:53:11 Mr. Baker stated the proposed units will support seniors in need of this type of housing. There is a need and demand for this type of housing. W. Manslick will be able to handle the traffic and will not create a negative impact. There is no fee set for the homeowner's association at this time.

03:57:08 Mr. Triplett explained the roads and access.

04:24:34 **COMMISSIONER SEITZ RECUSED HERSELF FROM THIS CASE**

Deliberation

04:32:17 The commissioners discussed the following: pedestrian traffic and safety; turning lanes; low income housing; sidewalks; HOA fees; and binding element amendments and additions.

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

Zoning Change from R-4 to R-5A

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal is not for a higher intensity or density zoning district; the proposal will comply with transition requirements.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal is for new development and a residential zoning district.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no severe, steep or

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unstable slopes are evident on the site. No highly permeable soils are evident on the site.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no distinctive cultural features are evident on the site; the existing structure is proposed to be preserved and re-used as a clubhouse.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal is not for a higher intensity or density zoning.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the development will be achieved via W Manslick Road, a primary collector at this location.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, Transportation Planning has approved the proposal; no direct residential access to high speed roadways is proposed.

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no natural resources are evident on the site. Tree canopy requirements will be met; the site is not located on karst terrain; The subject site is partially located in the regulatory floodplain. No structures are proposed within the floodplain.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed zoning district would support aging in place by permitting an increase in the variety of housing options in the neighborhood.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district will allow for inter-generational, mixed-income development that is connected to the neighborhood and surrounding area.

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district would expand the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in Louisville Metro; the site is currently vacant and no existing residents will be displaced; the proposed zoning district will allow the use of innovative methods of housing.

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

The vote was as follows:

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

NO: Commissioner Sistrunk

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Lewis

ABSTAINING: Commissioner Clare

Detailed District Development Plan and Binding Elements

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

WHEREAS, the existing structure is proposed to be reused and maintained. No natural resources are evident on the site. Tree canopy requirements will be met; and

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

WHEREAS, required common and recreational open space is being provided on the site; and

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

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WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is compatible with the existing and future development of the area. The relatively low-density multi-family development proposed is generally compatible with the large-lot single-family development nearby; and

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor plat or legal instrument shall be recorded consolidating the parcels into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting

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- a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The site shall provide 40% tree canopy.
- 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 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.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 7. A bond in the amount of \$38,000 shall be posted by the developer to Transportation Planning prior to approval of the construction plans for any future maintenance to the private roads in the event the HOA fails to fulfill their maintenance obligation.
 8. The roads shall be improved or rebuilt to the Louisville Metro standard pavement section. Three-foot shoulders shall be included on both side of the roads.
 9. Given the limited potential right-of-way, the roads within this development will never qualify to be publicly maintained by Louisville Metro.
 10. The owner/developer shall be responsible for the installation, good repair and proper functioning of all roads within the development prior to occupancy of any unit the owner/developer shall file with Transportation Planning a bond instrument in an amount determined by the Director of Public Works and MSD to

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ensure fulfillment of this obligation. Release of this bond shall follow procedures outlined in Chapter 7 of the Land Development Code.

11. A sidewalk shall be provided along W. Manslick Rd. from the entrance drive south to the Louisville Loop trail head approximately 180-feet.

The vote was as follows:

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

NO: Commissioner Sistrunk

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Lewis

ABSTAINING: Commissioner Clare

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PUBLIC HEARING
LDC Reform Update – 12.03.20

NO UPDATE

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee
No report given.

Site Inspection Committee
No report given.

Planning Committee
No report given.

Development Review Committee
No report given.

Policy and Procedures Committee
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 7:04 p.m.

DocuSigned by:

Lula Howard

Chair

DocuSigned by:

[Signature]

Planning Director

