

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
June 2, 2016**

A meeting of the Louisville Metro Planning Commission was held on Thursday, June 2, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chairman
Vince Jarboe, Vice Chairman
Jeff Brown (left @ 2:33 p.m.)
Robert Peterson
Clifford Turner
David Tomes
Robert Kirchdorfer
Marilyn Lewis
Lula Howard
Emma Smith (Sworn In Today)

Commission members absent:

No one.

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
John G. Carroll, Legal Counsel
Jon Baker, Legal Counsel
Julia Williams, Planner II
Laura Mattingly, Planner I
Joel Dock, Planner I
Michael King, Urban Planner, Develop Louisville
Kendal Baker, Planning Manager I
Mike Wilcher, Planning Supervisor & Associate Planner, Code Enforcement
Tammy Markert, Transportation Planning
Kristen Loeser, Management Assistant
Chris Cestaro, Management Assistant (minutes)

The following matters were considered:

**Planning Commission Minutes
June 2, 2016**

Swearing-In of Commissioner Emma Smith

00:07:22 New Commissioner Emma Smith was sworn in.

**Planning Commission Minutes
June 2, 2016**

Approval of Minutes

Minutes of the meeting of the May 19, 2016 Planning Commission public hearing.

00:09:24 On a motion by Commissioner Turner, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of the May 19, 2016 Planning Commission public hearing, with one correction on page 38 (corrected Mike Wilcher's title.)

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Jarboe, and Peterson.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: Commissioners Howard and Smith.

**Planning Commission Minutes
June 2, 2016**

Consent Agenda

(NOTE: both Consent Agenda items were heard and voted on separately)

Commissioner Tomes arrived at approximately 1:15 p.m.

Case No. 16AMEND1001

Request: Amend the Land Development Code Related to Zoning Districts Permitting Landscaping Contractors

Project Name: Landscaping Contractors LDC Text Amendment

Location: Multiple properties in Louisville Metro

Owner: Multiple owners

Applicant: Louisville Metro

Representatives: Louisville Metro

Jurisdiction: Louisville Metro

Council District: **Planning Commission Resolution**

Case Manager: **Brian Mabry, AICP, Planning Coordinator**

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.)

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

00:11:48 Brian Mabry presented the case and showed a Power Point presentation (see recording for detailed presentation.)

**Planning Commission Minutes
June 2, 2016**

Consent Agenda

(NOTE: both Consent Agenda items were heard and voted on separately)

00:16:23 On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **UPHOLD** the decision of the Louisville Metro Planning Committee to not hold a public hearing on this requested change and leave the text amendment as it stands.

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Jarboe, and Peterson.

NO: No one.

NOT PRESENT: Commissioner Tomes.

ABSTAINING: Commissioners Tomes, Howard, and Smith.

Case No. 16TREELIST01

Request:	Amend Chapter 10 Appendix A and Appendix B of the Land Development Code related to preferred and prohibited tree lists
Project Name:	Tree List LDC Appendix Amendment
Location:	Multiple properties in Louisville Metro
Owner:	Multiple owners
Applicant:	Louisville Metro
Representatives:	Louisville Metro
Jurisdiction:	Louisville Metro
Council District:	Louisville Metro
Case Manager:	Brian Mabry, AICP, Planning Coordinator

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

**Planning Commission Minutes
June 2, 2016**

Consent Agenda

(NOTE: both Consent Agenda items were heard and voted on separately)

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

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

00:17:48 Brian Mabry presented the case (see recording for detailed presentation). He emphasized that this is a proposed change to an Appendix of the Land Development Code, not a change in text.

00:20:00 In response to a question from Commissioner Howard, Mr. Mabry said the Urban Forester would still give input.

00:21:02 On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Amendment to Appendix A and Appendix B of Chapter 10 of the Land Development Code and approve the attached approved and prohibited tree list as set forth in the staff report.

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, Howard.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16NEIGH1000 AND 16NEIGH1001

This case was heard out of order. It was heard 4th on the Agenda.

Note: These cases were heard together, but voted on and transmitted to the Louisville Metro Council separately. This case was an Immediate Transmittal. Minutes were voted on during the hearing.

Request:	Approval of Cane Run Road Neighborhood Plan and Executive Summary as Amendment to Cornerstone 2020
Project Name:	Cane Run Road Neighborhood Plan
Location:	Cane Run Road
Owner:	Multiple
Applicant:	Louisville Metro Government
Representative:	Louisville Metro Government
Jurisdiction:	Louisville Metro
Council District:	1-Jessica Green
Case Manager:	Kendal Baker, AICP, Planning Manager I

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.)

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

Kendal Baker presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the proposal:

Rachel Phillips, EHI Consulting, 2428 Ronsdell Avenue, Louisville, KY 40204

Summary of testimony of those in favor of the proposal:

Rachel Phillips, consultant, presented the case and resumed the Power Point presentation.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16NEIGH1000 AND 16NEIGH1001

Mr. Baker concluded with the Staff Findings.

In response to a question from Commissioner Turner, Ms. Phillips discussed bike paths, multi-use paths, and the future/planned connection to the Louisville Loop.

In response to questions from Commissioners Tomes and Howard, Ms. Phillips discussed road improvements, signaled intersection/s, and how this could be affected by State and local funding.

The following spoke in opposition to the proposal:

No one spoke.

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

No one spoke.

Deliberation:

Commissioners’ deliberation.

Incorporate Proposed Amendments to Cane Run Neighborhood Plan as submitted at today’s public hearing – will be incorporated into the plan as appropriate.

On a motion by Commissioner Lewis, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant’s justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed amendments to the Cane Run Road Neighborhood Plan as submitted and discussed at the Planning Commission public hearing of June 2, 2016.

The vote was as follows:

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16NEIGH1000 AND 16NEIGH1001

YES: Commissioners Blake, Jarboe, Brown, Lewis, Peterson, Howard, Tomes, Turner, Kirchdorfer.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Smith.

Neighborhood Plan

On a motion by Commissioner Lewis, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 Community Form**. The proposed Land Use/Community Form recommendations in the Cane Run Road Neighborhood Plan promote new development and revitalization that will be designed to be compatible with the scale, rhythm, form and function of the existing development as well as with the pattern of uses. The proposed land use recommendations support existing land uses and patterns of the Neighborhood Form, and promote revitalization of commercial and mixed uses within the Town Center Form; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 Centers**. The focus on encouraging investment/reinvestment and revitalization at Tradewinds West Shopping Center and Riverport Landings for neighborhood-friendly commercial, promotes efficient use of land and investment in existing infrastructure and encourages vitality and a sense of place in the neighborhood and community; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 Compatibility**. The plan proposes recommendations for expanding/revitalizing commercial opportunities while maintaining the existing residential form of the neighborhood. The proposed development will minimize impacts to existing residences, schools and other sensitive areas in the neighborhood; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 4 Open Space**. The plan proposes recommendations for promoting open space at Shanks Drive and enhancing neighborhood access to this community asset. The proposed recommendations seek to enhance open spaces serving the neighborhood; and

Planning Commission Minutes
June 2, 2016

Public Hearing

Case No. 16NEIGH1000 AND 16NEIGH1001

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5 Natural Areas and Scenic and Historic Resources**. The recommendation encourages this distinctive feature in the Cane Run Road Neighborhood to be preserved; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 Economic Development and Sustainability**. The Land Use/Community Form recommendations propose promoting mixed-use, neighborhood friendly commercial at Riverport Landings and at the corner of Cane Run Road and Shanks Lane. These recommendations encourage redevelopment and reinvestment opportunities that will be compatible with and stabilize the residential land uses; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 7 Circulation**. The proposed Mobility recommendations in the Cane Run Road Plan support exiting uses and promote growth and revitalization. Implementation of the mobility recommendations will provide walking and bicycling opportunities that will decrease the use of single-occupant vehicles and improve safety; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 9 Bicycle, Pedestrian and Transit**. The Mobility recommendations place an emphasis on making improvements to the current street and sidewalk networks to support access to community facilities via walking and biking. The recommendations also would provide for safer access to public transit. The Land Use/Community Form recommendations support expanding opportunities for neighborhood-serving commercial uses, which could lead to a reduction in vehicle trips for retail goods and services; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12 Air Quality**. The proposed Cane Run Road Neighborhood Plan recommendations reduce the impacts of pollution caused by vehicular traffic and land uses and encourages alternative modes of transportation by improving bicycle and pedestrian access in the neighborhood; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 15 Community Facilities**. The Plan recommends enhancing connections to neighborhood parks and schools and increasing police presence in the neighborhood. As such, the plan supports the guideline's goals to have community facilities that are accessible to the adjacent neighborhoods; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16NEIGH1000 AND 16NEIGH1001

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of Louisville Metro Government that the requested Neighborhood Plan be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Jarboe, Brown, Lewis, Peterson, Howard, Tomes, Turner, Kirchdorfer.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Smith.

Executive Summary of Plan to be an Amendment to Cornerstone 2020

On a motion by Commissioner Lewis, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 Community Form**. The proposed Land Use/Community Form recommendations in the Cane Run Road Neighborhood Plan promote new development and revitalization that will be designed to be compatible with the scale, rhythm, form and function of the existing development as well as with the pattern of uses. The proposed land use recommendations support existing land uses and patterns of the Neighborhood Form, and promote revitalization of commercial and mixed uses within the Town Center Form; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 Centers**. The focus on encouraging investment/reinvestment and revitalization at Tradewinds West Shopping Center and Riverport Landings for neighborhood-friendly commercial, promotes efficient use of land and investment in existing infrastructure and encourages vitality and a sense of place in the neighborhood and community; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 Compatibility**. The plan proposes recommendations for

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16NEIGH1000 AND 16NEIGH1001

expanding/revitalizing commercial opportunities while maintaining the existing residential form of the neighborhood. The proposed development will minimize impacts to existing residences, schools and other sensitive areas in the neighborhood; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 4 Open Space**. The plan proposes recommendations for promoting open space at Shanks Drive and enhancing neighborhood access to this community asset. The proposed recommendations seek to enhance open spaces serving the neighborhood; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5 Natural Areas and Scenic and Historic Resources**. The recommendation encourages this distinctive feature in the Cane Run Road Neighborhood to be preserved; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 Economic Development and Sustainability**. The Land Use/Community Form recommendations propose promoting mixed-use, neighborhood friendly commercial at Riverport Landings and at the corner of Cane Run Road and Shanks Lane. These recommendations encourage redevelopment and reinvestment opportunities that will be compatible with and stabilize the residential land uses; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 7 Circulation**. The proposed Mobility recommendations in the Cane Run Road Plan support exiting uses and promote growth and revitalization. Implementation of the mobility recommendations will provide walking and bicycling opportunities that will decrease the use of single-occupant vehicles and improve safety; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 9 Bicycle, Pedestrian and Transit**. The Mobility recommendations place an emphasis on making improvements to the current street and sidewalk networks to support access to community facilities via walking and biking. The recommendations also would provide for safer access to public transit. The Land Use/Community Form recommendations support expanding opportunities for neighborhood-serving commercial uses, which could lead to a reduction in vehicle trips for retail goods and services; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12 Air Quality**. The proposed Cane Run Road Neighborhood Plan

Planning Commission Minutes
June 2, 2016

Public Hearing

Case No. 16NEIGH1000 AND 16NEIGH1001

recommendations reduce the impacts of pollution caused by vehicular traffic and land uses and encourages alternative modes of transportation by improving bicycle and pedestrian access in the neighborhood; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 15 Community Facilities**. The Plan recommends enhancing connections to neighborhood parks and schools and increasing police presence in the neighborhood. As such, the plan supports the guideline's goals to have community facilities that are accessible to the adjacent neighborhoods; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of Louisville Metro Government that the requested Executive Summary of Plan to be an Amendment to Cornerstone 2020 be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Jarboe, Brown, Lewis, Peterson, Howard, Tomes, Turner, Kirchdorfer.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 9-58-89 / 15424

This case was heard out of order. It was heard 9th on the agenda.

Request: Binding Element

Property Address: 9201 Blue Lick Road

Case Manager: John Carroll, Assistant County Attorney

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

04:43:20 John Carroll, legal counsel for the Planning Commission, presented the case (see recording for detailed presentation.)

04:45:42 Mike Wilcher, Planning Supervisor with Planning & Design Zoning Enforcement, showed a Power Point presentation which included an overview of improvements which have been made on the site, and photos from the recent site inspection.

04:48:04 Mr. Wilcher said that significant progress has been made on the site. The applicant has stated they have signed a contract to initiate the paving by mid-July.

The following spoke for the appellant:

Mark Madison, Milestone Design Group, 108 Daventry Lane, Louisville, KY 40223

Summary of testimony of those for the appellant:

04:51:02 Mark Madison, the appellant's representative, said there have been issues with contractors because this is a busy season. He said there is an agreement with a landscaping nursery.

04:51:37 He said the appellant wishes to plant in September as landscape contractors would not warrant anything planted before the fall planting season.

04:52:24 The Commission stated that Mr. Wilcher can conduct site visits and report back to the Commission as things are improved.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 9-58-89 / 15424

Deliberation:

04:54:39 The Commissioners determined that the case should be continued and the fine suspended while the applicant continues to make improvements. Report back in first meeting in August for paving and first meeting in October for landscaping.

04:54:43 On a motion by Commissioner Peterson, seconded by Commissioner Tomes, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the first meeting in August (**August 4, 2016 Planning Commission hearing**) for a report on the paving progress; and to **CONTINUE** the case to the first meeting in October (**October 6, 2016 Planning Commission hearing**) for a report on the landscaping progress. The fine will be suspended pending outcome at both hearings.

The vote was as follows:

YES: Commissioners Lewis, Kirchdorfer, Tomes, Jarboe, Peterson, Howard, and Blake.

NO: No one.

NOT PRESENT: Commissioners Brown and Turner.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 9-36-96 BE

Request: Binding Element Citation

Property Address: 9609 National Turnpike

Case Manager: Jonathan Baker, Assistant County Attorney

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

04:57:23 Jonathan Baker, legal counsel for the Planning Commission, presented the case (see recording for detailed presentation.)

04:59:52 Mike Wilcher, Planning Supervisor with Planning & Design Zoning Enforcement, showed a Power Point presentation which included an overview of improvements which have been made on the site, and photos from the recent site inspection.

05:03:10 In response to a question from Commissioner Peterson, Mr. Wilcher stated that every time he has visited the site, "significant progress" has been made. Commissioner Lewis asked Mr. Wilcher if the appellant has shown improvement in cooperation with him and other staff members. Mr. Wilcher said yes.

05:04:14 In response to a question from Commissioner Kirchdorfer, Mr. Wilcher discussed the binding element which limits uses on the property; Mr. Baker read the binding element (binding element #3) into the record.

The following spoke for the appellant:

Paul Curry, 1038 Edward Avenue, Louisville, KY 40204

Daniel Nelson, 9609 National Turnpike, Louisville, KY 40118

Summary of testimony of those for the appellant:

05:06:15 Paul Curry, the appellant's attorney, spoke on the owner's behalf. Using Mr. Wilcher's photos, he reviewed the photos to show how the site has been improved (see recording for detailed presentation.)

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 9-36-96 BE

05:15:34 Daniel Nelson commented on the photos being shown by his attorney.

05:18:13 Mr. Curry stated that the original request was to have a landscape plan submitted and approved prior to today's meeting; however, upon research he has learned that was a very tough task to accomplish. The building issue was also addressed by Mr. Baker.

05:22:10 Mr. Curry pointed out that the buildings are not in compliance with the site plan as it was approved in 1993. He said the appellant has to file for a Revised Plan. He asked to include the landscape plan with any Revised Plan.

05:25:17 Commissioner Blake stated the Commission is looking for a date when they can expect the appellant to submit the application for a revised plan.

05:28:10 Commission is OK with establishing a 60 day timeframe for submitting the revised plan application and request for whatever waivers may be needed.

05:40:58 On a motion by Commissioner Jarboe, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **suspend** the fine and give the appellant until the first Planning Commission hearing in October (**October 6, 2016**) to get all improvements and install landscaping in full compliance.

The vote was as follows:

YES: Commissioners Lewis, Howard, Peterson, Tomes, Jarboe, Kirchdorfer, and Blake.

NO: No one.

NOT PRESENT: Commissioners Brown and Turner.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16DEVPLAN1035

This case was heard out of order. It was heard 5th on the Agenda.

Request: Appeal of DRC approval of an RDDDP and Waiver for proposed religious campus and condos

Project Name: Buddha Blessed Temple at Park Ridge Village

Location: 7748 Third Street Road

Owner/Applicant: Trung Huynh
Buddha Blessed Temple, Inc.
5644 New Cut Road
Louisville, KY 40214

Representatives: John Addington
BTM Engineering, Inc.
3001 Taylor Springs Drive
Louisville, KY 40220

Jurisdiction: Louisville Metro

Council District: 25 – David Yates

Case Manager: Laura Mattingly, Planner I

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Planning Commission Minutes
June 2, 2016

Public Hearing

Case No. 16DEVPLAN1035

Agency Testimony:

01:10:21 Laura Mattingly-Humphrey presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

Those in support of the appeal:

Nelson Lemmon, 8000 Manslick Road, Louisville, KY

Ken Williams, 1081 Franham (sp) Road, Louisville, KY 40214 (signed in as "Neither For Nor Against" but spoke in opposition)

Summary of Testimony of those in support of the appeal:

01:21:25 Nelson Lemmon presented his case and showed a Power Point presentation (see recording for detailed presentation.)

01:24:16 Mr. Lemmon presented his "Specific Areas of Contention for this Appeal" (see recording for verbatim presentation; detailed letter outlining Mr. Lemmon's specific concerns is on file.)

01:46:18 Mr. Lemmon presented handouts to the Commissioners.

01:46:44 In response to a question from Commissioner Kirchdorfer, Mr. Lemmon pointed out the location of his property in relation to the subject site.

01:47:26 In response to questions from Commissioners Jarboe and Blake, Mr. Lemmon discussed and clarified his opposition to the temple and condominium building designs.

01:51:16 Ken Williams, president of the Arbordale Neighborhood Association, spoke mostly for his father, who owns six pieces of property across the street from the subject site. He said the primary concern is about drainage and flooding. He said there is no indication on the plan about a drainage ditch on the property. He said the rest of the development does not bother him, except for the drainage and flooding issues.

01:53:05 Tony Kelly, with Metro MSD, addressed Mr. Williams' concerns and agreed to meet with him on-site. Mr. Kelly said there is no detention on the site in order to facilitate water flow.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16DEVPLAN1035

Those in opposition to the appeal/support of the DRC decision:

John Addington, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Robert Hwang, Gant Hill & Associates, 10300 Linn Station Road, Louisville, KY 40223

Tom Cowley, 115 Forest Court, Louisville, KY 40206

Paul Sandman, 241 Clover Lane, Louisville, KY 40207

Trung Huynh, 5644 New Cut Road, Louisville, KY 40216

Anne Walter, 1021 South 7th Street, Louisville, KY 40203

Summary of Testimony of those in opposition to the appeal/support of the DRC decision:

01:55:46 John Addington, BTM Engineering, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.) He emphasized that, since 2006, the number of proposed condominiums has been reduced, more greenspace has been preserved, and the proposed use is the same.

02:10:08 Paul Sandman was called but was not present to speak.

02:10:25 Tom Cowley spoke in support of the project.

02:10:58 Robert Hwang, with Gant Hill & Associates, spoke in support of the project.

02:11:38 Trung Huynh, the owner and president of the Buddha Bless Temple, spoke in support.

02:12:38 Anne Walter spoke in support of the project.

02:13:57 In response to a question from Commissioner Jarboe, Mr. Addington discussed the fact that the development plan was expired, not the rezoning.

02:16:17 In response to a question from Commissioner Tomes, Mr. Addington said the issue of the expired development plan was not discussed at

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16DEVPLAN1035

the last meeting. He added that there were three neighborhood meetings held in 2005; no neighborhood meetings held for this new plan, but early notification was sent out. He and Mr. Lemmon did discuss the project via e-mail and at least one phone call.

02:19:12 In response to a question from Commissioner Lewis, Mr. Addington confirmed that notification was sent out to all residents along McNair Road, and that there were none of them except Mr. Lemmon who communicated regarding this project.

Those neither for nor against the appeal:

No one spoke.

Rebuttal:

02:20:16 Mr. Lemmon presented his rebuttal/closing statement (see recording for detailed presentation.)

02:23:23 Mr. Williams said he did not receive any correspondence regarding this development. Ms. Mattingly-Humphrey said Mr. Williams is on the list of adjoining property owners.

Deliberation:

02:24:46 Commissioners' deliberation.

02:32:22 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **UPHOLD** the decision of the DRC Committee made on April 20, 2016 and does hereby **DENY** the appeal.

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16AMEND1004

This case was taken out of order and heard 3rd on the Agenda.

Request: Amend Section 4.1.6 of the Land Development Code Related to Hours of Operation

Project Name: Hours of Operation LDC Text Amendment

Location: Multiple Properties in Louisville Metro

Owner: Multiple Owners

Applicant: Louisville Metro

Representative: Louisville Metro

Jurisdiction: Louisville Metro

Council District: Planning Commission Resolution

Case Manager: **Brian Mabry, AICP, Planning Coordinator**

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.)

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

00:23:07 Brian Mabry presented the case and showed a Power Point presentation (see recording for detailed presentation.)

00:30:47 In response to a question from Commissioner Jarboe, Mr. Mabry made some clarifications regarding zoning regulations that are already in place.

The following spoke in favor of the proposal:

No one spoke.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16AMEND1004

The following spoke in opposition to the proposal:

No one spoke.

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

No one spoke.

Text Amendment to the Land Development Code

00:34:06 On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Planning Commission finds that the proposed amendments to the Operating Hours provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposed amendments to the Operating Hours provisions of the LDC comply with Marketplace Strategy, Goal A1, Objective A1.2 of Cornerstone 2020. The amendments make the applicability of existing Operating Hours provisions clearer, which contributes to more consistent enforcement; and

WHEREAS, the Commission further finds that the proposed amendments to the Operating Hours provisions of the LDC comply with Marketplace Strategy, Goal C1, Objective C1.1 of Cornerstone 2020. The amendments facilitate development review by codifying the determination of the Board of Zoning Adjustment on January 11, 2016, when it upheld the Director’s Interpretation related to the applicability of the Operating Hours provisions of the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission finds that, based on the evidence, testimony, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council and all other legislative bodies that the requested Amendments to Section 4.1.6 (“Operating Hours”) of the Land Development Code, as set forth in the staff report, be **APPROVED**.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16AMEND1004

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: No one.

ABSTAINING: Commissioner Smith.

Resolution

00:36:04 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the Planning Committee met on April 28, 2016, to discuss proposed amendments to the applicability provisions in Land Development Code Section 4.1.6, Operating Hours; and

WHEREAS, the Commission further finds that the discussion continued regarding the 100-foot separation requirement between listed activities in Section 4.1.6 and residentially zoned and used properties; and

WHEREAS, the Commission further finds that at least one member of the Planning Committee questioned whether the 100-foot separation requirement was adequate; and

WHEREAS, the Commission further finds that the Planning Committee unanimously voted to request that the Planning Commission pass this Resolution; now, therefore be it

RESOLVED, The Louisville Metro Planning Commission requests Planning & Design Services Staff to research and draft revisions related to the aforementioned separation requirement in Land Development Code Section 4.1.6 and report back to the Planning Committee within 120 days.

The vote was as follows:

YES: Commissioners Lewis, Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: No one.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16AMEND1004

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

This case was heard out of order. It was heard 6th on the Agenda.

***NOTE: Commissioner Brown left the meeting at approximately 3:50 p.m. and did not hear or vote on this and subsequent cases.**

Request: Rezoning from R-4 to PEC on 6.4 acres, Detailed District Development Plan; and Binding Elements

Project Name: Maple Crossing

Location: 2211 Tucker Station Road

Owner/Applicant: Adam Koch
3937 Kennison Court
Louisville, KY 40207

Representative: William Bardenwerper/Nick Pregliasco
Bardenwerper, Talbott & Roberts PLLC
1000 North Hurstbourne Parkway 2nd Floor
Louisville, KY 40223

David Mindel and Kathy Linares
Mindel Scott & Associates
5151 Jefferson Boulevard
Louisville, KY

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

Case Manager: Brian Davis, AICP, Planning Manager

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.)

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

02:33:47 Brian Davis presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

02:37:06 Mr. Davis discussed public comments received from David Kaelin (included in the staff report). Also, presented the requested changes/additions to the proposed binding elements received from Steve Porter, which Mr. Davis read into the record as follows:

#5e. Applicant agrees to submit detailed building elevations, design details, sign details, detailed landscaping plan and a lighting plan to DRC after applicant conducts a neighborhood meeting.

#2. All lighting, freestanding or attached, shall be fully shielded and pointed down and no luminaries shall be visible.

#3. No lighting or signage shall occur on the west façade of any building.

#4. The site shall either become a part of the Blankenbaker Station II development or shall be subject to all of the same restrictions, binding elements, and design standards.

#5. All building materials shall be the same as allowed in Blankenbaker Station II.

Mr. Davis explained that Binding Element #9 was included because he was not presented with elevations prior to today's hearing.

The following spoke in favor of the proposal:

Nick Pregliasco, Bardenwerper, Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

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

Greg Oakley, P.O. Box 7368, Louisville, KY 40257

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

David Kaelin, 2421 Tucker Station Road, Louisville, KY 40299

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

Summary of testimony of those in favor of the proposal:

02:42:28 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:52:39 Mr. Pregliasco said the applicant would agree to Mr. Porter's requested binding elements regarding lighting, in addition to the LDC requirements. However, he said that Tucker Station Road would be the only street frontage this building would have and that any signage would therefore have to be facing that road. He said any signage would meet the LDC and any conditions and restrictions for Blankenbaker Station II. He discussed landscaping.

02:55:19 Steve Porter, representing the Tucker Station Neighborhood Association, spoke in support. He said the Association approves of the changes the applicant has made.

03:00:29 David Kaelin, President of the Tucker Station Neighborhood Association, spoke in support. He was particularly in favor of the fully-shielded lighting, as proposed by Mr. Porter.

03:02:47 Greg Oakley, developer of Blankenbaker Station Phase II, spoke in support.

03:03:59 In response to a question from Commissioner Turner, Kathy Linares, pointed out the location of Blankenbaker Station II.

03:05:00 Mr. Pregliasco read three proposed changes to binding elements into the record (see recording for verbatim presentation.)

The following spoke in opposition to the proposal:

No one spoke.

The following spoke neither for nor against the proposal ("Other"):

No one spoke.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

Rebuttal:

There was no rebuttal, since no one spoke in opposition.

Deliberation:

03:08:43 Commissioners' deliberation.

Zoning

03:11:47 On a motion by Commissioner Jarboe, seconded by Commissioner Lewis, the following resolution was adopted:

GUIDELINE 1: COMMUNITY FORM

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form**. The applicable form district for this property is the Suburban Workplace Form District which is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting; this application and the Detailed District Development Plan (DDDP) accompanying this application demonstrate compliance with the Suburban Workplace Form District given how the proposed buildings satisfy the Land Development Code (LDC) setback requirements from Tucker Station Road and given proposed landscaping screening and buffering along Tucker Station Road and adjoining residential property lines; and the aerial photograph accompanying the PowerPoint Presentation shown at the Public Hearing further illustrates how this property adjoins or is located close to other warehouses, distribution and industrial uses, fitting within the Suburban Workplace Form District; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 – Activity Centers**. The Intents and applicable Policies 1, Q, 4, 5, 7, H, 13, 14, 15 and 16 of this Guideline all pertain to such things as assuring an efficient use of land and investment in existing infrastructure, reducing commuting time and distances so as to not exacerbate air pollution problems, locating in existing activity centers and appropriate form districts, developing non-residential and mixed uses in such centers, assuring compact and mixed compatible uses, appropriately designing shared parking and buildings in such centers, and assuring adequate utilities and utility easements as necessary; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

WHEREAS, the Commission further finds that this application complies with all of these Intents and applicable Policies of this Guideline for the following reasons; while activity centers are normally thought of as commercial centers, what they really are places where similar or compatible activities are all located in close proximity one to the other so that they either feed off of and support one another or work in some sort of symbiotic relationship; given that, for the most part, especially to the east and northwest, this is an intensely developed workplace area, this rezoning and accompanying development plan are appropriate for this area; infrastructure exists because all manner of other office, warehouse, distribution and industrial activities are located next door or close by, thus another similar use activity, like this, makes sense from the standpoint of access to and through the area as well as where employees typically commute to jobs of this kind; the proposed small warehouse buildings located on this property fit well, while leaving setbacks, landscaping and buffering where required by the LDC or to address the interests of adjoining property owners; and parking is appropriately designed to be shared among the several warehouse buildings; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 19, 20, 21, 22, 23, 24, and 29 all pertain to the issues of impact mitigation; sometimes this can be through building design and materials; given that the adjoining Blankenbaker Station encompasses a wide variety of relatively well-designed intense office, warehouse, distribution and light industrial building designs, the buildings proposed for this site will be held to a similar standard; these buildings will be attractive, and images of them were presented at LD&T and the Public Hearing for review in this case; the impacts of noise generated from trucks, as well as lighting from trucks and from parking lots, will be mitigated by the mostly internal location of parking, with landscaping, and by Metro approved points of access to assure that the adjoining R-4 neighbors are not disrupted during hours of operation; and the DDDP and possible binding elements also address transitional issues, such as buffers, setbacks, screening and landscaping; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 – Economic Growth and Sustainability**. The Intents and applicable Policies 1, 2, 3, 4, 6, 8, and 10 of this Guideline all pertain to the issues of assuring availability of adequate usable land for such uses as these,

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

to reduce public and private costs for land development, to preserve workplaces, to provide for appropriate access, to invest in developing and redeveloping industrial areas, to locate industries where other industries already exist and in the activity centers in and around those industrial areas, to assure that transportation is adequate in and out of industrial areas and properties such as this, and to continue to redevelop and adaptively reuse vacant properties like this; and

WHEREAS, this application complies with the Intents and applicable Policies of this Guideline because this property adjoins the existing Blankenbaker Station business park with an opportunity for more compatible buildings on a vacant property in an area appropriate for the same type uses as this kind; roads which provide access are (or must be) constructed to provide safe transportation routes to and from this site, and the point of access to this property, which is no longer off Tucker Station Road, is one that has been preliminarily approved by Metro Transportation Planning/Public Works prior to docketing for Public Commission consideration and is one that has been endorsed by neighbors; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 7, 8, and 9 – Circulation; Transportation Facilities; and Alternative Transportation Modes.** The Intents and applicable Policies 1, 2, 9, 10, 11, 12, 13, 14 and 15 of Guideline 7, Policies 5, 6, 7, 9, 10, 11 and 12 of Guideline 8, and Policies 1, 2, 3 and 4 of Guideline 9 all pertain to the multiplicity of issues that are typically reviewed by Metro Transportation Planning and Public Works in connection with those agencies' reviews of DDDPs such as the one submitted with this application; and

WHEREAS, this application complies with all these Intents and applicable Policies of these Guidelines because Metro Transportation Planning has reviewed the DDDP and assured compliance with all of these applicable Policies; in that regard, Mindel Scott & Associates (MSA), a professional land planning and engineering firm that has worked on this DDDP, has taken into account in its design such issues as appropriate access, internal circulation, adequate parking, adequacy of street access, appropriate site distances and even whether sidewalks and bicycles need to be provided/accommodated; all of these things have been addressed on the DDDP accompanying this DDDP before the Planning Commission for consideration; and the main point of contention with neighbors which had been access has be resolved by virtue of there being no access points off Tucker Station Road, rather the future access to be constructed by virtue of an extension of Schutte Station Road; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 10 and 11 – Flooding and Stormwater; and Water Quality**. The Intents and applicable Policies 1, 3, 7, 10 and 11 of Guideline 10 and Policies 3 and 5 of Guideline 11 raise issues that are already regulated by MSD; the DDDP accompanying this application has received the preliminary stamp of approval from MSD demonstrating compliance with all of these Policies; on-site detention will be required or the regional fee will be paid; wetlands, if any, and streams will be protected; work done on this property will be performed in compliance with the soil erosion and sediment control guidelines of MSD and also with the new water quality standards adopted by MSD; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12 – Air Quality**. The Intents and applicable Policies 1, 2, 4, 6, 7, 8 and 9 of this Guideline all pertain to the various issues of air quality regulated by the Air Pollution Control District (APCD); and

WHEREAS, this application complies with these Intents and applicable Policies of this Guideline because APCD adopts regulations that require compliance; one of the goals of the Comprehensive Plan as evident in this Guideline is to reduce commuting distances and to assure that major truck traffic, to the maximum extent possible, utilize routes that are typically traveled by trucks, this project helps reduce vehicle miles traveled; and the proposed warehouses are located next to the existing Blankenbaker Station business park with proposed access to it; which truck traffic and employees are already accessing; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13 – Landscape Character**. The Intents and applicable Policies 1, 2, 4, and 6 of this Guideline all pertain to the issues of LDC compliance with landscaping requirements and to the need to screen and adequately buffer adjoining uses that might be of a different nature, such as the R-4 parcels next door and along the Scenic Corridor of Tucker Station Road; and the landscape plan will comply with the LDC and include enhanced landscaping as to mitigate unacceptable impacts; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 14 and 15 – Infrastructure and Community Facilities**. The Intents and applicable Policies 2, 3, 4, 6 and 7 of Guideline 14 and Policies 3, 4, and 9 of Guideline 15 all pertain to the issues of assuring that adequate water supply, sewage treatment, other utility services and public services are available to serve sites, including industrial ones, of this kind; and this application and the

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

accompanying DDDP demonstrate, in part, how utilities and public services, such as fire and emergency, are available at this site or close by; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 to PEC on property described in the attached legal description, be **APPROVED**.

The vote was as follows:

YES: Commissioners Lewis, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard,

NO: No one.

NOT PRESENT: Commissioner Brown.

ABSTAINING: Commissioner Smith.

Detailed District Development Plan and binding elements

03:13:03 On a motion by Commissioner Jarboe, seconded by Commissioner Lewis, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal is predominantly surrounded by industrially-zoned land; and

WHEREAS, the Commission further finds that the proposal provides the required buffering along the protected stream which traverses the eastern portion of the property; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

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

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

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. The development shall not exceed 48,000 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding 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. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

- 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. Applicant agrees to submit detailed building elevations for the proposed structures to staff for approval.~~
- 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 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.
- 9. The façade elevations shall be in accordance with applicable form district standards and ~~shall be approved by PDS staff prior to construction permit approval.~~ The building elevations shall be substantially similar as shown at the June 2, 2016 Planning Commission public hearing. *(Revised at the June 2, 2016 Planning Commission public hearing.)*
- 10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
- 11. There is no direct access to the site from Tucker Station Road. Access will come via an extension of Schutte Station Place.
- 12. The lighting shall be fully shielded; shall utilize flat lenses, and shall be pointed to the ground. *(Added at the June 2, 2016 Planning Commission public hearing.)*

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1028

The vote was as follows:

YES: Commissioners Lewis, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: Commissioner Brown.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

This case was heard out of order. It was heard 7th on the Agenda.

Request: Change in zoning from M-2 & R-6 to C-M on approximately 0.43 acres with Waivers and a District Development Plan

Project Name: Art Sanctuary

Location: 1433, 1439, and 1441 South Shelby Street

Owner/Applicant: Dennis L. Becker
JABAR, LLC
1338 Hull Street
Louisville, KY 40204

Representative: Daniel L. Senn
2244 Taylorsville Road
Louisville, KY 40205

Jurisdiction: Louisville Metro

Council District: 10 – Pat Mulvihill

Case Manager: Julia Williams, RLA, AICP, Planner II

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.)

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

03:19:13 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) In response to a question from Commissioner Kirchdorfer, Ms. Williams said the minimum number of parking spaces required on the site is 85; with shared parking agreements, the applicant is providing 95.

The following spoke in favor of the proposal:

Daniel Senn, 2244 Taylorsville Road, Louisville, KY 40205

Summary of testimony of those in favor of the proposal:

03:27:52 Daniel Senn, the applicant's representative, presented the applicant's case (see recording for detailed presentation.) He specifically addressed alcohol sales.

03:33:04 Brittany (didn't say last name) , of Art Sanctuary, discussed the mission of Art Sanctuary and spoke in support of the proposal.

03:38:32 In response to a question from Commissioner Lewis, Mr. Senn used an aerial photo and described where the parking spaces/areas are located. Mr. Senn said the parking agreements with nearby businesses are mostly for the events; the street parking should be able to handle the traffic for the artists' studios.

03:41:30 In response to a question from Commissioner Turner, Brittany explained the issue of alcohol sales (usually handled via temporary liquor permit for events/fundraisers.)

The following spoke in opposition to the proposal:

No one spoke.

The following spoke neither for nor against the proposal ("Other"):

No one spoke.

Rebuttal:

There was no rebuttal, since no one spoke in opposition.

Deliberation:

03:43:01 Commissioners' deliberation.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

Zoning

03:48:04 On a motion by Commissioner Jarboe, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form**. The subject property is located within a Traditional Neighborhood Form District. Guideline 1.B.2 defines a Traditional Neighborhood Form District as one that is comprised predominantly of residential uses with a grid pattern of streets and sidewalks. Residential lots are predominantly narrow and deep, but the neighborhood may contain sections of larger estate lots as well as sections of lots which appropriately integrate higher density residential uses. It is encouraged for the higher density uses to be located in centers or near parks and open spaces; and

WHEREAS, the Commission further finds that the proposed rezoning complies with Guideline 1 of Cornerstone 2020 because it will enable an old industrial site and the existing building on the site to accommodate an upscale use consisting of individual artists' studios as rental spaces and a large assembly area for artists' shows, assemblies concerning the arts, and a venue for productions related to the arts and the interest of artists and the sale of their products, as well as the display of creations for sale to the public. The intended use will also be for use as a rental hall able to be reconfigured for various artists' applications. The proposed change in zoning of the existing building would change the use of the building from heavy industrial and higher density residential applications to a commercial and light manufacturing use with emphasis on a commercial use for the sale of artists' products and productions and a minor emphasis on manufacturing for the purpose of allowing the artist to create their products and prepare them for sale in either the assemblies, production, or shows that are intended to be set up in the Assembly Hall area in the larger part of the existing building. The proposed change of zoning of the existing building will change the M-2 heavier industrial usage and the potentially higher R-6 residential density usage to a less dense center for the neighborhood with no change in any of the green space now existing, creating more civic uses that will be appropriately located and integrated into the neighborhood with no change in the existing grid pattern of the streets and alleys, and no change in the public open spaces. For the foregoing reasons, the proposed change in zoning complies with Guideline 1 of Cornerstone 2020; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

WHEREAS, the Commission further finds that the proposal complies with the intents of **Guideline 2 – Centers**. Guideline 2 of Cornerstone 2020 encourages the mixed use of land around compact activity centers that are existing, proposed or planned. As stated above, the proposed change in zoning of the existing building proposes to introduce an appropriately located neighborhood center which would include a mix of neighborhood serving uses such as Guideline 2 calls for such as offices, shops and/or restaurants and this proposed new center would be used as a center for artists and their shops and sales venues, which would be an appropriate use under Guideline 2. The proposed change in zoning will allow for the conversion of an old, blighted industrial building into a neighborhood center which will help to stabilize the neighborhood and add to the diverse mixture of uses in the Schnitzelburg Neighborhood. In addition, the proposed rezoning will provide a unique center that will provide a diversity of goods and services and will encourage the commercial revitalization and redevelopment of the Schnitzelburg area. The proposed rezoning follows the policies of Guideline 2 in that it will contain the new center as a designated activity place and no expansion of the building is needed or planned. The proposed rezoning will encourage a compact development pattern which will result in efficient land use and cost-effective infrastructure investment as the existing building will be used for more of a neighborhood activity center as opposed to a heavy industrial production site. The proposed rezoning will allow the old industrial site to be used as a cleaner more neighborhood- friendly focal point, which will encourage an activity center to be compact and multipurpose. The proposed change in zoning will not change any utility easements or access for maintenance and repair and will not require additional utility hookup in service entrances and will minimize negative visual impacts by not needing a change in utilities either above ground or underground, and therefore not needing any screening of new utility equipment. Finally, the proposed development with the proposed change in zoning as an artists' activity center will encourage the neighborhood to easily access the building by bicycle, car, transit or for pedestrians and for people with disabilities and the building is on the city bus line to positively affect any needed parking. For the aforementioned reasons, the proposed development complies with Guideline 2 of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The subject property is located in an area that consists of a mixture of commercial, industrial, office and residential uses. The subject property is bounded in the front by Shelby Street on the northwest side and Lydia Street on the northeast side, with the east side bounded by McHenry Street and the South side bounded by an alley off of Shelby Street. The property across the street and to the Northwest is zoned OR-3 and the properties to the Southwest are zoned EZ-1 and C-1. Directly North and Northeast of the

Planning Commission Minutes
June 2, 2016

Public Hearing

Case No. 15ZONE1060

building on Lydia Street, the properties are predominantly residential with rental properties and mostly residential houses. The properties to the South and Southeast are predominantly rental houses and/or residential housing. Directly across Shelby Street as previously mentioned, the OR3 property across Shelby Street is the Volunteers of America Complex and the properties across Shelby Street to the Southwest is the Estate Products Company or campus and the C-1 properties which takes up a large section of the block; and

WHEREAS, the Commission further finds that the proposed change in zoning of the existing building is compatible with the scale and site design of development in the surrounding neighborhoods such as the Volunteers of America Complex, the Estate Products Company facility or campus, and the adjoining C-2 properties. The proposed change in zoning of the existing building is compatible with the scale and site design of the development in the surrounding area, including the Volunteers of America Complex and the Estate Products Company facility or campus. The proposed change in zoning follows the policies of Guideline 3 in that the building's new use will eliminate noises for owners and air quality emissions that may be emitted from a use that is now allowed in the existing M-2 and R-6 zoning. The proposed zoning change of the existing building will eliminate an industrial use of the building which by its current zoning, said industrial use is allowed and the proposed change in zoning will minimize or mitigate the handling of any hazardous materials such as the current zoning now allows. The proposed change in zoning of the existing building will create a center that will encourage a diversity of uses conducive to a residential neighborhood than the current M-2 and R-6 zoning now exists. The proposed zoning change of the existing building will not ask for a change in setbacks or lot dimensions or building heights and should minimize the impact of loading zones and delivery areas that would be allowed in the current M-2 and R-6 zoning that is proposed to be eliminated. In addition, any outdoor lighting and signage will comply with Land Development Code requirements and will be predominantly placed on the Shelby Street side of the building with minimum signage on the Lydia Street side and all signage will comply with Land Development Code Requirements and will not negatively affect nearby residential properties. The proposed change of zoning of the existing building creates a center-type atmosphere with the front being positioned on Shelby Street and will keep the main activity of the building located there on the transit corridor. The sidewalks and internal pedestrian connections are already in existence and will not be changed which will ensure the development as highly accessible by all modes of transportation. The stormwater and runoff and drainage designs are already in place and will not negatively impact the adjoining residential neighborhood areas. For the aforementioned reasons, the proposed development complies with Guideline 3 of Cornerstone 2020; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 4 – Open Space**. Guideline 4 of Cornerstone 2020 is intended to promote the creation of well-designed, permanently protected open spaces that meet community needs. The proposed change in zoning of the existing building does not alter the open space that currently exists on the site, which is limited and very minimal as the existing building occupies almost all of the property with very little side, front and back yards. There is no plan and/or proposal to change these open spaces other than to landscape them and dress them up for a better appearance, therefore the proposed rezoning of the existing building preserves all of the existing open space that now exists. For the foregoing reasons, the proposed Development Code satisfies Guideline 4 of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5 – Natural Areas and Scenic and Historic Resources**. Guideline 5 of Cornerstone 2020 is intended to help ensure development of property, protects the natural areas and features of important scenic and historic resources. The proposed zoning change of the existing building respects the natural and existing features of the site and there will be no substantial change in the topography other than the landscaping of the open spaces and no disturbance of the land nor any negative effect or environmental degradation. The proposed change in zoning of the existing building will not change the drainage or runoff that is already existing in and around the existing building. The subject property contains no other environmental constraints, scenic, historic or cultural resources that would inhibit the proposed change in zoning of the existing building. Accordingly, the proposed change in zoning of the existing building meets Guideline 5 of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 – Economic Growth and Sustainability**. The property is located on a minimal transit corridor and the change in zoning would create an activity center out of an old industrial building which would all further the attraction and sustaining of businesses within Louisville and Jefferson County. The proposed investment in the older building through the change of zoning represents the significant investment in the rehabilitation of a long, vacant, blighted industrial site in a manner that is consistent with a Traditional Neighborhood Form District. The existing building, if rezoned, will create an activity center and will adapt an older industrial site to a commercial site creating jobs and activity consistent with the Traditional Neighborhood Form District. Therefore, the proposed development complies with Guideline 6 of Cornerstone 2020; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 7, 8, and 9 – Circulation; Transportation Facility Design; and Bicycle, Pedestrian and Transit**. The subject property is located in the Schnitzelburg Neighborhood on the corner of Shelby Street and Lydia Street with Shelby Street being a minor arterial corridor with no change in the sidewalks or the existing transit connectivity. The change in zoning would not impede pedestrian use, and with the change of zoning, no further curb cuts or entryways are necessary for the intended use of the building. Bicycle parking will be provided on the site in accordance with the Land Development Code and the sidewalks along Shelby Street and Lydia Street will be maintained and improved, and pedestrian connections will be kept as existing as a public sidewalk. In addition, the property is located on a TARC route with the bus stop beginning at the corner of Shelby Street and Lydia Street, extending back to near the entry way to the existing building. Accordingly, the request for a change of zoning accommodates all modes of transportation by providing for the movement of pedestrians, bicyclists and transit users to and from the site. Being located in an activity center on a minor arterial corridor and in close proximity to neighborhoods and downtown Louisville, with adequate pedestrian, bicycle and transit service, the subject site is located where transportation infrastructure exists to ensure the safe and efficient movement of people and goods. The applicant has secured off-site parking agreements within a thousand (1,000) feet of the site for over eighty (80) parking spaces for the limited times when there would be assemblies and/or production or sales, shows or other scheduled events in the intended assembly hall to alleviate parking and most all of these assemblies and productions or shows would take place either on the weekend or in the evening hours. For the foregoing reasons, the proposal complies with Guidelines 7, 8 and 9 of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 10 and 11 – Flooding; Stormwater and Water Quality**. The subject site is an existing building in the Schnitzelburg area that basically covers the entire property and has existed and should not now negatively impact the water shed and the site's capacity to carry stormwater. As the building sets and the city sidewalks surround the building, proper stormwater handling and release management will not adversely affect adjacent and downstream properties. The addition of some landscape in the very small areas near the building and any improvements needed on the sidewalks surrounding the existing building minimize impervious areas and no erosion is expected in and around the site with the intended use of the building if rezoned will utilize best management practices, as required by the Metropolitan Sewer District.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

Accordingly, the proposed development complies with Guidelines 10 and 11 of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12 – Air Quality**. The requested rezoning of the existing site complies with Guideline 12 of Cornerstone 2020 because the intended use represents an efficient land use pattern and utilizes current traffic patterns. Because the site is located on a TARC route, the proposed rezoned site will promote a reduction in commuting time, which in turn will help reduce transportation-related air pollution. Lastly, the proposed development will promote bicycle transportation due to its intended bicycle parking site that the applicant will install as set out in the applicant's plan and with the improvements on any of the needed sidewalks and walkways, intended use after rezoning will accommodate alternate modes of travel. Based on the foregoing, the proposed development satisfies Guideline 12 of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13 – Landscape Character**. Guideline 13 of Cornerstone 2020 is intended to protect and link urban woodland fragments in conjunction with greenways planning, promote tree canopy as a resource, enhance visual quality and buffer incompatible land uses. The requested rezoning of the existing building includes improved landscaping in the very limited areas that exist at the current site due to the existing building setting almost entirely on the property with no open spaces for said landscaping. The applicant intends to landscape in any areas available which are very limited because the building occupies most all of the lot. With approval of the requested zoning change and the intended use of the building as a center located on a minor arterial corridor with the bike parking added, pursuant to the plan and the minimal landscaping that is intended, and all outdoor signing and lighting complying with the Land Development Code, the requested change of zoning will be compatible with the surrounding area and will satisfy Guideline 13 of Cornerstone 2020; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 14 and 15 – Infrastructure; and Community Facilities**. The requested change of zoning for the existing building complies with Guidelines 14 and 15 of Cornerstone 2020 because it is served by existing infrastructure and all necessary utilities including water, electricity, telephone and cable. These utilities already exist on the site and in the current building, and are located with common easements and trenches. The site also has adequate supply of potable water and water for firefighting purposes and is served by the Louisville Fire Department; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from M-2 & R-6 to C-M on property described in the attached legal description, be **APPROVED**.

The vote was as follows:

YES: Commissioners Lewis, Turner, Kirchdorfer, Tomes, Jarboe, Peterson, Howard, and Blake.

NO: No one.

NOT PRESENT: Commissioner Brown.

ABSTAINING: Commissioner Smith.

Waivers, Detailed District Development Plan, and Binding Elements

03:49:19 On a motion by Commissioner Jarboe, seconded by Commissioner Peterson, the following resolution was adopted:

Waiver #1 – Waiver from Chapter 10.2.10 to eliminate the required 5' VUA where parking is adjacent to McHenry Street

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since the parking is existing and is not a change to the site; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

of vehicular use areas and property abutting public rights-of way. The parking area is existing and is located off a roadway that is used like an alley; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there are no planned site changes; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there are no planned site changes; and

Waiver #2 – Waiver from 10.2.4 to not provide a 15' LBA between the site and the adjacent R-6 lot to the north.

WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners since the building is existing and not planned for any changes and an 8' fence will be provided; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

building is existing and not planned for any changes and an 8' fence will be provided; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the building is existing and not planned for any changes and an 8' fence will be provided; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the building is existing and not planned for any changes and an 8' fence will be provided; and

Detailed District Development Plan and Binding Elements

WHEREAS, the Commission further finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

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

WHEREAS, the Commission further finds that there are no open space requirements with the current proposal; and

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

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate screening will be provided to screen adjacent properties; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

Planning Commission Minutes
June 2, 2016

Public Hearing

Case No. 15ZONE1060

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10.2.10 to eliminate the required 5' VUA where parking is adjacent to McHenry Street; the requested Waiver from 10.2.4 to not provide a 15' LBA between the site and the adjacent R-6 lot to the north; and 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. The development shall not exceed 16,700 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system or permitted on the site.
6. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
7. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 15ZONE1060

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 Lewis, Turner, Kirchdorfer, Tomes, Jarboe, Peterson, Howard, and Blake.

NO: No one.

NOT PRESENT: Commissioner Brown.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

This case was heard out of order. It was heard 8th on the agenda.

Request: Change in zoning from R-6 to C-2 on approximately 0.3 acres with a Variance, Waivers, and Detailed District Development Plan with Binding Elements

Project Name: Butcher Block

Location: 115 N. Wenzel Street; 1004, 1006 & 1006R
East Washington Street

Owner/Applicant: Butcher Block Properties, LLC
Andy Bleiden
1201 Story Avenue Suite 100
Louisville, KY 40206

Representative: Greg Ehrhard
Stites & Harbison
400 West Market Street Suite 1800
Louisville, KY 40202

Kelli Jones
Sabak, Wilson & Lingo
608 South Third Street
Louisville, KY 40202

Jurisdiction: Louisville Metro

Council District: 4 – David Tandy

Case Manager: Julia Williams, RLA, AICP, Planner II

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.)

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

An audio/visual recording of the Land Development and Transportation Committee meeting 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.

Agency Testimony:

03:51:18 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the proposal:

Greg Ehrhard, Stites & Harbison, 400 West Market Street Suite 1800, Louisville, KY 40202

Kelli Jones, Sabak, Wilson & Lingo, 608 South Third Street, Louisville, KY 40202

Andy Bleiden, 1201 Story Avenue Suite 100, Louisville, KY 40206

Summary of testimony of those in favor of the proposal:

04:01:09 Kelli Jones, of Sabak, Wilson & Lingo, spoke on behalf of the applicant (see recording for detailed presentation.) She specifically addressed the issue of noise, which had been raised at LD&T.

04:08:15 Andy Bleiden, the applicant, spoke for and answered some questions about the project.

04:11:13 In response to a question from Commissioner Jarboe, Ms. Jones said she had spoken with an adjoining property owner regarding the alley access. Ms. Jones pointed out both public and private alleys. In response to a question from Commissioner Smith, Ms. Jones explained how many housing units and other uses would be in the development.

The following spoke in opposition to the proposal:

John Valentine, 129 East Burnett Avenue, Louisville, KY 40208

Robin Russo, 933 East Washington Street, Louisville, KY 40206

Summary of testimony of those in opposition to the proposal:

04:14:04 Robin Russo was called but was not present to speak.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

04:14:08 John Valentine said he opposes the zoning change and conversion of the three properties from residential to commercial. He said he believes the rezoning prevents potential buyers from purchasing the property to use as residential, and said the staff report is in error because the Washington Street corridor is all residential in the whole 900 block.

04:22:20 Commissioner Jarboe said that photos of the properties showed structures in "massive disrepair". He asked who else would buy and renovate those properties; also, if Mr. Valentine did not think that commercial uses would be beneficial to residents. Mr. Valentine agreed that the structures were "in grave disrepair"; however, there are people renovating houses in Butchertown. He said he would rather see rental property, rather than commercial. He said the area is not lacking in commercial uses.

The following spoke neither for nor against the proposal ("Other"):

No one spoke.

Rebuttal:

04:28:08 Greg Ehrhard argued that the commercial zoning and the proposed uses are compatible.

04:30:30 Mr. Bleiden spoke in rebuttal.

Deliberation:

04:34:25 Commissioners' deliberation.

Zoning

04:40:04 On a motion by Commissioner Jarboe, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the subject properties are located within the Traditional Neighborhood Form District, which is characterized by predominantly residential uses, and by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged

Planning Commission Minutes
June 2, 2016

Public Hearing

Case No. 16ZONE1004

to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings; and

WHEREAS, the Commission further finds that traditional neighborhoods often have, and are encouraged to have, a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

WHEREAS, the Commission further finds that the proposal is consistent with Guideline 1.8.2 of the Cornerstone 2020 Plan because it does not affect the existing street pattern. Sidewalks and alleys are provided and improved within all rights-of-way. The proposal is for a zoning district that permits neighborhood-serving uses, such as offices, shops, restaurants and services (in addition to a residential component). The proposal preserves public open spaces and the public realm of the right-of-way, while also creating new private open spaces. The proposal is for the preservation and renovation of existing buildings for commercial, office or residential purposes, which will assist in the revitalization of the area. The existing structures are historic and are representative of the past development of the neighborhood; thus, the proposal will be compatible with the scale, rhythm, form and function of the existing neighborhood because no significant changes are proposed. The proposal will not create a new center, but is considered a repurposing of an existing center. The proposal is located in a higher density residential neighborhood. The proposal is compact and results in an efficient and effective land use pattern. Infrastructure in the area is already set up to serve the proposed uses, which is cost effective. The proposal is for mixed uses, which will reduce trips and will support alternative transportation with sidewalks around the site. Transit is located nearby along Main Street, which will serve the site well; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 – Centers**. The proposal is part of an existing activity center located at the intersection of East Washington Street and North Wenzel Street, and very

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

near to East Main Street. The proposal will help to repurpose and rehabilitate the activity center in this block and surrounding blocks. (Guideline 2.A.1, .7). The proposal will allow the location of retail commercial establishments in this activity center. (Guideline 2.A.3). It is a compact development, resulting in efficient land use, with no need for infrastructure investment. (Guideline 2.A.4). There will be a mixture of compatible land uses here (residential/commercial/office), thus allowing for a reduction in traffic congestion and encouraging alternate modes of transportation, and increasing the vitality and sense of place in this neighborhood. (Guideline 2.A.S, .6). By maintaining the existing alley entrance and adding a small area of surface parking, the proposal includes shared parking and entrances and reduces potential curb cuts, all with a quality design that balances safety, traffic, transit, pedestrian, environmental and aesthetic concerns (Guideline 2.A.13, .15); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**. The neighborhood is a mixed-use area, and the applicant proposes a compatible mix of uses (residential/commercial/office) that will not constitute a non-residential expansion into a residential area. (Guideline 3.A.4). Site lighting will meet all standards of the LDC, and any possible adverse impacts will be mitigated. (Guideline 3.A.8). The site is near an existing activity center and near transit routes along East Main Street. (Guideline 3.A.11); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 4 – Open Space**. The proposal enhances quality of life with the provision of a common courtyard open space area, which will be privately and continuously maintained, all in a manner that is consistent with the pattern of development in the neighborhood. (Guideline 4.A.3, .4, .7); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5- Natural Areas and Scenic and Historic Resources**. The proposal is located in the Butchertown Historic Preservation District. The proposal includes the preservation, rehabilitation and adaptive reuse of existing contributing historic structures in a manner that is compatible with the height, bulk, scale, architecture and placement of other structures in the district and immediate neighborhood. (Guideline 5.A.2, .4). The proposal raises no concerns about impacts on the natural environment; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6- Economic Growth and Sustainability**. This proposal constitutes an investment in the rehabilitation and revitalization of the Butchertown neighborhood, in a manner that is consistent with, and sensitive to, form patterns in the district. (Guideline 6.A.3). It complements and enhances the existing

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

activity center by providing a mixture of uses near a major arterial corridor. (Guideline 6.A.6); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 7- Circulation**. The proposal will not put a strain on existing transportation networks and facilities. (Guideline 7.A.1). The proposal is well-situated to take full advantage of mass transit opportunities, particularly along East Main Street, and of existing roadway and pedestrian infrastructure. (Guideline 7.A.3,.4). Parking and access will be coordinated as between the subject properties and neighboring properties. (Guideline 7.A.16); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 8- Transportation Facility Design**. Access to the properties is through existing public rights-of-way and an existing alley, thus no nuisance will be created for new access through other incompatible areas. (Guideline 8.A.9); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 9- Bicycle, Pedestrian and Transit**. The proposal relies upon, and protects, the existing pedestrian sidewalk infrastructure that surrounds the properties, and which provides easy access to mass transit options, particularly along East Main Street. (Guideline 9.A.1, .2). On-site bicycle parking will be provided. (Guideline 9.A.4); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 10- Flooding and Stormwater**. MSD has approved the drainage plans of this proposal. Any potential negative impacts to the floodplain have been mitigated, and impervious areas have been minimized. (Guideline 10.A.2,.3); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 11- Water Quality**. It is not anticipated that this relatively small mixed-use development will degrade the water quality due to water pollution or erosion; regional water resources are protected. (Guideline 11.A.1); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12- Air Quality**. APCD has confirmed that this mixed-use development will have no negative impact on air quality. (Guideline 12.A.9); and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13- Landscape Character**. The landscape area of this developed urban neighborhood will not be affected; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 14 –Infrastructure**. The proposal is located in an area that is served by adequate existing utilities. (Guideline 14.A.2, .3, .4); and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-6 to C-2 on property described in the attached legal description, be **APPROVED**.

The vote was as follows:

YES: Commissioners Lewis, Turner, Kirchdorfer, Jarboe, Peterson, Howard, and Blake.

NO: No one.

NOT PRESENT: Commissioners Brown and Tomes.

ABSTAINING: Commissioner Smith.

- **Variance from Chapter 5.2.2C the Land Development Code to allow proposed parking to encroach into the required yard on lots 3, 4, 8, 9, and 10**
- **Waiver #1 from Chapter 10.2.4 to eliminate the LBAs and planting requirements on lots 1, 2, and 10.**
- **Waiver #2 from Chapter 10.2.10 to eliminate the required VUA LBA and plantings along the alley for Lots 3, 4, 9 & 10**
- **Detailed District Development plans, General Plan, and Binding Elements**

04:41:08 On a motion by Commissioner Jarboe, seconded by Commissioner Howard, the following resolution was adopted:

Variance

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare since the encroachment is adjacent to a non-residential use and since the encroachment is adjacent to an alley; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity since the encroachment is adjacent to uses

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

with a parking lot in the rear that is accessed from the alley and since the encroachment is adjacent to an alley; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public since the encroachment is adjacent to a non-residential use and since the encroachment is adjacent to uses with a parking lot in the rear that is accessed from the alley and since the encroachment is adjacent to an alley; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since the encroachment is adjacent to uses with a parking lot in the rear that is accessed from the alley and since the encroachment is adjacent to an alley; and

WHEREAS, the Commission further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone. The encroachment is adjacent to uses with parking in the rear that is accessed from the alley and since the encroachment is adjacent to an alley the situation is similar to other properties in the area; and

WHEREAS, the Commission further finds that the strict application of the provision would deprive the applicant of reasonable use of the land since off street parking in traditional areas is normally found off an alley not allowing it to occur in this circumstance would be a hardship; and

WHEREAS, the Commission further finds that the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought; and

Waiver #1

WHEREAS, the Commission further finds that the requested waiver will not adversely affect adjacent property owners since the buildings are existing; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. 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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. Not providing an LBA and landscaping where the waiver is being requested won't violate the comprehensive plan because the building is existing only the use of the building is changing; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the buildings are existing and will remain; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the buildings are existing and will remain; and

Waiver #2

WHEREAS, the Commission further finds that the requested waiver will not adversely affect adjacent property owners since parking is normally found in an alley within the traditional form districts. Parking will be parallel instead of perpendicular to the alley; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020. The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. Parking is normally found in an alley within the traditional form districts; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since parking is normally found in an alley within the traditional form districts. Parking will be parallel instead of perpendicular to the alley; and

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since parking is normally found in an alley within the traditional form districts. Parking will be parallel instead of perpendicular to the alley; and

GDDP and DDDP

WHEREAS, the Commission further finds that there does not appear to be any environmental constraints and historic resources on the subject site will be preserved; and

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

WHEREAS, the Commission further finds that there are no open space requirements with the current proposal; and

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

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots meet all required setbacks; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's findings of fact, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from Chapter 5.2.2C the Land Development Code to allow proposed parking to encroach into the required yard on lots 3, 4, 8, 9, and 10; the requested Waiver #1 from Chapter 10.2.4 to eliminate the LBAs and planting requirements on lots 1, 2, and 10; the requested Waiver #2 from Chapter 10.2.10 to eliminate the required VUA LBA and plantings along the alley for Lots 3, 4, 9 & 10; the requested General Development Plan and Detailed District Development Plans, **SUBJECT** to the following binding elements:

Planning Commission Minutes
June 2, 2016

Public Hearing

Case No. 16ZONE1004

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. The development shall not exceed 1,920 square feet of gross floor area on Lot 1. The development shall not exceed 2,132 square feet of gross floor area on Lot 2. The development shall not exceed 1,128 square feet of gross floor area on Lot 3.
3. No outdoor advertising signs, small freestanding 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. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

**Planning Commission Minutes
June 2, 2016**

Public Hearing

Case No. 16ZONE1004

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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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.
9. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

The vote was as follows:

YES: Commissioners Lewis, Turner, Kirchdorfer, Jarboe, Peterson, Howard, and Blake.

NO: No one.

NOT PRESENT: Commissioners Brown and Tomes.

ABSTAINING: Commissioner Smith.

**Planning Commission Minutes
June 2, 2016**

Public Hearing

**Approval of the Minutes for Case No. 16NEIGH1000 & 16NEIGH1001 ONLY
(Immediate transmittal; case heard today)**

03:17:42 On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of Case No. 16NEIGH1000 and 16NEIGH1001 ONLY, as heard at the meeting today, and with changes as follows:

Page 3, should read, "submitted amendments to the Cane Run Road Plan and Executive Summary will be incorporated as appropriate."

The vote was as follows:

YES: Commissioners Lewis, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: Commissioner Brown.

ABSTAINING: Commissioner Smith.

Planning Commission Minutes
June 2, 2016

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at approximately 6:45 p.m.



Chairman



Division Director

