

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
March 4, 2021**

A meeting of the Louisville Metro Planning Commission was held on March 4, 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:**

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

**Staff Members present:**

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  
Beth Stuber, Engineering Supervisor  
Tony Kelly, MSD  
Laura Ferguson, Legal Counsel  
Pamela M. Brashear, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES**  
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**APPROVAL OF MINUTES**

**FEBRUARY 18, 2021 PLANNING COMMISSION REGULAR MEETING MINUTES**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on February 18, 2021.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Clare, Peterson and Lewis**  
**NOT PRESENT FOR THIS CASE: Commissioners Daniels and Howard**  
**ABSTAINING: Commissioners Mims, Seitz and Sistrunk**

**FEBRUARY 22, 2021 PLANNING COMMISSION NIGHT HEARING MEETING MINUTES**

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

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on February 22, 2021.

**The vote was as follows:**

**YES: Commissioners Carlson, Clare, Howard, Peterson and Lewis**  
**NOT PRESENT FOR THIS CASE: Commissioners Brown and Sistrunk**  
**ABSTAINING: Commissioners Daniels, Mims and Seitz**

**PLANNING COMMISSION MINUTES**  
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**BUSINESS SESSION**

**CASE NO. 20-ZONE-0066**

Request: Change in Zoning from PRD & R-4 to R-6, with Detailed District Development Plan and Binding Elements, and Variance – **Change Location of Night Hearing**

Project Name: Cooper Chapel Apartments

Location: 6600 & 6702 Cooper Chapel Road

Owner: Gary & Cherrlynn Eibeck Living Trust

Applicant: LDG Development

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 23 – James Peden

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.

**Discussion**

00:11:37 Dante St. Germain said the night hearing location was originally scheduled to be held at the Jeffersonian but there's been a request to change that location to the Okolona Church of Christ, 6105 Outer Loop, 40219. The date and time will remain the same.

00:13:06 Cliff Ashburner would like to know who requested the change. Ms. St. Germain said it was requested by Councilman Pedens' office in order to have the meeting location closer to the site.

**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 Seitz, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CHANGE** the location of the April 5, 2021 night hearing at 6:00 p.m. to the Okolona Church of Christ located at 6105 Outer Loop.

**The vote was as follows:**

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

**PLANNING COMMISSION MINUTES**  
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**BUSINESS SESSION**

**CASE NO. 20-ZONE-0066**

**NOT PRESENT AND NOT VOTING: Commissioner Daniels**

**ABSTAINING: Commissioner Howard**

**PLANNING COMMISSION MINUTES**  
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**PUBLIC HEARING**

**CASE NO. 21-ZONEPA-0010**

Request: 14015 Old Henry Trail Rezoning App - WITHDRAWN  
Project Name:  
Location:  
Owner:  
Applicant:  
Representative:  
Jurisdiction:  
Council District:  
Case Manager:

**WITHDRAWN BY APPLICANT**

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**PUBLIC HEARING**

**CASE NO. 20-ZONE-0102**

Request: Change in zoning from R-4, OR-2 & C-2 to EZ-1 with revised detailed district development plan  
Project Name: Woodland Warehouse  
Location: 8201 Minor Lane  
Owner: Barrington Investment Company, LLC  
Applicant: Barrington Investment Company, LLC  
Representative: Bardenwerper, Talbott & Roberts, PLLC  
Jurisdiction: Louisville Metro  
Council District: 13 – Mark Fox  
Case Manager: Joel P. 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:**

00:18:07 Joel Dock discussed the case summary, standard of review and staff analysis, and binding elements from the staff report.

00:31:51 Commissioner Mims said there's a considerable amount of wetlands. Did anything turn up on it? Mr. Dock said Army Corp. and Ky. Division of Water approval is required prior to MSD signing off on it.

Commissioner Mims said he agrees with a security fence being put in place.

Commissioner Brown referred to binding element number 7 and asked if there is a need to define a state of emergency. Mr. Dock said that's up to the Planning Commission.

Commissioner Carlson asked how the current residents were notified. Mr. Dock said it was by mailouts to the units for today's hearing.

Commissioner Carlson said there needs to be adequate time, after they have a meeting, to let people find suitable accommodations. Mr. Dock agreed that the applicant needs to state the minimum date at which the park will close.

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Commissioner Carlson wants to modify the binding element dealing with the police and fire dept. Laura Ferguson suggests the following: The developer shall attempt to establish a contact person with both the local fire and police and shall make good faith efforts to implement any reasonable recommendations made by those agencies with respect to safety and security within a timely manner.

Commissioner Clare said binding element 6b seems to be very broad and could mean anything. Mr. Dock said he would like a requirement to provide individual services (one-on-one) to the renters/leasers. Staff must receive documentation first.

Commissioner Clare said the mobile homes will be difficult to move.

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

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

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

00:49:45 Nick Pregliasco gave a power point presentation.

Mr. Pregliasco agrees to the changes and binding elements. There are 89 total spaces, 9 vacant, 80 occupied, 37 owned by the developer (leasing out) and 43 own the homes. There are 2 management people and 1 maintenance person on site 24 hours a day. The applicant is working with the Core of Engineers to get all permits as needed. The buildings were flipped to screen the neighboring mobile home.

01:05:38 Kevin Young discussed the emergency connection to the adjacent property and the amenity areas – they will be distributed throughout the project so it will be more accessible to future employees.

01:06:48 Mr. Pregliasco discussed the park closure process and the traffic study results. Commissioner Carlson asked if there's a time frame for residents to vacate the property. Mr. Pregliasco suggested 60 days from the official notification (no earlier). It's not immediate because we're still in a state of emergency. Mr. Dock suggested the following amendment to the binding element (6a last sentence): At this meeting the developer and/or owner shall state the intent to close the park and identify the earliest date at which closure will begin "a minimum of 60 days from March 4, 2021". Commissioner Carlson asked what the time frame will be for widening Minors Ln. Commissioner Carlson also suggests binding element 6c be modified to include the site

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manager being on site throughout the closure process: The onsite manager shall remain in place until completion of the closure.

Commissioner Clare asked if the applicant agrees to provide a copy of the binding elements to the current and future residents. Mr. Pregliasco agreed. Also, a binding element stating there will be no light intrusion. Mr. Pregliasco said yes, the Land Development Code has very specific requirements and we will comply. Mr. Young said a binding element will not be needed.

Commissioner Daniels asked how long do you intend to keep selling/renting/leasing on the property? Mr. Pregliasco said there's no specific time and new renters can still move in.

Commissioner Mims asked if there were any other nearby accommodations for people to relocate. Mr. Pregliasco said there are plenty of others.

**The following spoke neither for nor against the request:**

Cathy Kuhn, 1928 Rivers Landing Drive, Prospect, Ky. 40059  
Frankie Nalley, 8501 Preston Highway, Louisville, Ky. 40219  
Marilyn Harris, Director of the Office of Housing for Louisville Metro Government

**Summary of testimony of those neither for nor against:**

01:41:56 Cathy Kuhn, Executive Director of the Metropolitan Housing Coalition, discussed the following concerns: don't want to see residents becoming homeless during this process; notice and communication with residents to be provided in multiple languages; requirement to hire a Housing Coordinator or Housing Counselor to sit with each resident and determine their unique needs and resources that may be available – third party might be more appropriate; and the owners of the mobile homes – moving will be expensive and not easily done.

01:46:44 Frankie Nalley, Fire Marshal with Okolona Fire Dept., is concerned about the roadway and the bridge over the creek. Will there be any work on it because it's caving in?

Fire Marshal Nalley also mentioned the notification process to the fire depts.

01:56:15 Marilyn Harris said she is worried about the ability of the people being able to move their trailers and the cost to move them.

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



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Lottie Nichols, 8201 Minors Lane #513, Louisville, Ky. 40219

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

01:48:32 Lottie Nichols said she only received one week's notice and there was no neighborhood meeting notice. The applicant is still leasing and advertising for future renters/tenants. There are a lot of tenants that are low income. The other nearby mobile communities are in high crime areas. It's not in the best interest for people to try and move as some of the structures are not in good enough condition. The planning and communication were very poor in this case.

01:58:12 Commissioner Carlson asked if there's a way to have the applicant propose a Housing Counselor (with approved credentials). Commissioner Howard added, could the Urban League representative (Kevin Dunlap) serve as the Housing Counselor? Ms. Harris said she can't speak for Mr. Dunlap, but the Urban League does have certified Housing Counselors on staff. Ms. Kuhn also suggested the Community Help Workers as a valuable resource. Mr. Dock said HUD is a valuable resource as well. Also, a part of binding element 6b would allow the onsite manager to serve in the Housing Counselor role as determined by the Planning Director.

02:03:11 Commissioner Sistrunk asked if enough notice given, how was it given and how were the non-English speaking people notified. Mr. Dock explained the process.

02:04:49 Commissioner Peterson asked if the applicant/developer would be responsible for compensation of structures that are not structurally sound or if it's not financially feasible.

**Rebuttal**

02:07:44 Mr. Pregliasco said planning and communication was greater than its ever been with this case (went above and beyond). The cost of moving a mobile home is generally between \$1,000 and \$2,000. Most people lease the space and the mobile home. No compensation is proposed for moving the homes. Concerning the Housing Counselors, the people employed on site are the best to do the job because the residents already know them, know how to reach them, etc.

Commissioner Peterson said there should be some compensation (help them move) for the mobile home owners. Commissioner Clare agrees. Mr. Pregliasco said the residents knew it would only be a short period of time to live there and they knew they

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were just leasing for a year at a time. There are 89 spaces to be leased – 9 vacant, 37 renters/leasers and 43 owners. No compensation from the applicant/developer is being proposed. The developer will have a cost to dispose of the units that are abandoned.

Commissioner Sistrunk asked if the developer has thought about working with the Housing Authority. Mr. Pregliasco said they will to commit to that.

Laura Ferguson said some states offer compensation, but Ky. does not. Commissioner Peterson asked if a binding element could be used to require it.

Mr. Pregliasco requests a continuance.

Chair Lewis asked if the applicant is still leasing spaces and/or trailers. Mr. Pregliasco said yes, they're still leasing as normal.

Commissioner Peterson asked, if tenants wish to move out early because of this development, could they break their lease with no penalties. Mr. Pregliasco said yes.

Commissioner Mims asked, in terms of evictions, how does that working relative to the executive orders, No Eviction Mandate? Mr. Pregliasco said there is a binding element stating nothing will occur until the state of emergency has ended and the evictions can be done at this time (with specific requirements).

Commissioner Mims requests (at next hearing) a definitive plan based on the terms of the lease for relocating the residents in the mobile home park, owners and renters.

Mr. Dock asked if the applicant would be willing to resend notices in English and Spanish. Mr. Pregliasco agreed.

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

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the April 15, 2021 Planning Commission meeting to allow the applicant time to conduct additional research and offer additional information to the Planning Commission regarding the closure of the mobile home park. Additional notice will be sent out in a language more appropriate for the residents of the area. The notice will include the ability to request interpretation services.

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**The vote was as follows:**

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

**NOT PRESENT AND NOT VOTING: Commissioner Brown**

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**CASE NO. 19-ZONE-0096**

Request: Change in zoning from R-4, R-5A & PD to R-6 and C-1 with detailed district development/preliminary subdivision plan and waivers

Project Name: Star Hill

Location: 6600, 6700, & 6725 S. Hurstbourne Pkwy; 5800, 5802, & 5930 S. Watterson Trail

Owner: Hurstbourne Property Group, LLC

Applicant: Hurstbourne Property Group, LLC

Representative: Mindel Scott

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

Case Manager: Joel P. 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:**

03:09:44 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

03:15:38 Joe Reverman asked if the issues regarding the overlapping private access easements on the south side have been worked out. Mr. Dock said binding element 14 covers it.

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

Curtis Mucci, Mindel Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

David Mindel, Mindel Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Diane Zimmerman, 12803 High Meadows Pike, Prospect, Louisville, Ky. 40059

Kent Gootee, Mindel Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

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

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03:17:45 Curtis Mucci gave a power point presentation. There's a variation of zoning from R-4 to M-2 in the area. The waivers are necessary because of the utilities. Screening will be provided to the north and shrubs will be provided to the south. The Fern Creek Plan promotes commercial and medium density Multi-family developments along Hurstbourne Pkwy. The Highview Plan encourages connectivity to surrounding neighborhoods and promotes a distinct livable community. The proposal complies with the Comprehensive Plan 2040.

Commissioner Carlson said the Highview Plan talks about having different architectural styles. Mr. Mucci said this is a detailed plan and if it needs to be revised for a different layout, the applicant/representatives will have to go back through the committee process for approval. There are no elevations proposed at this time. Commissioner Carlson would like this taken care of at this level of review. David Mindel said this is a very good mixed-use plan. The elevations can be looked at later.

Commissioner Howard asked if the developments will be phased. Mr. Mucci said yes.

Commissioner Howard asked, since it's going to be a phased development, is it necessary to be called a general district development plan rather than a detailed district development plan? Mr. Dock said he recommended a general plan but the applicant opted to move forward with a detailed district development plan, showing details for each individual tract/phase. Binding element 2 states, if they don't build exactly as shown on the detailed plan, they must come back with revised plans.

Mr. Mucci explained the roadway connection plan.

Commissioner Daniels asked if there are any traffic lights being proposed (to slow traffic down). Mr. Mindel said the proposal doesn't warrant signals. Diane Zimmerman added, we have looked at this as a potential location for a future traffic signal, but it currently does not meet the criteria.

Joe Reverman asked if the applicant/representatives would be willing to have a binding element restricting clearing and grading the trees until permits are ready to be pulled. Mr. Mucci agreed.

**The following spoke neither for nor against the request:**

Rachel Jennette, 5907 Woodhaven Ridge Court, Louisville, Ky. 40291

**Summary of testimony of those neither for nor against:**

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03:45:43 Rachel Jennette said her concerns are: road connectivity and where to review revised binding elements.

**Rebuttal**

03:47:11 Mr. Mucci said the access to the church is the only access provided to the south or west of the property. Kent Gootee explained the revised binding elements.

Mr. Dock added, binding elements included in the staff report made no considerations for restricting uses as the C-1 District, as a whole, was determined to be appropriate based on the Comprehensive Plan 2040 staff analysis as this site is located on a major arterial roadway.

Mr. Dock will email the revised binding elements to Ms. Jennette.

Ms. Jennette would like to see elevations. Mr. Mucci explained binding element 2.

Commissioner Howard said binding element 12 refers to blasting since it's also a concern of Ms. Jennette.

Commissioner Carlson asked how the buildings will be oriented. Mr. Mucci said there are screening requirements that will have to be adhered to – when individual sites come back, the elevations will be reviewed. Mr. Dock added, there are regulations in the Land Development Code that deal with 1<sup>st</sup> Multi-family abutting residential or a public street – it shall have a similar level of design and quality and be comparable to the primary façade. The commercial buildings abutting public streets are required to have animating features.

04:05:17 Mr. Dock read binding element 5e as follows: Renderings shall be provided, reviewed and approved by the Planning Commission or designee. Also, in 2 (last sentence) – Each plan and renderings shall be in adequate detail and subject to additional binding elements. Mr. Reverman added, to approve this plan as a general plan, add the general plan binding element 1 and 2 which requires all sites to come back before the Planning Commission for approval of a detailed district development plan and review those details at that time. Commissioner Carlson said the apartment buildings need to have the Planning Commission review and Metro Council input because of the Highview Neighborhood Plan component. Mr. Mucci agrees. Mr. Gootee explained why he disagrees.

**Deliberation**

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04:16:34 Planning Commission deliberation. Commissioner Mims said he is in favor of the zoning change request especially since it's a general plan approval, not detail. The building elevations need to be approved by the Planning Commission.

Commissioner Clare agrees. The staff landscape architect and Planning Commission will do a good job addressing the Highview Neighborhood Plan.

Commissioner Peterson agrees. The general plan unburdens the applicant.

Commissioner Seitz agrees.

Commissioner Carlson agrees with the zoning change as long as it complies with the Highview Neighborhood Plan regarding different architectural styles.

Commissioner Daniels agrees with Commissioners Mims, Clare and Peterson.

Commissioner Howard stated, in terms of area of the development, this plan needs to conform with the Fern Creek Small Area Plan. The staff landscape architect will approve the elevations.

Chair Lewis said she is in favor of the zoning request and waivers as well as making it a general plan.

Mr. Dock requests a continuance to get the general plan binding elements in order (next Planning Commission meeting). There are detailed plan binding elements that are specific to certain sites within the development.

The majority of the commissioners do not want to continue this case. Modifying binding elements 2 and 5 should handle the rendering/elevations concern.

**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, R-5A, & PD to R-6 and C-1**

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

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the commercial district proposed will be primarily accessed from and hold frontage along a major arterial roadway. The commercial expansion does not significantly affect nearby residential neighborhoods given its location along a major arterial roadway. Further, the commercial district allows for an appropriate transition from higher intensity and density uses to lower density uses moving away from the roadway; the proposed districts are located along a major transportation corridor providing connectivity between employment and activity centers and surrounding neighborhoods. Based on the surrounding and nearby development, the site will have access to adequate infrastructure. Demand for commercial activities will generate from surrounding neighborhoods and proposed higher density residential uses; disadvantaged populations will not be impacted by the proposal and the proposal does not result in the introduction of noxious or hazardous uses as the district is a low intensity commercial district; the proposal will impact the environment no more than would be expected from increased vehicle trips in the area along a major arterial roadway. The site is not located within proximity to vulnerable populations and does not result in the transport, storage, or handling of noxious or hazardous uses; the subject site is located along an arterial roadway designed and intended to serve large volumes of traffic and distribute traffic from neighborhoods to interstates, activity and employment centers; expectations of noise will be no more than is common for commercial development along a major arterial roadway. The districts transition appropriately from higher to lower intensity and density moving from the roadway; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal for both commercial and residential districts is appropriately located because it is along a major arterial roadway, provides a transition of uses from the roadway to lower intensity uses further from the corridor, and provides neighborhood commercial uses for existing and future residential populations which reduces vehicle miles traveled; the proposal for both commercial and residential districts is appropriately located in the NFD because it is along a major arterial roadway, provides a transition of uses from the roadway to lower intensity uses further from the corridor, and provides neighborhood commercial uses for existing and future residential populations which reduces vehicle miles traveled; a sufficient population is present and proposed to serve a wide variety of commercial or office establishments; the proposed zoning districts encourage a more compact form of development by consolidating commercial and residential districts transitioning from the arterial roadway to lower density areas; the proposal includes a combination of commercial and residential zoning districts, which serve as a transition from the arterial roadway to the lower intensity districts. The proposal provides neighborhood commercial uses for surrounding residential populations that reduce vehicle miles traveled and encourage vitality and a sense of place along a major arterial roadway by



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allowing a variety of goods and services within walking distance to a local population; the proposed districts includes residential component in combination with commercial to creates a mixed-use center; the proposed new development will allow a mixture of intensities and densities; the proposed districts will result in a concentration of commercial uses along the corridor. The proposed districts do not limit the ability to provide multi-story structures; the proposal for both commercial and residential districts is appropriately located along a major arterial roadway to provide a transition of uses moving away from the roadway. The commercial district provides neighborhood commercial uses for existing and future residential populations; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site does not possess any sinkhole based upon a field inspection by the applicant on 1/6/2020. Other environmental features will be preserved as required to reduce degradation. Tree canopy will be provided as required; the 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 site does not possess any sinkhole based upon a field inspection by the applicant on 1/6/2020. Other environmental features will be preserved as required to reduce degradation. Tree canopy will be provided as required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, structures on site may be subject to wrecking ordinance 150.110 due to their age; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed density and intensity are located along a major arterial roadway and creates a new activity center on a roadway that serves as connection between neighborhoods and activity and employment centers; thus, the area, development, and roadway can support an efficient public transportation system in the future; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the development is from a major arterial roadway that does not interfere with lower intensity or density developments; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed commercial districts allow for complementary neighborhood serving businesses and services to encourage short trips easily made by walking or bicycling as the new activity center will provide additional goods and services to surrounding neighborhoods and future residents; the proposed districts allow for a mixture of compatible land uses that will be easily

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accessible by bicycle, car, future transit, pedestrians and people with disabilities. Housing options are being located near employment and commercial services; the proposed districts increase density and demand for future transit service along an arterial roadway connecting Bardstown Road (TARC route #17) and Fegenbush Lane (TARC route #23); the proposed districts allow for the development of walkable centers to connect different modes of travel with existing and future residential populations; the major arterial is intended to serve higher volumes of traffic that might be associated with for commercial and residential developments; all improvements to transportation facilities made necessary by the development will be made; all improvements to transportation facilities made necessary by the development will be made. The proposed districts increase density and demand for future transit service along an arterial roadway connecting Bardstown Road (TARC route #17) and Fegenbush Lane (TARC route #23); Hurstbourne parkway was extended/improved in accordance with the Corridor study of the 1990's; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the development appears to be capable of being served existing or future utilities; the development will have an adequate supply of potable water and water for fire-fighting purposes; the proposal will have adequate means of sewage treatment and disposal to protect public health and to protect water quality as preliminary MSD review and approval has been received; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is located on a major arterial roadway capable of serving a wide variety of intensities and densities where nuisances and activities of the proposed use will not adversely affect adjacent areas. The proposed district does not necessarily contain any nuisance or offensive uses that would not be appropriate for the roadway classification; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site does not possess any sinkhole based upon a field inspection by the applicant on 1/6/2020. Other environmental features will be preserved as required to reduce degradation. Tree canopy will be provided as required; negative impacts to the floodplain will be mitigated as need though review and approval by MSD. The site does not appear to be within the floodplain; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed residential and commercial districts allow for a variety of housing options within an activity center which may provide goods and services that support aging in place. The proposed districts

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increase density and demand for future transit service along an arterial roadway connecting Bardstown Road (TARC route #17) and Fegenbush Lane (TARC route #23). For this reason, the districts also enable people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities;

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal adds to the variety and options for housing in the area to encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood, within itself, and surrounding area; the proposed districts increase density and demand for future transit service along an arterial roadway connecting Bardstown Road (TARC route #17) and Fegenbush Lane (TARC route #23). Further, the district allows for an appropriate transition from higher intensity and density uses to lower density uses moving away from the roadway; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no residents are at risk for displacement as the site is primarily vacant, except one single-family home; the proposed districts allow for innovative methods of housing to be used in order to increase the production of fair and affordable housing.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council the change in zoning from R-4, Single Family, R-5A, Multi-family and PD, Planned Development to R-6, Multi-family and C-1, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Carlson, Clare, Daniels, Howard, Mims, Peterson, Seitz and Lewis**

**NOT PRESENT AND NOT VOTING: Commissioners Brown and Sistrunk**

**Waivers**

**1. Waiver of Land Development Code (LDC), section 10.2.4 to allow a utility to overlap by more than 50% a Landscape buffer area**

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

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**WHEREAS**, the waiver will not adversely affect adjacent property owners as all required plantings and screening will be provided as required; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. All required plantings and screening will be provided as required and the width is not being reduced; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the utility and buffer coexist along the property line and all required plantings and screening will be provided as required and the width is not being reduced; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as all required planting and screening will be provided and the width is not being reduced.

**2. Waiver of LDC, section 10.3.5 to allow utility easement/LBA overlap and omission of planting material in the area of lot 1 that is contained within the 150' LG&E transmission easement**

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the overlap is located along an arterial roadway and the utility does not allow for certain plantings within its easement; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Plant material and screening will be provided where possible but cannot be provided in the area of the transmission easement due to the regulations of the utility service; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the utility and buffer coexist in this area along the right-of-way and the regulations of the utility provider does not allow for certain plantings; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the regulations of the utility provider does not allow for certain plantings in the area of tract 1 where the buffer is most impacted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** Waivers 1. Waiver of Land Development Code (LDC), section 10.2.4 to allow a utility to overlap by more than 50% a Landscape buffer area and 2. Waiver of LDC, section 10.3.5 to allow utility easement/LBA overlap and omission of planting material in the area of lot 1 that is contained within the 150' LG&E transmission easement.

**The vote was as follows:**

**YES: Commissioners Carlson, Clare, Daniels, Howard, Mims, Peterson, Seitz and Lewis**

**NOT PRESENT AND NOT VOTING: Commissioners Brown and Sistrunk**

**Revised Detailed District Development/Major Preliminary Subdivision Plan**

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

**WHEREAS**, impacts upon 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 mitigated or avoided where necessary. The site does not possess any sinkhole based upon a field inspection by the applicant on 1/6/2020. Other environmental features will be preserved as required to reduce degradation. Tree canopy will be provided as required. It also does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists. Negative impacts to the floodplain will be mitigated as need though review and approval by MSD. The site does not appear to be within the floodplain; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will provided as the project is along a major transportation corridor providing connectivity between employment and activity centers and surrounding neighborhoods. Public and private walks are provided to connect residents to commercial activities within the site and to public walks; and

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**WHEREAS**, the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided. Recreational open space requirements and tree canopy 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

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the development transitions in intensity/density away from the major arterial roadway and connection to existing and future development is provided. A more compact form of development is enabled by consolidating these commercial and residential uses into an activity center. The center is walkable and contains multiple commercial lots that can provide a variety of goods and services for existing and future residents in the area or within the proposed activity center. Overall, the development plan demonstrates that units are accessible and pedestrian facilities have been shown throughout to connect residences and commercial activities, along with allowing for recreation and leisure. The buildings shown are not "in a continuous row" which alleviates some concerns with duplication, and 3-types of residential structures are apparent; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040 as the proposal is along a major transportation corridor providing connectivity between employment and activity centers and surrounding neighborhoods. Demand for commercial activities will be generated from surrounding neighborhoods and proposed higher density residential uses. A more compact form of development is also enabled by consolidating commercial and residential uses which transition appropriately from the arterial roadway to lower density areas. The proposal increases density and demand for future transit service along an arterial roadway connecting Bardstown Road (TARC route #17) and Fegenbush Lane (TARC route #23). For this reason, the project enables people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities, along with providing a variety of housing options within an activity center which may provide goods and services that support aging in place. The activity center encourages inter-generational, mixed-income and mixed-use development that is connected to the neighborhood, within itself, and surrounding area.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised Detailed District Development/Major Preliminary Subdivision Plan,

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**SUBJECT** to the abandonment of all prior binding elements across the development site, and the adoption of the following Binding Elements:

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Unless developed in strict compliance with the detailed development as shown on the approved general and detailed district development plan, the applicant, developer, or property owner shall obtain approval of a revised detailed district development plan and renderings for each site or phase of this project, in accordance with Chapter 11, Part 6. Approval shall occur prior to development (includes clearing and grading). Each plan and renderings shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed development plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded.
  - e. Final elevations/renderings in conformance with the Highview Neighborhood Plan/Fern Creek Small Area Plan and the Land Development Code shall be submitted for review and approval by the Planning Commission. A copy of the approved

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renderings shall be available in the case file on record in the offices of Louisville Metro Planning Commission.

6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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

8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.

9. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Hurstbourne Parkway and South Watterson Trail. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. Developer shall not request a certificate of occupancy until road improvements are complete.

10. All street signs shall be installed by the Developer and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence or building on the street and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

11. An encroachment permit and bond may be required by Metro Public Works for roadway repairs on all surrounding access road to the subdivision site due to damages caused by construction traffic activities.



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12. 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.

13. If development to the south at 6106 S. Watterson Trail is to occur prior to the development of the subject site, Street 'A' may be recorded after review and approval by Planning Commission staff. All improvements for Street 'A', including required improvements at Hurstbourne Parkway as shown on the approved development plan may be made in conjunction with development to the south at 6106 S. Watterson Trail.

14. The existing access easement of record in DB 5656 PG 549 and shared along the northern property line of Tract 7 shall be modified or released prior to requesting a building permit for Tract 7, or the proposed road shall be re-located with approval by Planning Commission staff outside the boundaries of the existing easement.

**The vote was as follows:**

**YES: Commissioners Carlson, Clare, Daniels, Howard, Peterson, Seitz and Lewis**

**NO: Commissioner Mims**

**NOT PRESENT AND NOT VOTING: Commissioners Brown and Sistrunk**

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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 5:51 p.m.

DocuSigned by:

*Marilyn Lewis*

**Chair**

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DocuSigned by:

*[Signature]*

**Planning Director**

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