

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION MEETING  
July 21, 2022**

A meeting of the Louisville Metro Planning Commission was held on Thursday, July 21, 2022 at the Old Jail Building, located at 514 West Liberty Street, Louisville KY 40202, and via Webex.

**Commissioners present:**

Marilyn Lewis, Chair  
Jeff Brown  
Patricia Clare  
Jim Mims  
Lula Howard (arrived at 1:10 p.m.)  
Te'Andre Sistrunk (arrived at 1:15pm)  
Ruth Daniels (arrived at around 1:15 p.m.)  
Glen Price

**Commissioners absent:**

Rich Carlson  
Suzanne Cheek

**Staff members present:**

Joe Reverman, Assistant Director, Planning & Design Services  
Brian Davis, Planning & Design Manager  
Dante St. Germain, Planner II  
Joel Dock, Planning Coordinator  
Jay Lockett, Planner II  
Joel Dock, Planning Coordinator  
Laura Ferguson Assistant County Attorney  
Beth Stuber, Metro Transportation Planning  
Chris Cestaro, Management Assistant

**Others Present:**

Tony Kelly, MSD

The following matters were considered:

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

**June 30, 2022 Planning Commission public hearing**

00:04:55 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the minutes from the June 30, 2022 Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Clare, Carlson, Price, and Lewis.**

**ABSTAIN: Commissioner Cheek.**

**ABSENT: Commissioners Howard, Daniels, and Sistrunk.**

**July 7, 2022 Planning Commission public hearing**

On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the minutes from the July 7, 2022 Planning Commission public hearing.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Clare, Price, and Lewis.**

**ABSTAIN: Commissioner Carlson and Cheek.**

**ABSENT: Commissioners Howard, Daniels, and Sistrunk.**

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

**W-2 RESOLUTION**

Project Name: Planning Commission Resolution No. 2022-02  
Request: Text amendment to the Land Development Code amending the W-2 Waterfront District  
Jurisdiction: Louisville Metro  
Council District: All Council Districts  
Case Manager: Chris French, Planning & Design Supervisor

**Agency Testimony:**

00:06:22 Brian Davis, Planning Manager with Louisville Metro Planning & Design Services, presented the case (see recording for detailed presentation.)

**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.**

00:07:35 On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Planning Commission Resolution No. 2022-02 which directs Planning & Design staff to draft an LDC text amendment for the W-2 Waterfront District.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Clare, Carlson, Price, Cheek, and Lewis.**  
**ABSENT: Commissioners Howard, Daniels, and Sistrunk.**

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**BUSINESS SESSION**

**LDC Reform Update**

**NOTE: This was an informational presentation only. No action was taken.**

Project Name: LDC Reform Update  
Case Manager: **Joel Dock, Planning Coordinator**

**Agency Testimony:**

00:08:21 Joel Dock presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

00:18:22 In response to a question from Commissioner Daniels, Mr. Dock said all Planning sessions/workshops were at 6:00 p.m.

00:18:28 In response to a question from Commissioner Carlson, Mr. Dock discussed “middle housing” (see recording for detailed discussion.)

00:19:14 In response to a question from Commissioner Mims, Mr. Dock discussed the Capacity Standards Initiative (referenced in the report).

00:20:30 In response to a question from Commissioner Mims, Mr Dock discussed existing infrastructure that needs to be repaired/replaced.

00:21:50 In response to a question from Commissioner Daniels, Mr. Dock addressed sewer and other utility capacities in large developments happening in West Louisville and other urbanized areas. He said all utility entities will be involved in studying existing and future capacity.

00:23:10 In response to a question from Commissioner Cheek, Mr. Dock said 9-12 months is the timeframe to get the RFP work completed.

00:23:34 In response to a concern from Commissioner Mims, Mr. Dock discussed utility capacity standards and infrastructure, as well as new ways to deliver new housing products.

00:25:16 In response to a question from Commissioner Cheek, Mr. Dock said staff would look at how capacity charges impact fees are ultimately tracked and applied.

**The following spoke in support:**

No one spoke.

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**BUSINESS SESSION**

**LDC Reform Update**

**The following spoke in opposition:**

No one spoke.

**No action was taken on this informational presentation.**

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**PUBLIC HEARING**

**CASE NO. 20-ZONE-0037**

Request: TO BE CONTINUED TO THE AUGUST 18, 2022  
PLANNING COMMISSION - Change in zoning from R-5B to  
C-R with a landscape waiver

Project Name: 969 Barret Avenue  
Location: 969 Barret Avenue  
Owner: Red Mushroom Holdings, LLC  
Applicant: Red Mushroom Holdings, LLC  
Representative: Land Design and Development; Goldberg Simpson PLLC  
Jurisdiction: Louisville Metro  
Council District: 8 - Cassie Chambers Armstrong  
**Case Manager: Julia Williams, AICP, Planning Supervisor**

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:**

00:26:23 Jay Luckett, speaking on behalf of Julia Williams, said the applicant has requested a continuance of this case to the August 18, 2022 Planning Commission public hearing.

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

00:27:27 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted:

**RESOLVED**, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the August 18, 2022 Planning Commission public hearing.

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**PUBLIC HEARING**

**CASE NO. 20-ZONE-0037**

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Carlson, Daniels, Cheek, Price, and Lewis.**

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

**CASE NO. 22-ZONE-0049**

Request: Change in zoning from R-4 to R-5A, with Detailed District Development Plan and Binding Elements, Variance, and Alternative Plan for Connectivity  
Project Name: 805 S English Station Road Multi-Family  
Location: 805 S English Station Road  
Owner: James Lee & Laurie Greiner  
Applicant: Sunshine English Station Development LLC  
Representative: Bardenwerper, Talbott & Roberts  
Jurisdiction: Louisville Metro  
Council District: 11 - Kevin Kramer  
**Case Manager: Dante St. Germain, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:28:04 Dante St, Germain presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

00:34:31 In response to questions from Commissioner Mims, Ms. St. Germain discussed the applicant's proposed Alternative Plan for Connectivity (see recording.)

00:36:46 In response to a question from Commissioner Brown, Ms. St. Germain said a previously-discussed dumpster has been relocated.

00:37:03 In response to a question from Commissioner Carlson, Ms. St. Germain said the applicant should have more information about proposed materials for the privacy fence.

**The following spoke in support of the request:**

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway  
2<sup>nd</sup> Floor, Louisville, KY 40223



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Derek Triplett, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40223

W. Damon Garrett, 2104 Club Vista Drive, Louisville, KY 40245

**Summary of testimony of those in support:**

00:37:35 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:47:40 Derek Triplett, an applicant's representative, gave more details about the plan, specifically landscaping and buffering.

00:50:50 Mr. Talbott concluded the presentation. He noted that the neighbors of Lake Village were "adamantly opposed" to any kind of road connection; that is why the applicant proposed the Alternative Plan for Connectivity. He discussed in detail the reasons for the lack of connectivity and how the applicant has tried to work around this (see recording.) He said that the applicant was not required to do a traffic study, but did one anyway.

01:01:12 In response to a question from Commissioner Price, Damon Garrett, the applicant, said there will be a clubhouse, but the proposed pool has been eliminated.

01:01:42 In response to questions from Commissioner Carlson, Mr. Garrett said the proposed privacy fence will be constructed of wood. The residential association will be responsible for its maintenance.

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

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

Robert Lescinski, 912 Ridge Point Drive, Louisville, KY 40299

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

01:02:22 Robert Lescinski, a Lake Village resident, said he and other residents have experienced flooding and drainage issues. He said there is a spring on the site that is continually fed; it is not intermittent. He said MSD is not doing its "due diligence" to remove stormwater. He said water damage and erosion have caused structural damage to the units in his neighborhood.

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01:08:31 Steve Porter said he signed up in “Opposition” but said that many of his clients’ objections appear to have been resolved. He said concerns include connectivity, the dumpster (which has been moved): the privacy fence (has been agreed to); and a lighting binding element (agreed to by developer).

01:10:43 In response to a question from Commissioner Price, Mr. Porter discussed some aspects of Item B in his proposal (see recording.)

01:11:36 Mr. Porter resumed and concluded his presentation. He also elaborated in his answer to Commission price regarding lighting.

01:13:02 In response to questions from Commissioner Clare, Ms. St. Germain said that MSD has reviewed the plan and has approved the preliminary plan. She said that, if there are specific conditions that are discovered on the ground after the approval of the preliminary plan, these will be addressed at the construction phase.

01:13:39 Commissioner Mims asked if any springs were mapped, and how they are being handled by the design. Commissioner Clare asked specifically about water flow towards the south (towards Ridge Point). Mr. Triplett used the site plan to discuss water flow (see recording for detailed discussion.) He noted that there were no springs mapped on the site and no karst features were observed. He discussed the detention basin being put in on the subject site.

01:17:22 Mr. Lescinski asked if gutters were planned along South English Station Road to make sure that stormwater gets to the drains. Commissioner Lewis said that would be addressed by the applicant during rebuttal.

**Rebuttal:**

01:19:02 Mr. Talbott delivered rebuttal (see recording for detailed presentation.)

01:23:03 In response to a question from Commissioner Price, Mr. Triplett said there are no plans for gutters or drainage systems along the South English Station Road frontage. He offered to give his contact information to Mr. Lescinski to address any of his concerns during the construction phase.

01:23:57 Mr. Talbott requested that proposed binding element #4 (shown on recording) should read as follows:

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4. Enhanced landscaping and 4-Board fence substantially similar to that as shown at Planning Commission Hearing along road frontage of S. English Station Road.

**Deliberations:**

01:25:01 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.**

**Zoning**

01:38:37 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposal is not for higher density or intensity zoning; and appropriate transitions will be provided; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal would permit new development providing residential uses; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 3 because no severe, steep or unstable slopes, or wet or highly permeable soils are evident on the site; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 4 because no distinctive cultural features are evident on the site; and no historic assets are evident on the site; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility: Goal 1 because the proposal is not for higher density or intensity zoning; and

**WHEREAS**, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the site is via S English Station Road, a primary collector at this

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location. Access to the site does not lead through areas of significantly lower intensity; and

**WHEREAS** the Commission further finds that the proposal meets Mobility: Goal 3 because the site is easily accessible by car and bicycle. Increased density in the area may attract future transit and will increase accessibility by pedestrians and people with disabilities; Transportation Planning has approved the proposal; and no direct residential access to high-speed roadways is proposed; and

**WHEREAS**, the Commission further finds that the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; and MSD has approved the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets Livability: Goal 1 because required tree canopy and landscaping will be provided by the development; no karst features are evident on the site; and the site is not located in the regulatory floodplain; and

**WHEREAS**, the Commission further finds that the proposal meets Housing: Goal 1 because the proposed zoning district would increase the variety of housing types in the neighborhood; and the proposed zoning district would support aging in place by increasing the variety of housing in the neighborhood; and

**WHEREAS**, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed zoning district would permit inter-generational mixed-income development that is connected to the neighborhood and the surrounding area; and the proposal is not for higher density zoning; and

**WHEREAS**, the Commission further finds that the proposal meets Housing: Goal 3 because the proposal would increase the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in Louisville Metro; no existing residents will be displaced by the proposal; and the proposed zoning district would permit the use of innovative methods of housing; 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 Single Family Residential to R-5A Multi-Family Residential on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

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**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Carlson, Daniels, Cheek, Price, and Lewis.**

**Variance from 5.1.12.B.2.A to permit a structure to be closer to the street than allowed by the minimum infill front yard setback (required 45', requested 23', variance of 22') (22-VARIANCE- 0077)**

01:39:28 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard at today's hearing, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect public health, safety or welfare as the decreased setback will not create a visual obstruction or impact sight lines; and

**WHEREAS**, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the setbacks along S English Station Road are not uniform; and

**WHEREAS**, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the affected structure will be constructed according to building code, including all fire codes; and

**WHEREAS**, the Commission further finds that the requested variance will not allow an unreasonable circumvention of zoning regulations as the requested setback would still provide the minimum required front yard in the proposed zoning district and form district, and the setbacks along S English Station Road are not uniform such that the reduced setback will be very noticeable to the public right-of-way; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from 5.1.12.B.2.A to permit a structure to be closer to the street than allowed by the minimum infill front yard setback (required 45', requested 23', variance of 22') (22-VARIANCE- 0077)

**The vote was as follows:**

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**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Carlson, Daniels, Cheek, Price, and Lewis.**

**Alternative Plan for Connectivity**

01:40:22 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the evidence and testimony heard at today's hearing, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposed Alternative Plan for Connectivity does not meet multiple recommendations in Plan 2040 which encourages connectivity between compatible uses; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Alternative Plan for Connectivity be **DENIED**.

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Carlson, Daniels, Price, and Lewis.**

**NO: Commissioners Howard and Cheek.**

**Detailed District Development Plan**

01:41:27 On a motion by Commissioner Brown, seconded by Commissioner Sistrunk, the following resolution, based on the evidence and testimony heard at today's hearing, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that no natural resources are evident on the site. The site is mostly cleared at this time and contain no known slopes, water courses, flood plains, unusual soils, air quality concerns, scenic views, or historic assets; 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

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**WHEREAS**, the Commission further finds that open space is being provided in compliance with the requirements of the Land Development Code; and

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

**WHEREAS**, the Commission further finds that the overall site design is in compliance with existing and planned future development in the area. The proposal would provide an increase in the variety of housing in the neighborhood; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Land Development Code and Plan 2040; 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, and **ON CONDITION** that the Louisville Metro Council approves the proposed Alternative Plan for Connectivity. If that plan is not approved, the applicant must come back to the Planning Commission with a revised plan to address connectivity.

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

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4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 21, 2022 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.
8. All exterior lighting, whether freestanding or attached to any structure, including street lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground.



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9. No lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin.
10. No parking lot light fixtures shall be more than fourteen feet high, measured from ground level.
11. Enhanced landscaping and 4-Board fence shall be substantially similar to that as shown at Planning Commission Hearing along road frontage of S. English Station Road.
12. Faux doors on backs of units facing S. English Station Road to be added.
13. Placement of dumpster as shown on development plan.
14. 8-foot privacy fence along north and east R-4 properties with some additional landscaping as shown on development plan.

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Carlson, Daniels, Cheek, Price, and Lewis.**

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**PUBLIC HEARING**

**CASE NO. 22-ZONE-0022**

Request: Change in Zoning from R-4 to R-5A with a District Development Plan with Binding Elements and a Waiver  
Project Name: 4490 and 4492 Brownsboro Rd  
Location: 4490 and 4492 Brownsboro Rd  
Owner: 4490 Brownsboro Rd, LLC.  
Applicant: 4490 Brownsboro Rd, LLC.  
Representative: Frost, Brown Todd  
Jurisdiction: Louisville Metro  
Council District: 7 - Paula McCraney  
**Case Manager: Jay Luckett, 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:**

01:56:08 Jay Luckett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

Two proposed binding elements have been added:

**Proposed binding element #1:** The owner/developer shall be responsible for the installation, good repair and proper functioning of all roads within the development. Construction plans for all roadways shall be approved by Transportation Planning prior to commencing construction. Prior to the issuance of a Certificate of Occupancy of the first unit, the owner/developer shall file with Transportation Planning a bond instrument in an amount determined by the Director of Works and MSD to ensure fulfillment of this obligation. Release of this bond shall follow procedures outlined in Chapter 7 of the Land Development Code.

**Proposed binding element #2:** Developer agrees to construct a 6 foot tall privacy fence along the southern border of the property adjacent to the Coachgate community; however, the location of the fence shall be installed to limit the number of trees removed and maintain the existing tree canopy. The fence shall be constructed with the same

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material that developer uses for any fence it installs along the western border of the property. The final location can be shown on the approved landscape plan.

02:01:55 Laura Ferguson, legal counsel for the Planning Commission, asked if there had been any discussion about a possible binding element about this plan coming back before the Planning Commission if there was a future change in density/number of units. Mr. Lockett said there had not, but that might be a question for the applicant.

**The following spoke in support of the request:**

Tanner Nichols, Frost Brown Todd, 400 West Market Street Suite 3200, Louisville, KY 40202

Chris Brown, Bowman BTM, 3001 Taylor Springs Drive, Louisville, KY 40220 (signed in but did not speak)

**Summary of testimony of those in support:**

02:02:33 Tanner Nichols, the applicant's representative, presented the applicant's case and showed a Power Point presentation (See recording for detailed presentation.)

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

Randy Strobo, 730 West Main Street Suite 202, Louisville, KY 40202

Brenda Smith, 1201 Wellington Place, Louisville, KY 40207

Philip Lawver, 803 Perryman Road, Louisville, KY 40207

Helen Davis, 732 Wicklow Road, Louisville, KY 40207

**Summary of testimony of those neither for nor against ("Other"):**

02:10:09 Helen Davis, the Mayor of the City of Windy Hills, said she was present to answer any questions the Commission members had any questions. She said the City of Windy Hills had submitted a letter stating that they no longer oppose the development.

02:10:57 Phillip Lawver said his concern is regarding access into and out of the development off U.S. 42 (see recording for his detailed presentation.)

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02:12:50 Randy Strobo said he was present on behalf of the City of Windy Hills, and reiterated that the City no longer opposes the development.

02:13:24 Brenda Smith, President of the Coachgate HOA Board, said Coachgate is still concerned about drainage. She said Coachgate agrees with the developer that the fencing would be a privacy fence that would be of the same construction and materials as that which will be on the west side (see recording for her detailed presentation.)

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

Kim Greenrose, 712 Victoria Place, Louisville, KY 40207

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

02:16:10 Kim Greenrose said the building designs/elevations being proposed are incompatible with the rest of the neighborhood; she also expressed concerns about drainage and turning lanes.

**Rebuttal:**

02:22:16 Mr. Nichols delivered rebuttal (see recording for detailed presentation.)

02:24:43 In response to a question from Commissioner Mims, Mr. Nichols and Mr. Luckett discussed the reasons for the requested parkway setback waiver (see recording.) Mr. Luckett added that the applicant will be providing the full 50-foot required buffer.

02:27:04 In response to a question from Commissioner Howard, Mr. Nichols said the applicant has agreed to a binding element regarding fencing. Mr. Luckett discussed binding element #3E.

02:28:36 In response to a question from Commissioner Brown, Mr. Luckett discussed a bond requirement for the roadways. Joe Reverman, Assistant Director of Louisville Metro Planning & Design Services, also discussed the issue and said there is a proposed binding element regarding roadways, to read as follows:

The owner/developer shall be responsible for the installation, good repair and proper functioning of all roads within the development. Construction plans for all roadways shall be approved by Transportation Planning prior to commencing construction. Prior to the issuance of a Certificate of Occupancy of the first unit, the owner/developer shall file with Transportation Planning a bond instrument in

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an amount determined by the Director of Works and MSD to ensure fulfillment of this obligation. Release of this bond shall follow procedures outlined in Chapter 7 of the Land Development Code.

02:31:22 Commissioner Brown asked if there was a proposed binding element regarding density.

**Deliberations:**

02:32:45 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.**

**Zoning**

02:33:00 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because the subject site is on Brownsboro Rd, a major arterial roadway. Brownsboro Rd has transit service and a generally complete sidewalk network. There are nearby employment opportunities, as well as multiple commercial centers in the vicinity; and the proposal shows an encroachment into the Parkway setback standards. The development will provide the full width of the Parkway Buffer including the preservation of several mature trees in the area. Adequate buffering has been provided adjacent to properties of differing intensities; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because the proposed zoning change would allow for additional housing options in the area; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because the subject site does not appear to have any significant environmental constraints; and

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**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the proposal includes the preservation of several mature trees on the subject site; and the subject site does not contain any historic resources; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the subject site is served by existing transit on Brownsboro Rd. The site is within a mile of two different commercial areas, including significant development near the Watterson Expressway; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because The site proposes private access directly from Brownsboro Road; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because Brownsboro Rd allows for ready access to a multimodal transportation network. The proposed zoning district would allow for additional housing options within an area well-served by transit and near employment opportunities; adequate roadways exist adjacent to and near the subject site; Brownsboro Rd has sidewalks adjacent to the subject site and transit service is available with the nearest stop in front of the adjacent property at Tunbridge Wells Land; adequate transportation facilities exist to serve the site; the proposed zoning is compatible with existing and proposed transportation networks in the area; and the site proposes direct private access to Brownsboro Road; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because utility services will be coordinated; water service will be coordinated with appropriate agencies; and sewer service will need to be coordinated with MSD. MSD has approved the preliminary plan; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Livability because the applicant proposes to preserve several mature trees around the subject site; a karst survey on the site revealed know observable karst features; and the subject site is not within the floodplain; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Housing because the proposed zoning would allow for a variety of housing types. The development and will fit within the residential development pattern of the district, which has a variety of residential zoning districts, densities and housing types; and the proposed zoning district will help promote aging in place by providing

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additional housing type options. The site is served by transit and close to a variety of commercial uses; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Housing because the proposed zoning district would promote mixed income and intergenerational development by allowing for additional housing types in an area with access to a variety of commercial services, amenities and employment opportunities; and Brownsboro Rd provides ready access to a multimodal transportation network that provides safe and convenient access to employment opportunities, services and amenities; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Housing because the proposed zoning encourages the provision of fair and affordable housing by allowing for a variety of housing types, ownership options, lotting patterns and unit sizes; the proposed zoning district would not displace current residents; and the proposed zoning would allow for a variety of lotting patterns and unit types, allowing for production of fair and affordable housing; now, therefore be it

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

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Carlson, Daniels, Cheek, Price, and Lewis.**

**Waiver from the Land Development Code section 10.3.5.A.7 to reduce the 75-foot parkway setback to 50 feet.**

02:33:47 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the applicant will provide the full parkway

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buffer with all required screening and plantings. There are a variety of setbacks in the area, including nearby sites with significantly larger encroachments into the setback and buffer; and

**WHEREAS**, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as adequate screening and planting will be provided, including the preservation of mature trees within the buffer area; 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 as the applicant will provide the full width of the required parkway buffer; and

**WHEREAS**, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to lose at least two dwelling units on their site; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from the Land Development Code section 10.3.5.A.7 to reduce the 75-foot parkway setback to 50 feet.

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Daniels, Carlson, Cheek, Price, and Lewis.**

**Detailed District Development Plan**

02:34:36 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources 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



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**WHEREAS**, the Commission further finds that the site meets all open space requirements of the Land Development Code including recreational open space requirements; and

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

**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; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

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

**1. Proposed 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. 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.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:

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- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the approved development plan)
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
  - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
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. 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.
  6. The owner/developer shall be responsible for the installation, good repair and proper functioning of all roads within the development. Construction plans for all roadways shall be approved by Transportation Planning prior to commencing construction. Prior to the issuance of a Certificate of Occupancy of the first unit, the owner/developer shall file with Transportation Planning a bond instrument in an amount determined by the Director of Works and MSD to ensure fulfillment of this obligation. Release of this bond shall follow procedures outlined in Chapter 7 of the Land Development Code.

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7. Developer agrees to construct a 6 foot tall privacy fence along the southern border of the property adjacent to the Coachgate community; however, the location of the fence shall be installed to limit the number of trees removed and maintain the existing tree canopy. The fence shall be constructed with the same material that developer uses for any fence it installs along the western border of the property. The final location can be shown on the approved landscape plan.

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Carlson, Daniels, Cheek, Price, and Lewis.**

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Request: Change in Zoning from PEC to C-2 with a Detailed District Development Plan  
Project Name: Acura Dealership Location: 11700 Plantside Dr  
Owner: NTS Crossings Corp  
Applicant: Buffalo Construction  
Representative: Bardenwarper, Talbott and Roberts  
Jurisdiction: Jeffersontown  
Council District: 11 - Kevin Kramer  
**Case Manager: Jay Lockett, AICP, Planner II**

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:**

02:35:30 Jay Lockett presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the request:**

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

Matthew Ricketts, 500 North Hurstbourne Parkway Suite 400, Louisville, KY 40222

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

Michael Smith, 1800 Williamson Court, Louisville, KY 40223

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

**Summary of testimony of those in support:**

02:38:04 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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02:44:40 In response to a question from Commissioner Mims, Mark Madison, an applicant's representative, used the site plan to identify a large area of rip rap which will assist with drainage (see recording.)

02:45:45 Commissioner Howard asked if the City of Jeffersontown acknowledged Louisville Metro's parkway buffers. Mr. Madison said the applicant is complying with parkway policy for commercial development.

02:46:50 Steve Porter, representing the Tucker Station Neighborhood Association, said the Association supports this proposal (see recording.)

02:48:11 Matthew Ricketts, representing NTS Development (the current owner of the parcel), spoke in support (see recording.)

02:49:05 In response to a question from Commissioner Brown, Michael Smith, an applicant's representative, discussed hours of operation.

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

No one spoke.

**Rebuttal:**

There was no rebuttal.

**Deliberation:**

02:49:43 Commissioners' deliberation.

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02:50:23 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposal does not represent an expansion of

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non-residential uses into residential areas, as the subject site is already zoned for a variety on non-residential uses, including commercial and light industrial uses. The applicant will provide adequate buffering and screening for adjacent residential development; the proposed district is appropriately located adjacent to like zones and uses; the proposal is in a workplace form adjacent to a variety of commercial, office and industrial uses readily served by infrastructure and transportation facilities; the proposal concentrates like uses and zones and no disadvantaged populations are within the immediate vicinity; the site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing residential use; traffic entering the area will not need to pass through residential areas to access the interstate or arterial roadways; the site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing residential use; and the site is in an area with a mix of industrial, office and commercial uses. The applicant will be required to provide adequate screening and buffering adjacent to the existing residential use. The change in zoning will not permit industrial uses; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal is located in an existing industrial and commercial activity center. The proposed zoning district allows for a variety of commercial uses. The subject site is located in workplace form in an area with a variety of industrial, office and commercial uses; the proposal is in a workplace form adjacent to similar a variety of commercial, industrial and office uses and is served by adequate infrastructure and transportation facilities; the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses. The site is readily served by infrastructure and transportation facilities. The zoning district allows for a mix of compatible commercial uses; the proposed zoning could permit a variety of residential development as well as mixed use development; the proposal allows for the expansion of an existing commercial and office use and allows for a variety of office and commercial uses in the future; and the proposal is not part of a larger commercial center and is not an outlot; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 3 because the site does not appear to contain significant natural resources; the site does not appear to contain environmental constraint; the proposal is not located in the Ohio River corridor; and MSD has approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that the proposal meets Community Form: Goal 4 because the proposed site does not have any known historic or cultural value; and the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses; and

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**WHEREAS**, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses. The zoning would permit a variety of housing options as well as mixed use development in an area with a variety of employment opportunities; the site is directly served by transit along Plantside Dr. The proposal is in a workplace form in an area with a variety of industrial, office and commercial uses. The zoning allows for a variety of uses that are compatible with the goal to reduce vehicle miles traveled; and the development will provide for new sidewalk along both rights-of-way, and encourage improvements to walkability within and area that contains a variety of land uses, The proposal is in a workplace form in an area with a variety of industrial, office and commercial uses. readily served by infrastructure and transportation facilities; and Transportation planning has approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that the proposal meets Community Facilities: Goal 2 because utility services will be coordinated with appropriate agencies; an adequate water supply exists for the site; and MSD has reviewed and approved the preliminary plan; and

**WHEREAS**, the Commission further finds that the proposal meets Economic Development: Goal 1 because the proposal is in a workplace form in an area with a variety of industrial, office and commercial uses readily served by infrastructure and transportation facilities; the site is located at the intersection of two minor arterial roadways; and the proposal is not located in the Ohio River corridor. The proposal is in a workplace form in an area with a variety of industrial, office and commercial uses readily served by infrastructure and transportation facilities. The site is located at the intersection of two minor arterial roadways; and

**WHEREAS**, the Commission further finds that the proposal meets Livability: Goal 1 because soil erosion does not appear to be an issue with the proposal; MSD has reviewed and approved the preliminary plan; and the site is not located in the floodplain; and

**WHEREAS**, the Commission further finds that the proposal meets Housing: Goal 1 because the proposed zoning could permit a variety of residential development as well as mixed use development. The site is directly served by transit along Plantside Dr and is well connected to the wider transportation network of the community; and

**WHEREAS**, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed zoning could permit a variety of residential development as well

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as mixed use development. The site is directly served by transit along Plantside Dr and is well connected to the wider transportation network of the community; and

**WHEREAS**, the Commission further finds that the proposal meets Housing: Goal 3 because no residents will be displaced as a result of this development. The site is currently vacant; and the proposed zoning could permit a variety of residential development as well as mixed use development; now, therefore be it

**RESOLVED** that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Jeffersontown that the proposed change in zoning from PEC Planned Employment Center to C-2 Commercial be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Daniels, Cheek, Price, and Lewis.**

**ABSENT: Commissioner Carlson.**

**Detailed District Development Plan**

02:51:08 On a motion by Commissioner Brown, seconded by Commissioner Clare, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources 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 pertinent to the current proposal; and

**WHEREAS**, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate



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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 except where waivers have been approved. Buildings and parking lots will meet all required setbacks; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

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

All existing General Plan binding elements approved under docket 9-76-83 are applicable to the site in addition to the following

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
  
2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance. In Addition:
  - a) No lighted signage shall be placed above the building height,
  - b) All lighted signage shall be backlit or halo lit.
  - c) No changing image or moving signs shall be permitted.
  - d) Stand-alone signage shall be no taller than approximately twenty feet in height.
  
3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section

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4.4.8 shall be accurately delineated on the development plan.

4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section

4.1.3 of the Land Development Code. In addition:

- a) All exterior lighting, whether freestanding or attached to any structure, including parking lot lights, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following are exceptions to this requirement:
  - i) Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture.
  - b) No LED or metal halide lighting shall have a correlated color temperature (CCT) exceeding 4000 degrees Kelvin.
  - c) No parking lot light fixtures shall be more than twenty-three feet high, measured from ground level.
  - d) One hour after closing time for the dealership, parking lot lighting shall be reduced by at least fifty percent (50%).
  - e) Interior lighting visible from the street shall be reduced by at least fifty percent at least one hour after closing.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permit must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record

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in the offices of the Louisville Metro Planning Commission.

7. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a building permit is not issued within two years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of Jeffersontown.
9. 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 and City of Jeffersontown.
10. 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.
11. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

**The vote was as follows:**

**YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Daniels, Cheek, Price, and Lewis.**

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**ABSENT: Commissioner Carlson.**

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**ADJOURNMENT**

**The meeting adjourned at approximately 3:51 p.m.**

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**Chairman**

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**Division Director**