

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
January 23, 2020**

A meeting of the Louisville Metro Planning Commission was held on Thursday, January 23, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Robert Peterson
Lula Howard
Rich Carlson
Ruth Daniels
Jeff Brown
David Tomes
Jim Mims

Commissioners absent:

No one

Staff members present:

Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Dante St. Germain, Planner II
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation Planning
Tony Kelly, MSD
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the Minutes for the January 9, 2020 Planning Commission public hearing at 1:00 p.m.

00:02:28 On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the hearing conducted on January 9, 2020.

The vote was as follows:

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

ABSTAIN: Commissioners Brown and Jarboe.

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CONSENT AGENDA

CASE NO. 19-STRCLOSURE-0013

Request: Street Closure
Project Name: Cooper Church Drive Street Closure
Location: Unimproved ROW between Cooper Church and Preston Highway
Owner: Louisville Metro
Applicant: Capstone Realty Inc.
Representative: Milestone Design Group
Dinsmore & Shohl LLP
Jurisdiction: Louisville Metro
Council District: 24 – Madonna Flood

Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

00:03:36 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution, based on evidence and testimony heard today, was adopted:

RESOLVED, The Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Consent Agenda item be **APPROVED**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

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PUBLIC HEARING

CASE NO. 19-ZONE-0044

Request: Change in zoning from R-4 to PEC, with a Detailed District Development Plan and Binding elements, and associated landscape waiver – CONTINUE to 02/06/2020

Project Name: Powerscreen Crushing and Screening

Location: 13207 Rehl Road

Owner: Thomas and Rebecca Garrity

Applicant: Powerscreen Crushing and Screening

Representative: Daniel O’Gara - Dinsmore & Shohl LLP

Jurisdiction: Louisville Metro

Council District: 20 – Stuart Benson

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

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

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

Agency Testimony:

00:04:56 Dante St. Germain presented the case and noted that this case will need to be continued due to a problem with sign posting (see recording for detailed presentation.) The case will be **continued to the February 6, 2020** Planning Commission public hearing.

The following spoke in support of this request:

Daniel O’Gara, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202 (applicant’s representative; signed in but did not speak)

The following spoke in opposition to this request:

No one spoke.

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

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PUBLIC HEARING

CASE NO. 19-ZONE-0044

00:06:10 On a motion by Commissioner Howard, seconded by Commissioner Tomes, the following resolution was adopted:

RESOLVED, THE Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **February 6, 2020 Planning Commission public hearing**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

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PUBLIC HEARING

CASE NO. 19-ZONE-0060

Request: Change in zoning from R-5B to R-8A with a Detailed District Development Plan and associated landscape waiver –
REQUESTING CONTINUANCE TO 02/20/2020

Project Name: Hepburn Avenue Rezoning
Location: 1400 Hepburn Avenue
Owner: Wilson Property Rentals, LLC
Applicant: Wilson Property Rentals, LLC
Representative: Bardenwerper Talbott & Roberts PLLC
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan

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

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

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

Agency Testimony:

00:06:44 Dante St. Germain presented the case and noted that the applicant is requesting a Continuance to **February 20, 2020** to allow time to have the property inspected (see recording for detailed presentation.)

The following spoke in support of this request:

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40223

Councilperson Brandon Coan, 601 West Jefferson Street, Louisville, KY 40204 (signed in but declined to speak because the case will be continued)

Summary of testimony of those in support:

00:07:52 John Talbott, the applicant's representative, confirmed that the applicant has requested more time (see recording for statement.)

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CASE NO. 19-ZONE-0060

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

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

00:08:36 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **February 20, 2020 Planning Commission public hearing**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

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PUBLIC HEARING

CASE NO. 19-ZONE-0073

NOTE: This case was moved to the end of today's agenda. Evidence and testimony were heard today; however, there will be no action taken and the case will be CONTINUED to the February 6, 2020 Planning Commission hearing.

Request: Change in zoning from R-4, OR-1, and C-1 to R-4 and C-1, with a Detailed District Development Plan with binding elements; and associated landscape waiver

Project Name: Jefferson Animal Hospital Expansion

Location: 4504 – 4512 Outer Loop

Owner: Capital Security Corp.

Applicant: Capital Security Corp.

Representatives: Jon Baker - Wyatt, Tarrant & Combs
Kelli Jones – Sabak Wilson & Lingo

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

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

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

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

Agency Testimony:

00:09:09 Dante St. Germain asked that this case be deferred to the end of today's agenda (see recording for presentation.)

00:34:18 Dante St. Germain presented the case and showed a Power Point presentation (see recording for detailed presentation). She noted that there was a problem with sign posting; therefore, the case will be presented, but **NO ACTION WILL BE TAKEN**. Action will be deferred until the February 6, 2020 Planning Commission public hearing. She noted that one letter of opposition was received from a neighbor, objecting to a change in binding elements.

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CASE NO. 19-ZONE-0073

00:44:16 Commissioner Howard asked about joint/reciprocal access. Ms. St. Germain said the access is not proposed to be changed. It is not in the binding elements, but it is required by the Land Development Code (reciprocal access for abutting commercial use properties.)

00:46:03 Commissioner Howard also asked about an encroachment permit. Ms. St. Germain used the proposed site plan to illustrate access points. Commissioner Howard asked about binding element #5E – is the applicant adding more lots? Using the proposed site plan, Ms. St. Germain explained that the site consists of four lots, which must be consolidated into a single property before the plan can be finalized (see recording.)

00:47:23 In response to a questing from Commissioner Mims, Ms. St. Germain discussed the re-striping of the parking lot, and landscaping requirements.

00:48:11 In response to a question from Commissioner Peterson, Ms. St. Germain pointed out the location of the crossover access easement/agreement is and again confirmed that it will remain open.

The following spoke in support of this request:

Jon Baker, 400 West Market Street Suite 2000, Louisville, KY 40202

Kelli Jones, Sabak Wilson & Lingo, 608 South 3rd Street, Louisville, KY 40202

Summary of testimony of those in support:

00:49:28 Jon Baker, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:54:42 Kelli Jones, an applicant's representative, used an aerial photo and showed a Power Point presentation to discuss details of the site plan, existing pavement, parking, landscaping, landscape waiver requests, access, and cross access (see recording.)

01:01:08 Commissioner Mims and Ms. Jones discussed what would trigger certain interior landscaping requirements.

01:02:12 Commissioner Brown and Ms. Jones discussed the number of parking spaces, which she said were necessary and would be used.

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PUBLIC HEARING

CASE NO. 19-ZONE-0073

01:03:09 Commissioner Carlson asked if there was a way to do off-site tree planting. Ms. Jones said the applicant is meeting the tree canopy requirements, even though fewer trees will be planted.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against the request:

Dr. Bruce Haskell, 6930 Windham Parkway, Louisville, KY 40059

Summary of testimony of those neither for nor against:

01:05:06 Dr. Bruce Haskell said the project will definitely beautify the neighborhood and will be a valuable addition to the area. He said the reason he is here is because of binding elements / a deed of reciprocal easement. He discussed the crossover access, maintenance, and joint parking (see recording for his detailed presentation.) He said his concern is that the construction of this project would not have any effect on the ingress/egress of the joint access/parking and traffic flow. Does he need binding elements to ensure that this project will not affect his access/parking? Travis Fiechter, legal counsel for the Planning Commission, explained that there are crossover access agreements and joint parking agreements all over the County and it sounds like this is a privately-enforceable agreement between landowners. An additional binding element on top of this does not seem necessary.

01:11:46 Joe Reverman, Assistant Director for Planning & Design Services, suggested that a binding element could be added stating that access to the adjacent property to the east shall remain open. Commissioner Jarboe said that would not be a problem; however, it seems needless since the private legal agreement is already in place and supersedes what the Planning Commission would do. Commissioner Tomes suggested putting a note on the plan which references the existing agreement.

01:14:28 Mr. Baker clarified that this specific crossover agreement is not before the Planning Commission today, nor does it touch property that is before the Commission today. However, he said that the applicant is fine with adding a note to the plan stating that that cross-access will be preserved as it's shown today.

01:15:34 Ms. Jones added that the applicant will provide 40% tree canopy on this site, as opposed to the required 20%.

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PUBLIC HEARING

CASE NO. 19-ZONE-0073

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

01:16:02 On a motion by Commissioner Carlson, seconded by Commissioner Lewis, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **February 6, 2020** Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

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PUBLIC HEARING

CASE NO. 19AREAPLAN0003

Request:	Adoption of Bowman Area Neighborhoods Plan
Project Name:	Bowman Area Neighborhoods Plan
Location:	Louisville Metro
Owner:	N/A
Applicant:	Louisville Metro
Representative:	Rundell Ernstberger Associates (consultant)
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan 9 – Bill Hollander 26 – Brent Ackerson

Case Manager: **Michael King, Planning Manager**

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

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

Agency Testimony:

00:10:26 Michael King presented the Bowman Neighborhood Plan and showed a Power Point presentation (see recording for detailed presentation.)

Tricia McClellan, the consultant for the project, presented and overview of the plan and continued with the Power Point presentation (see recording.)

00:20:58 Mr. King completed the presentation. He noted that minor updates to the plan have been made to emphasize Hawthorne Elementary and Farmington as community assets; also, a map has been added showing buildable vacant residential lots per land use and community form . This map can assist in looking at infill development (as opposed to new development) in the area.

The following spoke in support of this request:

Tricia McClellan, Rundell Ernstberger Associates, 815 W Market St, Louisville, KY 40202 (Consultant)

Councilperson Brandon Coan, 601 West Jefferson Street, Louisville, KY 40204

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CASE NO. 19AREAPLAN0003

Summary of testimony of those in support:

00:22:29 Councilperson Brandon Coan (District 8) spoke in support (see recording for detailed presentation.) He specifically discussed how the Louisville Regional Airport Authority (LRAA) had contributed and reached out to neighborhoods surrounding Bowman Field and how that has positively changed their relationships.

00:26:28 Commissioner Mims asked about land uses on the airport's property. Mr. King said that was also looked at during the plan process and discussed that in more detail.

00:27:07 Commissioner Mims also asked if noise abatement had been studied or addressed. Mr. King said that, ultimately, these matters can only be addressed and/or decided by the FAA due to safety and flight pattern issues.

00:28:09 Commissioner Tomes asked if the airport usage was trending up, down, or remaining steady. Mr. King said "a little bit downward". Ms. McClellan said the airport has stated that they intend to keep the level of use as it is now. Mr. King added that LRAA owns the land.

The following spoke in opposition to this request:

No one spoke.

00:29:26 Commissioners' deliberation

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

Neighborhood Plan AND Executive Summary

00:33:06 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Staff Plan 2040 checklist and evidence and testimony heard today, was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the Bowman Area Neighborhoods Plan meets the intents of Community Form Goal 1 because the proposed recommendations guide the form and design of development to be responsive to the distinctive physical, historic and cultural qualities of the Bowman area; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 2 because the proposed recommendations encourage sustainable growth and density around corridors; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 3 because the proposed recommendations enhance the Bowman area by protecting and integrating open space, watersheds and other natural resources; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form Goal 4 because the proposed recommendations promote the historic resources that contribute to the Bowman area's authenticity; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility Goal 1 because the proposed recommendations promote an accessible system of alternative transportation modes; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility Goal 2 because the proposed recommendations promote a safe, accessible and efficient transportation system; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility Goal 3 because the proposed recommendations encourage land use and transportation patterns that connect the Bowman area and support future growth; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Facilities Goal 1 because the proposed recommendations ensure community facilities are accessible; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Facilities Goal 2 because the proposed recommendations support community facilities to improve quality of life; and

WHEREAS, the Commission further finds that the proposal meets the intents of Economic Development Goal 1 because the proposed recommendations support an

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economic climate that improves growth, innovation, investment and opportunity for existing and future residents; and

WHEREAS, the Commission further finds that the proposal meets the intents of Livability Goal 1 because the proposed recommendations encourage the protection and enhancement of the natural environment and integration with the built environment as development occurs; and

WHEREAS, the Commission further finds that the proposal meets the intents of Livability Goal 2 because the proposed recommendations promote equitable health and safety outcomes for all; and

WHEREAS, the Commission further finds that the proposal meets the intents of Livability Goal 3 because the proposed recommendations promote equitable access to land use planning and policy-making resources; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing Goal 2 because the proposed recommendations support the development of a connected, mixed-use Bowman area; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Bowman Area Neighborhoods Plan be **APPROVED**; and that the Bowman Area Neighborhoods Plan Executive Summary be adopted as Amendment to Plan 2040.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

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CLOSED SESSION

01:17:54 The Planning Commission will enter closed session as permitted under KRS 61.810(1)(c) to discuss pending litigation. See recording for Commissioner Jarboe's and Travis Fiechter's statements, read into the record.

01:19:26 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby enter Closed Session for the purposes of discussing to discuss pending litigation.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, Lewis, and Jarboe.

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STANDING COMMITTEE REPORTS

Land Development & Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy & Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given

ADJOURNMENT

The meeting adjourned at approximately 2:57 p.m.

Chairman

Division Director