

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
February 4, 2016**

A meeting of the Louisville Metro Planning Commission was held on DATE at TIME p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chairman
Vince Jarboe, Vice Chairman
Jeff Brown
Robert Kirchdorfer
Clifford Turner
David Tomes
Marilyn Lewis
Chip White
Robert Peterson

Staff Members present:

Emily Liu, Planning Director
Joe Reverman, Planning Assistant Director
Brian Mabry, Planning Coordinator
Brian Davis, Planning Supervisor
Christopher Brown, Planner II
Laura Mattingly-Humphrey, Planner I
Dante St. Germain, Planning Technician
Jay Lockett, Planning Technician
Tammy Markert, Transportation Planning
Tony Kelly, MSD
Mike Wilcher, Code Enforcement
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

PLANNING COMMISSION MINUTES
February 4, 2016

APPROVAL OF MINUTES

JANUARY 21, 2016 PLANNING COMMISSION ANNUAL MEETING MINUTES

On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the annual meeting minutes of its meeting conducted on January 21, 2016.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White

ABSTAINING: Commissioner Peterson

JANUARY 21, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES

On a motion by Commissioner Brown, seconded by Commissioner Kirchdorfer, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the regular minutes of its meeting conducted on January 21, 2016.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Lewis, Tomes, Turner and White

ABSTAINING: Commissioner Peterson

PLANNING COMMISSION MINUTES
February 4, 2016

BUSINESS SESSION

Request: Request for Planning Commission to Hold a Night Hearing on March 21, 2016
Project Name: Old Louisville/Limerick TNZD Text Amendment
Location: Multiple properties in the Old Louisville/Limerick TNZD
Owner: Multiple Owners
Applicant: Louisville Metro
Representative: Louisville Metro
Jurisdiction: Louisville Metro
Council District: 6 – David James
Case Manager: **Brian Mabry, AICP, Planning Coordinator**

Discussion

00:06:36 Mr. Mabry requests a night hearing for March 21, 2016 for the text amendment for the TNZD and the potential map amendment for that district. The case went to LD&T last week.

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

On a motion by Commissioner Brown, seconded by Commissioner Lewis, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the request for Planning Commission to hold a night hearing on March 21, 2016.

The vote was as follows:

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

PLANNING COMMISSION MINUTES
February 4, 2016

BUSINESS SESSION

Request: Resolution Directing Staff to Research and Draft a Text Amendment for Land Development Code Section 5.12.2, Outdoor Amenities / Focal Point(s)
Project Name: Outdoor Amenities / Focal Point(s) Text Amendment
Location: Louisville Metro
Owner: Multiple Owners
Applicant: Louisville Metro
Representative: Louisville Metro
Jurisdiction: Louisville Metro
Council District: Louisville Metro
Case Manager: **Brian Mabry, AICP, Planning CoordinatorI**

Discussion

00:08:41 Mr. Mabry read the resolution into the record directing staff to research and draft a text amendment for Land Development Code Section 5.12.2.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the resolution directing staff to research and draft a text amendment for Land Development Code section 5.12.2.

The vote was as follows:

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

PLANNING COMMISSION MINUTES
February 4, 2016

BUSINESS SESSION

Request: Resolution Directing Staff to Research and Draft a Text Amendment for Land Development Code Section 4.1.6, Hours of Operation
Project Name: Hours of Operation Text Amendment
Location: Louisville Metro
Owner: Multiple Owners
Applicant: Louisville Metro
Representative: Louisville Metro
Jurisdiction: Louisville Metro
Council District: Louisville Metro
Case Manager: **Brian Mabry, AICP, Planning Coordinator**

Discussion

00:12:32 Mr. Mabry read the resolution into the record.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the resolution directing staff to research and draft a text amendment for Land Development Code section 4.1.6, Hours of Operation.

The vote was as follows:

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

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15MINORPLAT1189

Case No: 15MINORPLAT1189
Project Name: 6704 Shirley Avenue
Location: 6704 Shirley Avenue

Owners/Applicants: Jacobus and Theresa Van Ser Palin

Representative: Charles Podgursky
CRP & Associates, Inc.
7321 New LaGrange Road
Louisville, Ky. 40222

Project Area/Size: .62 acres
Existing Zoning District: R-4, Single Family Residential
Existing Form District: V, Village
Jurisdiction: Louisville Metro
Council District: 16 – Kelly Downard
Case Manager: Laura Mattingly-Humphrey, Planner I

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

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

Agency Testimony:

00:15:49 Mrs. Mattingly-Humphrey discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Charles Podgursky, CRP & Associates, Inc., 7321 New LaGrange Road, Louisville, Ky. 40222

Summary of testimony of those in favor:

00:18:20 Mr. Podgursky said the owner recorded the minor plat well beyond the one year stage as far as recording. They refiled and request approval today.

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15MINORPLAT1189

Deliberation

00:19:17 Planning Commission deliberation.

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

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Case No. 15MINORPLAT1189, the record plat amendment as was done in 2008 by the Planning Commission, based on the testimony heard today and the staff report.

The vote was as follows:

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

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15MOD1017

Case No: 15MOD1017
Request: Appeal of General Plan Binding Element Amendment from
November 12th, 2015 LD&T Meeting
Project Name: Old Brownsboro Crossing
Location: 9840 and 9850 Von Allmen Court
Owner: Lots C & D Development, LLC
1215 Herr Lane, Suite 210
Louisville, Ky. 40222
Applicant: Glenn Price
Representative: Frost Brown Todd LLC
400 West Market Street, Suite 3200
Louisville, Ky. 40202
Jurisdiction: Louisville
Council District: 16 – Kelly Downard
Case Manager: Christopher Brown, Planner II

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

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

Agency Testimony:

00:21:23 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
Arnold J. Zegart, 7800 Wolf Pen Branch Road, Prospect, Ky. 40059
Alice Gunnison, 7849 Wolf Pen Branch Road, Prospect, Ky. 40059
Robert Bordogna, 7811 Wolf Pen Branch Road, Prospect, Ky. 40059
Barbara Kelly, 6009 Mint Spring Branch Road, Prospect, Ky. 40059

Summary of testimony of those in favor:

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15MOD1017

00:29:11 Mr. Porter stated that part of the reason why this case was approved was because of the binding element stating, regarding compatibility, that building materials for most buildings in the development are limited by binding element.

Mr. Porter proposes language for a new binding element.

00:44:03 Mr. Zegart said the new building materials have been introduced and re-evaluated for approval, but they are not classical materials. "The question is, do binding elements really mean anything?"

00:47:40 Ms. Gunnison remarked, "This issue is very important in this area because it's a historic area, a beautiful corridor and a lot of plans were made to make the Brownsboro 22 corridor a parkway appearance."

00:49:24 Mr. Bordogna remarked, "There doesn't seem to be any reasonable notion as to why the developer is asking for this element other than to save money. The developer knew about this when they agreed to the binding element (same developer). I believe the change should be disallowed and the amendment Mr. Porter proposed should be approved."

00:52:41 Ms. Kelly said the binding element should have been amended at the time the square footage was being amended and the argument for new materials is not valid because the material they want to use has been available for 40 years.

The following spoke in opposition to this request:

Glenn Price, Frost Brown Todd, LLC, 400 West Market Street, Louisville, Ky. 40202

Summary of testimony of those in opposition:

01:11:56 Mr. Price submitted exhibits to the commissioners and discussed the intent of binding element #10. Mr. Porter's language for the binding element will not work. "Their position as a group here, to me, is unreasonable. To say we had a compromise binding element at the beginning is simply not true. To say the design of the center was intended to be traditional or classic is not true. You will not find that language anyplace in the history of the zoning case or any of the detailed development plans that were approved."

Deliberation

01:52:13 Planning Commission deliberation.

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15MOD1017

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.

General Plan Binding Element Amendment

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

WHEREAS, There does 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, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan. The existing infrastructure can accommodate the proposed increase in commercial square footage; and

WHEREAS, The open space requirements are met with the current proposal; and

WHEREAS, 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 Louisville Metro Planning Commission finds, 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 will meet all required setbacks. The design and materials of the structures within the development have all been previously approved and are compatible with the surrounding areas; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **UPHOLD** the original LD&T decision and **DENY** the appeal based on the staff report, information from staff report on pages 2 and 3 and testimony heard from the applicant today.

Existing General Plan Binding Element

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15MOD1017

10. The materials and design of proposed structures shall be substantially the same as depicted in renderings presented at the time of detailed district development plan approval for each parcel. The building materials for the retail component and hotel shall be drivit, tile, brick, masonry and stone except nationally or regionally recognized chain operations may utilize wood exteriors where such exterior appearance is part of an established and generally used trade dress. The building materials for the office component shall be brick or stone or a combination of brick and stone. All structures adjacent to KY 22 shall have a consistent architectural style and exterior color scheme. An Architectural Review Committee shall be established by the Developer and reflected within the Deed Restrictions recorded prior to the submittal of the first detail district development plan.

Proposed General Plan Binding Element

- 10.A. ~~The materials and design of proposed structures shall be substantially the same as depicted in renderings presented at the time of detailed district development plan approval for each parcel. The building materials for the retail component and hotel shall be drivit, tile, brick, masonry and stone except nationally or regionally recognized chain operations may utilize wood exteriors where such exterior appearance is part of an established and generally used trade dress. The building materials for the office component shall be brick or stone or a combination of brick and stone. All structures adjacent to KY 22 shall have a consistent architectural style and exterior color scheme. An Architectural Review Committee shall be established by the Developer and reflected within the Deed Restrictions recorded prior to the submittal of the first detail district development plan.~~ **and design of proposed structures on each parcel shall be determined by the Planning Commission or a committee thereof at a public meeting following required notice.**
- B. An Architectural Review Committee shall be established by the Developer and reflected within the Deed Restrictions recorded prior to the submittal of the first detail district development plan.

The vote was as follows:

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

ABSTAINING: Commissioners Tomes and White

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

Case No: 15ZONE1026
Request: Change in zoning from R-6 to C-1 on .11 acres with a Parking Waiver, Land Development Code Waiver and Detailed District Development Plan
Project Name: Ciao Italian Restaurant
Location: 1201 Payne Street
Owner(s): Jessie Francis, Jr. and Fred Pizzonia
3300 South Rose Island Road
Prospect, Ky. 40059
Applicant: Jessie Francis, Jr. and Fred Pizzonia
3300 South Rose Island Road
Prospect, Ky. 40059
Representative(s): Cardinal Planning & Design Inc
Kathryn Matheny
9009 Preston Highway
Louisville, Ky. 40219
Jurisdiction: Louisville Metro
Council District: 4 – David Tandy
Case Manager: Christopher Brown, Planner II

NOTE: COMMISSIONERS BROWN AND WHITE LEFT AND DID NOT VOTE ON THIS CASE

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

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

Agency Testimony:

02:10:13 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

2:19:54 Commissioner Kirchdorfer said the applicant's and staff's proposed binding element 3a on pages 16 and 17 of the staff report need to be changed: strike out Codes and Regulations.

2:20:24 Commissioner Brown said the applicant's proposed binding element number 3b is not necessary because neither are state roads.

The following spoke in favor of this request:

Kathy Matheny, Cardinal Planning, 9009 Preston Highway, Louisville, Ky. 40219
Jesse Francis, 3300 Rose Island Road, Prospect, Ky. 40059
Luigi Gelsomini, 810 Rubel Avenue, Louisville, Ky. 40204

Summary of testimony of those in favor:

02:22:01 Ms. Matheny gave a power point presentation - this has been a restaurant for 20 years and won't be a big change to the area. The building footprint and seating capacity will remain the same. A 6 foot privacy fence will be installed. The applicant would like clear instructions for hours of operation, stating that the kitchen will close at 12:00 a.m., but patrons will not be put out of the restaurant.

2:35:07 Mr. Gelsomini stated he currently has a pizza and pasta shop that's been in business for 17 years. He wishes to preserve the family atmosphere type restaurant as well for Ciao.

2:44:07 Mr. Francis said they just want a fair hours of operation to be able to compete with other C-1 restaurants.

Additional Discussion:

2:48:28 Mr. Brown stated, "The parking waiver goes to council with the rezoning. It's a recommendation from Planning Commission similar to the rezoning itself."

2:48:52 Commissioner Lewis stated that binding element number 9 needs to say 12:00 a.m., not p.m.

The following spoke neither for nor against the request:

Lisa Santos, 1318 Hull Street, Louisville, Ky. 40204

Summary of testimony of those neither for nor against:

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

02:49:24 Ms. Santos, Co-chair of the Irish Hill Neighborhood Association, stated the service hours agreed upon were weekends open until 12:00 a.m. and stop serving at 10:00 p.m. There are a couple of uses to be restricted from the C-1 – Office, Bed and Breakfast, the main issue being parking. Also, the off-site parking agreement for employees needs to be in writing in the form of a binding element.

Rebuttal

02:54:00 Mrs. Matheny said the binding element for the parking agreement wouldn't be necessary because it would have to go through the process for office use if that use is requested in the future. A list of some uses to be eligible for the site will be provided. Chairman Blake said normally some uses are excluded (voluntarily by applicant). Ms. Santos remarked, "We do not want B&B's, Boarding and Lodging, clubs, extended stay, office and tanning."

Deliberation

03:10:20 Planning Commission deliberation.

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

Zoning Change from R-6 to C-1

On a motion by Commissioner Jarboe, seconded by Commissioner Lewis, the following resolution was adopted.

WHEREAS, The Traditional Neighborhood Form District is characterized by predominantly residential uses, 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 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 Louisville Metro Planning Commission finds, 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

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

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 Louisville Metro Planning Commission further finds commercial zoning is appropriate for the site at a neighborhood scale. The site has historically been used commercially. The mixed use nature of the requested zoning is a benefit to the neighborhood and the area. There are sidewalks around the site that serve the site from a pedestrian scale. There is nearby corner commercial in the same zoning category as the proposal. The subject site is within walking distance of the Bardstown Road corridor that contains a mix of commercial uses at a low to high intensity. In the opposite direction, the intersection with Lexington Road contains a mix of commercial and office uses of varying intensity. The subject site can serve as a neighborhood level commercial use between these two nodes as it has for many years in the past.

Parking Waiver

WHEREAS, Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The subject site is located in an area with extensive availability of on street parking within 500' of the site as demonstrated by the completed parking study. There is multi-modal access to the site from the street frontage in addition to vehicular spaces available on street directly adjacent to the subject site; therefore, the parking waiver is in compliance with the Comprehensive Plan; and

WHEREAS, The applicant has provided as many parking spaces along the street frontages as possible with no available area for off street parking to be provided at the rear of the subject site. A good faith effort has been demonstrated to provide as many parking spaces as possible for the use due to the existing conditions of the site; and

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

WHEREAS, The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use utilizing all available on-street parking spaces directly adjacent to the site; and

WHEREAS, A parking study was completed by the applicant to demonstrate that there is an overflow of on street parking available within 500' of the site to meet the 8 spaces needed for the proposed use as well as those of nearby residents; and

WHEREAS, the Louisville Metro Planning Commission finds, the applicant is requesting to use overflow available on street parking spaces to meet the parking needs identified within Table 9.1.2; and

WHEREAS, the Louisville Metro Planning Commission further finds there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand as identified within both the original parking study and its addendum. Surplus spaces were identified within 500' of the subject site to meet the additional spaces needed for the proposed use.

Landscape Waiver

WHEREAS, The waiver will not adversely affect adjacent property owners since the existing building conditions and location will be maintained on the site; and

WHEREAS, Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 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

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 since the existing conditions of the site will be maintained with privacy fencing provided to create screening and separation between the adjacent uses; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the building is existing in its current location with no ability to provide landscaping in the area; and

WHEREAS, the Louisville Metro Planning Commission further finds 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 by requiring removal of portions of the existing structure.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 15ZONE1026, the zoning change from R-6 to C-1 and a parking waiver from 15 to 7 spaces; also, the Louisville Metro Planning Commission does hereby **APPROVE** the landscape waiver from chapter 10.2.4 of the Land Development Code to not provide the required 15 foot landscape buffer along the eastern property perimeter based on the staff report, applicant's finding of facts and the testimony heard today.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Jarboe, seconded by Commissioner Lewis, the following resolution was adopted.

WHEREAS, There does 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, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

WHEREAS, There are no open space requirements with the current proposal; and

WHEREAS, 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 Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. The building will meet the setback requirements of the form district; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the requested relief which meets the standards of review.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan based on pages 4 and 5 of the staff report and the testimony heard today; also, the binding elements on pages 16 and 17 to include the following changes: All the proposed binding elements will remain the same as written in the staff report with the following exceptions; 3a will be changed to read, The development plan must receive full construction approval from Louisville Metro Department Develop Louisville for Construction Permits and Transportation Planning Review and the Metropolitan Sewer District – B will be deleted. The beginning of binding element number 8 will read as follows: The only C-1 uses permitted on this property are as follows: all listed uses within the staff report will remain with the exception of Bed and Breakfast (to be deleted from that list); Binding element 9 will have the updated times – Friday and Saturday 10:00 a.m. to 12:00 a.m. Binding element 11 – No outdoor advertising signs, pennants, balloons or banners except the ones identifying the business name. Binding element 12 – The operator of the site will inform all vendors in writing that the idling of trucks is not permitted on Payne and Cooper Streets. There will be an additional binding element number 14, which will read as follows: The applicant will maintain a private parking agreement for employee parking and inform the Irish Hill Neighborhood Association of any changes in the status of the agreement within 30 days of those changes. A copy of the agreement will be provided to Planning and Design Services staff for the case on file.

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

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

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 3,663 square feet of gross floor 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:
 - a. The development plan must receive full construction approval from Louisville Metro Department Develop Louisville for Construction Permits and Transportation Planning Review 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.
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 (audible beyond the property line or permitted on the site).
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 4th, 2016 Planning Commission public hearing.

PLANNING COMMISSION MINUTES

February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1026

Binding Elements Agreed to by Applicant from IHNA:

8. The following C-1 uses will be permitted as set forth in the current LDC C-1 category : Antique Shops, Art Galleries, Bakeries, Barber shop, Beauty Shop, Catering kitchen, Clothing store, Clubs, (private, non-profit or proprietary), Computer sales, Confectionery store, Dwelling units (single, two-family, multifamily), Florist shop, Hardware store, Home occupations, Interior Decorating Shops, Music Store, Office (business, professional and governmental) uses, Photocopying, Photography shops, Photography studios, Picture framing, Restaurants, Shoe repair shops, Shoes stores, Tailor, Toy and Hobby Stores, Veterinary hospital, and wearing apparel shops.
9. The Restaurant shall have service hours not to exceed the following times: Sunday through Thursday 10:00 a.m. to 10:00 p.m. and Friday and Saturday 10:00 a.m. to 12:00 a.m.
10. The permitted seating capacity of the restaurant will not exceed 103 persons.
11. No outdoor advertising signs, pennants, balloons or banners except the ones identifying the business name.
12. The operator of the site will inform all vendors in writing that the idling of trucks is not permitted on Payne and Cooper Streets.
13. All outside lighting shall be directed towards business and away from adjacent residential properties. No exterior neon lighting is permitted.
14. The applicant will maintain a private parking agreement for employee parking and inform the Irish Hill Neighborhood Association of any changes in the status of the agreement within 30 days of those changes. A copy of the agreement will be provided to Planning and Design Services staff for the case on file.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

Case No: 15ZONE1034
Request: Change in zoning from R-6 to PEC on an estimated 10 acres
Project Name: Air Hydro Power Expansion
Location: 2550 Blankenbaker Parkway

Owner: Squire One-Blankenbaker, LLC
William K. Orlove
110 Painters Mill Road, Suite 113
Owings Mills, Md. 21117

Applicant: MOB Investments, LLC
Matthew Ott
2550 Blankenbaker Parkway
Louisville, Ky. 40299

Representative: Clifford H. Ashburner
Dinsmore & Shohl
Wyatt, Tarrant & Combs, LLP
500 West Jefferson Street, Suite 2800
Louisville, Ky. 4202

Kevin Young
Land Design & Development
503 Washburn Avenue, Suite 101
Louisville, Ky. 40222

Jurisdiction: Louisville Metro
Jeffersontown (Existing PEC Site)

Council District: 20 – Stuart Benson

Case Manager: Christopher Brown, Planner II

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

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

Agency Testimony:

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

03:19:33 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

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

Summary of testimony of those in favor:

03:26:30 Mr. Ashburner gave a power point presentation and stated that the project is an expanse of the Air Hydro Power headquarters, which has expanded incrementally over time. The company is about 55 years old and the growth rate is about 10% every year. The loading docks will be modified after the building is expanded. The power line is located close to the city line between Jeffersontown and Louisville (to be moved underground).

Deliberation

03:33:03 Planning Commission deliberation.

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

Zoning Change from R-6 to PEC

On a motion by Commissioner Jarboe, seconded by Commissioner Tomes, the following resolution was adopted.

WHEREAS, A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district; and

WHEREAS, the Louisville Metro Planning Commission finds, in order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses; and

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

WHEREAS, the Louisville Metro Planning Commission further finds the proposal to rezone the subject site from R-6, Residential, to PEC, Planned Employment Center would expand an existing industrial site in an area of both low and high intensity uses along the Blankenbaker Parkway and Blankenbaker Road corridors. The existing form district encourages predominantly industrial and office uses. The proposed industrial warehouse and office use expansion is appropriate for this form district and follows the concepts of the Suburban Workplace found to the south and east of the site.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 15ZONE1034, the change in zoning from R-6 to PEC based on the staff report, testimony heard today and the applicant's statements

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

Revised Detailed District Development Plan/DDDP and Binding Elements

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

WHEREAS, There does 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, Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, There are no open space requirements with the current proposal; and

WHEREAS, 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

PLANNING COMMISSION MINUTES

February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. The building will meet the setback requirements of the form district; and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to the City of Jeffersontown, **APPROVAL** of Case No. 15ZONE1034, the portion of the development plan that lies within the jurisdiction of Jeffersontown to be rezoned as requested as well as the Revised Detailed District Development Plan as depicted on the development plan, including the binding elements on pages 18 and 19 in the staff report deleting 5c.

Existing Binding Elements

9-34-04:

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. Use of the subject site shall be limited to multi-family residential. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's Policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
3. The density of the development shall not exceed 15.44 dwelling units per acre (328 units on 21.83 acres).
4. Signs shall be in accordance with Chapter 8 or as presented at the public hearing.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

6. Access to the site shall be made from the new curb cuts as shown on the development plan. No additional direct access shall be created to Blankenbaker Road and Plantside Drive.
7. 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.
8. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or demolition permit) is requested:
 - a. The development plan must receive full construction approval from 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 minor subdivision plat shall be recorded dedicating additional right-of-way to Blankenbaker Road to provide a total of 40 feet from the centerline. 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.
 - d. 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.
 - e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. If applicable: 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 (Murphy and Jenkins properties, and Miller property). 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
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

- g. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - h. Prior to the issuance of a building permit, a copy of the recorded document shall be submitted assuring the permanent protection, preservation and maintenance of the proposed open space.
9. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
10. 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.
11. 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.
12. The façade elevations shall be in accordance with applicable form district standards. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 25, 2004 LD&T meeting and October 7, 2004 Planning Commission meeting.
13. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.
14. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

For Plans with Tree Canopy Preservation Areas (TCPA-s)

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

15. The site shall be developed in accordance with the tree canopy preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TCPA-s) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TCPA-s and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TCPA-s prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TCPA, the fence shall be relocated to protect all remaining trees within that TCPA. When a tree mass contains both WPAs and TCPA-s, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TCPA-s beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

four and one-half feet above ground level shall be removed without prior approval by DPDS.

15129 (updated for current proposal with 15ZONE1034)

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 and to the City Jeffersontown for review and approval dependent upon the jurisdiction for portions of the site; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banner 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 Louisville Metro Department of Develop Louisville Construction Permit Review, Transportation Planning Review 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.
6. If a building permit, parking lot permit, or site disturbance permit is not issued within two years of the date of approval of the plan, the proposed expansion shall

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

CASE NO. 15ZONE1034

not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 4th Planning Commission public hearing.
10. No overnight idling of trucks shall be permitted on site.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioners Brown and White

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

9-36-96 BE Citation

Request: Binding Element Citation
Location: 9609 National Turnpike
Staff Case Manager: Jonathan Baker, Legal Counsel

Agency Testimony:

03:39:28 Mr. Baker gave a power point presentation and discussed the history and violations on the property located at 9609 National Turnpike.

The following spoke in favor of this request:

John Ernst, Planning and Design Zoning Enforcement, 444 South 5th Street, Louisville, Ky. 40202
April Robbins
Mike Wilcher, Planning and Design Zoning Enforcement, 444 South 5th Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

03:51:05 Mr. Ernst presented pictures into the record taken at 9:30 this morning. The pictures showed a number of cars on the property but Mr. Ernst is not sure if they're employee vehicles or not. Also, the trailer has been moved. There were also junked vehicles and other building materials stored in the rear.

04:06:44 Ms. Robbins stated she has been involved with this case since 2014, when the first notice of violation was sent. A neighbor made the complaint. The cars seem to have been there for a few years.

The following spoke in opposition to this request:

Daniel Nelson, 9609 National Turnpike, Fairdale, Ky. 40118

Summary of testimony of those in opposition:

04:11:28 Mr. Nelson stated he had no control over the landscape plan that was supposed to be put in place because he didn't own the property at that time. Whatever work needs to be done regarding landscaping compliance can be worked out. "None of the cars belong to me but I have repair orders on every vehicle. They're being processed." They've only been sitting there 2-3 years.

Rebuttal:

PLANNING COMMISSION MINUTES
February 4, 2016

PUBLIC HEARING

9-36-96 BE Citation

04:24:57 Mr. Baker remarked, "On appeal you (Planning Commission) have the ability to uphold the citation or you have the ability to say the citation has been remedied and don't issue anything. In my mind, someone needs to walk through with Mr. Nelson and tell him exactly what he can and can't do on this property."

04:27:37 Mr. Nelson stated, "I will work with Planning and Zoning to bring things into compliance, but the thing is I just have to know what the rules are."

Deliberation:

04:27:57 The commissioners agree that Mr. Nelson is in violation. Chairman Blake said in the past the Planning Commission generally gives the person who has been cited a chance to come into compliance. The Planning Commission also have the ability to fine up to \$4,000.00 a day. The time frame needs to be less than 6 months. Commissioner Jarboe wants to see Mr. Nelson use his money to get the property into compliance and not fined (90 days). Commissioner Peterson said if the Planning Commission fines Mr. Nelson, and he doesn't pay, there would be a lien on the property when it's sold. Commissioners Peterson and Blake would like to see an update in 30 days. Commissioner Jarboe asked if Code Enforcement is willing to work with Mr. Nelson. Mr. Wilcher said yes.

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.

04:52:42 On a motion by Commissioner Jarboe, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** 9-36-96 BE Violation Citation Appeal. Mr. Nelson will need to meet with Code Enforcement and develop a plan within 30 days, March 3, 2016, to come into compliance. Mr. Nelson is in violation of these citations and has 30 days to develop a future plan and how to get back in compliance with his zoning and binding elements. The plan will be subject to the Planning Commission's approval. Also, if this is not done, the Planning Commission has the ability to make the fine retroactive to this date. Any fines will be deferred until March 3, 2016. This case is **CONTINUED** to the March 3, 2016 Planning Commission meeting.

The vote was as follows:

YES: Commissioners

NOT PRESENT AND NOT VOTING: Commissioners

PLANNING COMMISSION MINUTES
February 4, 2016

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

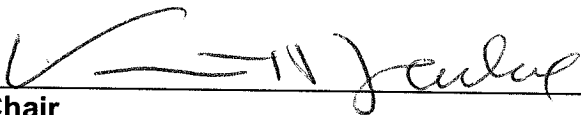
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 6:00 p.m.



Chair



Planning Director