

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
May 11, 2023**

A meeting of the Louisville Metro Planning Commission was held on May 11, 2023 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Marilyn Lewis, Chair
Lula Howard, Vice Chair
Jeff Brown
Rich Carlson
Jim Mims
Suzanne Cheek
William Fischer

Commission members absent:

Patricia Clare
Te'Andre Sistrunk
Michelle Pennix

Staff Members present:

Brian Davis, Planning and Design Assistant Director
Julia Williams, Planning and Design Manager
Joel P. Dock, Planning Coordinator
Dante St. Germain, Planner II
Jay Lockett, Planner II
Savannah Darr, Historic Preservation Officer
Laura Ferguson, Assistant County Attorney
Beth Stuber, Metro Transportation Planning
Pamela M. Brashear, Management Assistant

Others Present:

Tony Kelly, MSD

The following matters were considered:

PLANNING COMMISSION MINUTES

May 11, 2023

BUSINESS SESSION

CASE NO. BLD-WRE-23-00098

Request: Request to Waive Two Year Deed Restriction – Wrecking Permit BLD-WRE-23-00098
Project Name: Demolition of 1921 Lower Hunters Trace
Location: 1921 Lower Hunters Trace
Owner: William Clark
Applicant: William Clark
Representative: William Clark
Jurisdiction: Louisville Metro
Council District: 12-Rick Blackwell
Case Manager: Savannah Darr, Historic Preservation Officer

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.)

Discussion

00:17:58 Savannah Darr explained federal funds from HUD projects. REBOUND, Inc. is proposing to build 2 new single-family residences on these properties using federal funds. Commissioner Mims asked why Chapter 150, a local ordinance is needed. Savannah Darr said it was created by Metro Council but she is looking into some major edits (see recording for detailed presentation).

00:22:47 Commissioner Carlson stated, the recommendation is to find that the community will benefit from the waiver and the development of the property (see recording for detailed presentation).

00:24:06 Savannah Darr said, regarding the property at 1921 Lower Hunters Trace, the garage will remain and the house will be demolished (see recording for detailed presentation). Commissioner Mims asked if the applicant is aware that the rebuilt house will need to be bigger than the garage. William Clark, the applicant, said he's going to use the garage as an extension of his current property as there's no plan to rebuild the house (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.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

PLANNING COMMISSION MINUTES

May 11, 2023

BUSINESS SESSION

CASE NO. BLD-WRE-23-00098

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the request to waive two-year Deed Restriction – Wrecking Permit BLD-WRE-23-00098

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

PLANNING COMMISSION MINUTES

May 11, 2023

BUSINESS SESSION

CASE NO. BLD-WRE-23-00342

Request: Request to Waive Two Year Deed Restriction – Wrecking Permit BLD-WRE-22-00342
Project Name: Demolition of 2116 Cedar Street
Location: 2116 Cedar Street
Owner: REBOUND, Inc.
Applicant: REBOUND, Inc.
Representative: REBOUND, Inc.
Jurisdiction: Louisville Metro
Council District: 4-Jecorey Arthur
Case Manager: Savannah Darr, Historic Preservation Officer

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.)

Discussion

00:17:58 Savannah Darr explained federal funds from HUD for projects. REBOUND, Inc. is proposing to build 2 new single-family residences on these properties using federal funds. Commissioner Mims asked why Chapter 150, a local ordinance is needed. Savannah Darr said it was created by Metro Council but she is looking into some major edits (see recording for detailed presentation).

00:22:47 Commissioner Carlson stated, the recommendation is to find that the community will benefit from the waiver and the development of the property (see recording for detailed presentation).

00:24:06 Savannah Darr said, regarding the property at 1921 Lower Hunters Trace, the garage will remain and the house will be demolished (see recording for detailed presentation). Commissioner Mims asked if the applicant is aware that the rebuilt house will need to be bigger than the garage. William Clark said he's going to use the garage as an extension of his current property as there's no plan to rebuild the house (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.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

PLANNING COMMISSION MINUTES

May 11, 2023

BUSINESS SESSION

CASE NO. BLD-WRE-23-00342

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the request to waive two-year Deed Restriction – Wrecking Permit BLD-WRE-22-00342.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

PLANNING COMMISSION MINUTES

May 11, 2023

BUSINESS SESSION

CASE NO. BLD-WRE-23-00340

Request: Request to Waive Two Year Deed Restriction – Wrecking Permit
BLD-WRE-22-00340
Project Name: Demolition of 2410 Magazine Street
Location: 2410 Magazine Street
Owner: REBOUND, Inc.
Applicant: REBOUND, Inc.
Representative: REBOUND, Inc.
Jurisdiction: Louisville Metro
Council District: 4-Jecorey Arthur
Case Manager: Savannah Darr, Historic Preservation Officer

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.)

Discussion

00:17:58 Savannah Darr explained federal funds from HUD for projects. REBOUND, Inc. is proposing to build 2 new single-family residences on these properties using federal funds. Commissioner Mims asked why Chapter 150, a local ordinance is needed. Savannah Darr said it was created by Metro Council but she is looking into some major edits (see recording for detailed presentation).

00:22:47 Commissioner Carlson stated, the recommendation is to find that the community will benefit from the waiver and the development of the property (see recording for detailed presentation).

00:24:06 Savannah Darr said, regarding the property at 1921 Lower Hunters Trace, the garage will remain and the house will be demolished (see recording for detailed presentation). Commissioner Mims asked if the applicant is aware that the rebuilt house will need to be bigger than the garage. William Clark said he's going to use the garage as an extension of his current property as there's no plan to rebuild the house (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.

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the testimony heard today was adopted.

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BUSINESS SESSION

CASE NO. BLD-WRE-23-00340

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the request to waive two-year Deed Restriction – Wrecking Permit BLD-WRE-22-00340.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

PLANNING COMMISSION MINUTES

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BUSINESS SESSION

LDC REFORM UPDATE 5-11-23

Project Name: LDC Reform Update
Case Manager: Joel P. Dock, AICP, Planning Coordinator

Discussion:

00:07:01 Joel Dock discussed the LDC reform, which is an equity-focused approach to revise the LDC consistent with Plan 2040, allow for increased housing choices and opportunities in new and existing neighborhoods, create procedures and regulations that are easier to use, and increase the quality of life by reducing the concentration of environmental hazards near housing.

Joel Dock also discussed Middle Housing, which includes a range of house-sized choices with multiple units between single-family homes and larger apartment buildings. It fits the height and form of homes and neighborhoods. There was great participation from the community (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.

NO VOTE

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BUSINESS SESSION

CASE NO. 22-ZONE-0093

Request: Change in Zoning from R-7, OR-3, C-1 and CN to R-7 Multifamily residential; Variance from St Matthews Development Code to reduce the required open space; Revised Detailed District Development Plan with replacement of existing binding elements; District Development Plan with Binding Elements

Project Name: LDG Gillmans Point

Location: 4101, 4159, 4163 Westport Rd; 329, 331 and 333 Ridgeway Ave

Owner: Gillmans Point, LLC

Applicant: LDG Development

Representative: Cliff Ashburner – Dinsmore and Shohl

Jurisdiction: St Matthews

Council District: 9 – Andrew Owen

Case Manager: Jay Lockett, AICP, Planner II

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

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

Discussion:

00:30:19 Jay Lockett said this case went to LD&T and will need to be heard at a night hearing. There was no definitive date at that time, so it was sent to this meeting, business session. There are now some additional technical issues that have been brought up by the city of St. Matthews and KYTC. The applicant requests that it be continued to a date uncertain (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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain.

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BUSINESS SESSION

CASE NO. 22-ZONE-0093

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

PLANNING COMMISSION MINUTES

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PUBLIC HEARING

CASE NO. 23-ZONE-0001

Request: Major Preliminary Subdivision utilizing MRDI provisions,
Floyds Fork DRO Review, and Waiver
Project Name: 1614 Johnson Road Subdivision
Location: 1614 Johnson Road
Owner: Jean Rueff
Applicant: Highgates Management
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 19 – Anthony Piagentini
Case Manager: Dante St. Germain, 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:33:20 Dante St. Germain said the applicant is requesting a continuance to a date uncertain (see recording for detailed presentation).

Deliberation

00:34:45 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 Brown, seconded by Commissioner Carlson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to a date uncertain.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

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PUBLIC HEARING

BE Appeal 1319 Tile Factory Lane

Project Name: Binding Element Appeal – 1319 Tile Factory Lane
Case Manager: Laura Ferguson, Assistant County Attorney

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:

00:35:19 Laura Ferguson said the appellant has requested a continuance to the June 1, 2023 Planning Commission meeting (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.

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the June 1, 2023 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

PLANNING COMMISSION MINUTES

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PUBLIC HEARING

CASE NO. 23-ZONE-0001

Request: Change in zoning from R-4 to OR with Detailed District Development Plan and Binding Elements
Project Name: 8319 Third Street Rd
Location: 8319 Third Street Rd
Owner: Tammi Hall
Applicant: Tammi Hall
Jurisdiction: Louisville Metro
Council District: 25 – Khalil Batshon
Case Manager: Jay Lockett, AICP, Planner II

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

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

Agency Testimony:

00:36:31 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Sophia Mazzocco, 108 Daventry Lane, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:41:27 Cliff Ashburner gave a power point presentation. The property has natural barriers which provides nice buffering around the site. There will be no exterior changes, only interior renovations. An accessible sidewalk stub was added to the plan (at crosswalk) that was mentioned at the LD&T meeting (see recording for detailed presentation).

00:45:54 Commissioner Howard asked if the proposal is recommended for approval today, what happens to the conditional use permit (CUP) that was initially for a daycare. Cliff Ashburner said it would be abandoned (see recording for detailed presentation).

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PUBLIC HEARING

CASE NO. 23-ZONE-0001

00:50:26 Sophia Mazzocco, engineer from Milestone Group, is here to answer questions (see recording for detailed presentation).

Deliberation

00:51:45 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-4, Single-family Residential to OR Office-Residential

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis 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 change does not represent a nonresidential expansion into residential areas. The site has historically been used for a nonresidential use of a daycare and has a parking lot. The applicant will provide adequate transition and buffering to adjacent residential properties; the subject site is located along 3rd Street Rd, a minor arterial roadway. Adequate infrastructure exists to serve the subject site; the proposed zoning district would not permit hazardous uses or uses with significant emissions; the proposal is unlikely to generate significant traffic impacts. Access to the site is controlled by a traffic signal; the proposal is unlikely to generate significant noise; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is not within an activity center, however the proposed zoning is appropriate within generally residential areas. Appropriate buffering will be provided adjacent to residential properties; the subject site is located along 3rd Street Rd, a minor arterial roadway. Adequate infrastructure exists to serve the subject site; adequate population exists within the area to support non-residential uses on the subject site; the proposed zoning would permit mixed residential and office uses, which encourages a more compact development pattern and efficient land use; the site is not within an established activity center. The zoning would permit a mixture of compatible land uses that encourage alternative modes of travel; the proposal would involve a mix of office and residential development; the proposal is to renovate an existing structure for a mix of residential and office use;

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the site is not within an activity center, however the proposed zoning is appropriate within generally residential areas. Appropriate buffering will be provided adjacent to residential properties; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site has intermittent streams and floodplain areas on site. The current proposal is for no new disturbance of existing features on the site; MSD has reviewed and approved the preliminary plan; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the site does not have any known cultural or historic value. The proposal is for renovation and re-use of an existing building and previously developed site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed zoning district allows for office uses and medium-density residential development. Adequate buffering and screening should be provided adjacent to lower intensity residential properties; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, the site has direct access to a Minor Arterial roadway; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposal is for a mix of office and residential development that is compatible with encouraging walking and biking; the proposal is for a mix of office and residential development that is compatible with the goal of encouraging alternative travel modes; the proposal is for a mix of office and residential development that is compatible with the goal of encouraging a reduction in automobile trips; the proposal is for a mix of office and residential development that is compatible with the goal of encouraging alternative travel modes; Transportation planning has approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, utility service will be coordinated with appropriate agencies; MSD has reviewed and approved the preliminary plan; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is unlikely to generate a high volume of traffic. The subject site is located along a minor arterial roadway approximately 3300 feet from the nearest major arterial roadway; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site is not within a karst prone area; MSD has reviewed and approved the preliminary plan; the proposed zoning district would not permit hazardous materials to be stored onsite; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed zoning district would permit a variety of housing options and lotting patterns to support aging in place; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district would permit a variety of housing options and lotting patterns to support mixed-income and intergenerational housing; the proposed zoning district would permit a variety of housing options and types on a site with ready access to the transportation network; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, residents would not be displaced with this proposal; the proposed zoning district would permit a variety of housing options and lotting patterns to support the production of fair and affordable housing.

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

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

District Development Plan and Binding Elements

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

WHEREAS, the site contains intermittent streams along the side and rear of the property. The applicant will provide the required buffers per MSD and Land Development Code requirements; and

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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 has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the 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 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 **APPROVE** the District Development Plan, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. Prior to requesting a certificate of occupancy, the applicant shall install an ADA compliant ramp and landing for the crosswalk in at the front of the site.

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

5. 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.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

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PUBLIC HEARING

CASE NO. 22-ZONE-0170

Request: Change in Zoning from R-4 Single Family to C-2 Commercial with a Conditional Use Permit for Mini-Warehouse, Floyds Fork Development Review Overlay Review, a Variance and District Development Plan with Binding Elements

Project Name: Shelbyville Road Self Storage

Location: 15900 and 15910 Shelbyville Road

Owner: Chi Fien Wang, Monica Wang

Applicant: Adams Property Group

Representative: Nick Pregliasco – Bardenwarper, Talbott and Roberts

Jurisdiction: Louisville Metro

Council District: 11 – Kevin Kramer

Case Manager: Jay Lockett, AICP, Planner II

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

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

Agency Testimony:

00:54:24 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, Bardenwarper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Jack Coupland, Adams Property Group, 2298 Mount Pleasant Street, Charleston, S.C. 29403

Bob Federico, 17007 Ash Hill Drive, Louisville, Ky. 40245

Lucas Frazier, 15700 Piercy Mill Road, Louisville, Ky. 40245

Kacey Frazier, 15700 Piercy Mill Road, Louisville, Ky. 40245

Summary of testimony of those in favor:

01:01:08 Nick Pregliasco gave a power point presentation. There are 4 different tracts and there will be 72% tree preservation with a binding element. The rear portion of the property will remain R-4 and be permanently protected with proposed binding

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element number 7. The building will be multi-story and the color will blend in with the surroundings – medium bronze (see recording for detailed presentation).

Nick Pregliasco discussed the additional proposed binding elements (see recording for detailed presentation).

01:19:47 Jack Coupland stated the hours of operation will be 6:00 a.m. to 9:00 p.m. There will be 20-25 security cameras (see recording for detailed presentation).

01:26:35 Bob Federico represents the Eastwood Village Council and the homeowners of Waterstone and they are in support of the project, mainly due to the additional binding elements (see recording for detailed presentation).

Bob Federico submitted his comments into the record.

01:28:57 Lucas Frazier is speaking on behalf of Future Fund, which supports the proposal if binding element number 7 is approved. This development is in line with the DRO and all the changes the applicant has made seeks to protect the waterway (see recording for detailed presentation).

01:30:07 Kacey Frazier, current resident of DRO and co-founder of Louisville Keep Your Fork, stated they support this development. The applicant has worked with the neighborhood and made significant changes (see recording for detailed presentation).

Deliberation

01:37:10 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-4, Single-family residential to C-2 Commercial

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis 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 proposal would not

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CASE NO. 22-ZONE-0170

represent an expansion of non-residential uses into residential areas, as the site is immediately adjacent to an existing commercial activity center. The applicant is proposing only to rezone and develop the front of the site closest to Shelbyville Rd, while placing the remainder of the site into a conservation easement for permanent preservation. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review. The proposal meets or exceeds all planting, screening, buffering and tree preservation requirements for this proposal; adequate transportation networks exist to serve the site. The site is located on a Major Arterial roadway; the proposed zoning district would not permit industrial development or hazardous uses. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review; the proposal is unlikely to add significant additional traffic to Shelbyville Rd.; the proposal is for mini-storage which would have minimal noise impacts on surrounding communities. Future changes in uses on the site would be evaluated for impacts on the surrounding properties; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is adjacent to existing commercial activity center within the Eastwood Village Center area; adequate transportation networks exist to serve the site. The site is located on a Major Arterial roadway; The site is located on a Major Arterial roadway. The site is adjacent to existing commercial activity center within the Eastwood Village Center area; the proposed zoning district supports the goal of compact development and would permit a variety of commercial and residential uses, including mixed use development; the proposed zoning district would permit a variety of commercial and residential uses, including mixed use development that support a reduction in vehicle miles traveled; the proposed zoning district would permit a variety of housing types, including mixed-use development; the site is adjacent to existing commercial activity center within the Eastwood Village Center area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the applicant is proposing only to rezone and develop the front of the site closest to Shelbyville Rd, while placing the remainder of the site into a conservation easement for permanent preservation. The preservation of the rear of the site, which is steeper and contains environmentally sensitive areas will provide adequate buffering for adjacent residential uses and is in keeping with the goals of the Floyds Fork Overlay Review; the site is not within the floodplain; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is adjacent to existing commercial activity center within the Eastwood Village Center area. The proposed zoning would permit a wide variety of commercial and residential uses that could promote alternative modes of travel; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, the site is served directly by Shelbyville Rd, a major arterial roadway; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning would permit a wide variety of commercial and residential uses that could promote alternative modes of travel; the proposed zoning would permit a wide variety of commercial and residential uses that could promote transportation and housing choices; Transportation Planning and KYTC have approved the preliminary development plan. The applicant has agreed to construct a shared-use path for the Louisville Loop across the frontage of the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, utility service will be coordinated with affected agencies; water service will be coordinated; MSD has approved the preliminary development plan;

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the subject site is located along a major arterial roadway Shelbyville Rd.; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site does not show potential for hydric or highly erodible soils; the site is not within the floodplain;

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed zoning district would permit a variety of housing and commercial development options that support aging in place; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district would permit a variety of housing and commercial development options that support mixed-use and mixed-income development; the proposed zoning district would permit a variety

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of housing and commercial development options along a major transportation corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed zoning district would permit a variety of housing and commercial development options. Two existing residential structures are proposed to be demolished; and the proposed zoning district would permit a variety of housing and commercial development options that could increase the production of fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single-family Residential to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Conditional Use Permit for Mini-warehouse

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

WHEREAS, the proposal is consistent with applicable policies of the Comprehensive Plan. The proposal meets or exceeds all screening, buffering and tree preservation requirements for the site; and

WHEREAS, the proposal is compatible with surrounding land uses. The development meets or exceeds all buffering and tree preservation requirements adjacent to residential uses; and

WHEREAS, the Louisville Metro Planning Commission finds, all necessary public facilities are being provided for this development. MSD and Transportation Planning have approved the preliminary plan; and

WHEREAS, the Louisville Metro Planning Commission further finds the site is located on Shelbyville Rd, a Major Arterial roadway.

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A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

STAFF: The proposal meets or exceeds all screening, buffering and tree preservation requirements for the site.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

STAFF: The plan is compliant with this requirement.

C. No outside storage shall be allowed on the property.

STAFF: The applicant has been informed of this requirement. D. No storage of toxic or hazardous materials shall be allowed on the property.

STAFF: The applicant has been informed of this requirement.

E. There shall be no retail or wholesale sales or distributing activities on site.

STAFF: The applicant has been informed of this requirement.

F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.

STAFF: The plan is compliant with this requirement.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below). STAFF: The applicant has requested relief from this requirement. The structure is proposed to be up to 40 feet tall.

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located. STAFF: The applicant has been informed of this requirement.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for Mini-warehouse with relief from 4.2.35G to allow a height of 40 feet instead of the allowed 15-feet, a variance of 25-feet.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Floyds Fork Development Review Overlay

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

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 22-FFO-0009 Floyds Fork Development Review Overlay.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Variance from Land Development Code section 5.3.1.C.5 to exceed the maximum 35-foot height by up to 5 feet

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

WHEREAS, the requested variance will not adversely affect public health safety or welfare as all required buffering is provided around the site. The site will be constructed according to all applicable building codes and safety requirements. MSD and Transportation Planning have approved the preliminary plan and will ensure safety through the construction permitting process the requested variance will not adversely affect public health safety or welfare as all required buffering is provided around the site. The site will be constructed according to all applicable building codes and safety requirements. MSD and Transportation Planning have approved the preliminary plan and will ensure safety through the construction permitting process; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity, as the applicant is providing screening and tree preservation that exceeds the minimum requirements and the building is designed to be compatible with other development in the area; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public since the building will be constructed according to the building code, including all safety and health related provisions; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations since it will allow for a more compact and efficient development, which facilitates preservation of environmentally sensitive areas on site; and

WHEREAS, the requested variance does arise from special circumstances which do not generally apply to land in the general vicinity, as the site contains significant steep slopes and environmentally sensitive areas; and

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WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would require a less efficient development pattern and greater land clearance within environmentally sensitive areas; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as the applicant is requesting approval prior to construction.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** 23-VARIANCE-0005, a variance from Land Development Code section 5.3.1.C.5 to exceed the maximum 35-foot height by up to 5 feet.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

District Development Plan and Binding Elements

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

WHEREAS, the site contains steep slopes and other environmentally sensitive areas within the Floyds Fork Review Overlay. The applicant is proposing permanent preservation of sensitive areas of the 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 has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

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

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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; 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 **APPROVE** the District Development Plan, **SUBJECT** to the following Binding Elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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:
 - 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. 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 prior to obtaining a building permit.
 - 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 and shall be substantially similar to those shown at the May 11, 2023

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Planning Commission public hearing. 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 applicant shall construct the 10-foot multi-use path for the Louisville Loop along the frontage of the property prior to requesting a Certificate of Occupancy for the site.

7. The area to remain R-4 along the rear of the site shall be maintained in a wild state to the maximum extent possible in order to preserve habitat and environmentally sensitive areas within the Floyds Fork DRO. Vegetation, including canopy trees, understory trees and undergrowth, shall not be removed unless the vegetation constitutes a safety hazard or consists of invasive species, or is required to install or maintain utility easements and equipment. Any removal of vegetation shall be the minimum necessary for maintenance of utility easements and equipment, or the removal of hazardous or invasive plants and shall be in accordance with an approved Tree Preservation Plan. The R-4 area remaining on the site shall not be subdivided or used for any purpose aside from woodland preservation. To ensure the permanence of this Binding Element, prior to obtaining the certificate of occupancy, the applicant shall place a permanent restriction on this remaining R-4 portion of the site in the form of a conservation easement, transfer of title to a conservancy group, or a recorded deed restriction setting forth the restriction in this Binding Element to be reviewed and approved by Planning Commission legal counsel.

8. No exterior storage will be allowed on the Mini Storage property. Any storage of any type will be confined to interior storage units and within the facility walls. This includes,

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but not limited to, boats, trailers, campers, motorhomes, work vehicles, cars/suvs, semi's, rental cars, and motorcycles.

9. The west and southwest sides of the proposed 1-story building shall be constructed using materials painted the color "Medium Bronze" as presented to the Waterstone Homeowners Association, Inc. representatives to blend with the surrounding landscaping and vegetation, a copy of which shall be provided to staff.

10. Lighting

a) All exterior lighting, whether freestanding or attached to any structure, including street lights, lot lights, field lights and lighting for any signage, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. The following is an exception to this requirement: i) Low voltage landscape lighting aimed away from adjacent properties and not exceeding 2000 lumens in output per fixture.

b) No exterior lighting shall have a correlated color temperature (CCT) exceeding 2700 degrees Kelvin.

c) No parking lot or street light fixtures shall be more than fourteen feet high, measured from ground level.

11. Signage

a) No backlit signage shall be placed above the first-floor level, except it shall be allowed on a gable over an entrance. All signage shall face Shelbyville Road.

b) No changing image or moving signs shall be permitted.

c) All freestanding signage shall not exceed six feet in height, measured from ground level.

12. The hours of operation shall be limited to 6 a.m. to 9 p.m. every day of the week.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

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Request: Change in Form District from TNFD to TWFD, Change in Zoning from R-4 to EZ-1, with Detailed District Development Plan and Binding Elements and Waiver

Project Name: Bayus Millers Lane

Location: Parcel ID 100400250002

Owner: Pipe Fitters Joint Education and Training

Applicant: Pipe Fitters Joint Education and Training

Representative: Wyatt, Tarrant & Combs LLP

Jurisdiction: Louisville Metro

Council District: 3 – Kumar Rashad

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

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

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

Agency Testimony:

01:44:18 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Jon Baker, Wyatt, Tarrant & Combs LLP, 400 West Market Street, Suite 2000, Louisville, Ky. 40202

Summary of testimony of those in favor:

01:49:13 Jon Baker gave a power point presentation. More trees will be planted for screening. The majority (75%) of the building is zoned correctly and just one corner needs to be corrected (see recording for detailed presentation).

Deliberation

01:58:47 Planning Commission deliberation.

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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.

Change in form district from Traditional Neighborhood to Traditional Workplace

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis 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 proposal would not constitute an expansion of non-residential development into an existing residential area. The site is already developed non-residentially and the proposal would bring the zoning into compliance with the site development; the proposal would permit higher density and intensity uses. The site is close to transit along Dixie Highway and would expand an existing employment center; the proposal is for industrial zoning. Staff recommends a form district change to a Workplace form. The site is adjacent to Traditional Workplace form; the site is already developed and the proposal would not permit any more intensive uses than are already permitted on the larger site; the proposal would permit uses generating noxious odors, particulates and emissions. The site is already developed non-residentially and the proposal would bring the site zoning into compliance with the current development; access to the site is via Millers Lane, a minor arterial at this location; Screening will be provided by the applicant to mitigate any noise impacts; the proposed zoning district would not permit junkyards, landfills or quarries; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is located adjacent to an existing activity/employment center and would expand the center to correct the zoning on an already-developed parcel; the proposal would permit retail development. The site is located adjacent to an existing activity/employment center; the proposal would permit a more compact pattern of development; the proposed zoning district would permit a mixture of compatible land uses; the proposal would permit new development providing commercial/industrial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are evident on the site; no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; no karst terrain or flood-prone areas are evident on the site; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no historic assets are evident on the site; no distinctive cultural features are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is adjacent to an existing employment center with transit located nearby; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car and bicycle, and transit is located nearby. Accessibility by pedestrians and people with disabilities would be improved by the development; transit is located close to the site. The proposal would encourage higher density mixed-use development; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the responsible utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposed zoning district would permit land uses compatible with the recommended Workplace form; the site is located adjacent to existing industry; no additional traffic would be anticipated to be generated by the zoning change. The site is already developed; the site is located adjacent to an existing industrial subdivision and would have access to a minor arterial at Milers Lane; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no karst terrain is evident on the site; No floodplain is evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents would be displaced by the proposal.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in form district from Traditional Neighborhood to Traditional Workplace on property in the attached legal description be **APPROVED**.

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The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Zoning Change from R-4 Single Family Residential to EZ-1 Enterprise Zone

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis, Staff Presentation and the Applicant's 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 proposal would not constitute an expansion of non-residential development into an existing residential area. The site is already developed non-residentially and the proposal would bring the zoning into compliance with the site development; the proposal would permit higher density and intensity uses. The site is close to transit along Dixie Highway and would expand an existing employment center; the proposal is for industrial zoning. Staff recommends a form district change to a Workplace form. The site is adjacent to Traditional Workplace form; the site is already developed and the proposal would not permit any more intensive uses than are already permitted on the larger site; the proposal would permit uses generating noxious odors, particulates and emissions. The site is already developed non-residentially and the proposal would bring the site zoning into compliance with the current development; access to the site is via Millers Lane, a minor arterial at this location; Screening will be provided by the applicant to mitigate any noise impacts; the proposed zoning district would not permit junkyards, landfills or quarries; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is located adjacent to an existing activity/employment center and would expand the center to correct the zoning on an already-developed parcel; the proposal would permit retail development. The site is located adjacent to an existing activity/employment center; the proposal would permit a more compact pattern of development; the proposed zoning district would permit a mixture of compatible land uses; the proposal would permit new development providing commercial/industrial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are evident on the site; no wet or highly permeable soils, or severe, steep or unstable

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slopes are evident on the site; no karst terrain or flood-prone areas are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, no historic assets are evident on the site; no distinctive cultural features are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is adjacent to an existing employment center with transit located nearby; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would permit a mixture of compatible land uses. The site is easily accessible by car and bicycle, and transit is located nearby. Accessibility by pedestrians and people with disabilities would be improved by the development; transit is located close to the site. The proposal would encourage higher density mixed-use development; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the responsible utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposed zoning district would permit land uses compatible with the recommended Workplace form; the site is located adjacent to existing industry; no additional traffic would be anticipated to be generated by the zoning change. The site is already developed; the site is located adjacent to an existing industrial subdivision and would have access to a minor arterial at Milers Lane; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no karst terrain is evident on the site; No floodplain is evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents would be displaced by the proposal.

RESOLVED, that the Louisville Metro Planning Commission does hereby
RECOMMEND to the Louisville Metro Council the change in zoning from R-4, Single

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Family Residential to EZ-1, Enterprise Zone on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Waiver from 10.2.4 to permit encroachment into a required property perimeter Landscape Buffer Area (23-WAIVER-0055)

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis, Staff and Applicant's Representative Presentation was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as the structure was built between 2000 and 2003 according to LOJIC aerial photographs, and it has caused no known adverse effects to the most affected adjacent properties; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. Buffering can be provided despite the encroachment; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the subject site is already developed with an existing structure, which is infeasible to be removed to make room for the required landscape buffer area; and

WHEREAS, the Louisville Metro Planning Commission further finds 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 because provision of the required landscape buffer area is impossible without removing the structure already on the lot. The structure has been in place for at least 20 years.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from 10.2.4 to permit encroachment into a required property perimeter Landscape Buffer Area (23-WAIVER-0055).

The vote was as follows:

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YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis, testimony heard today and evidence provided was adopted.

WHEREAS, no natural resources are evident on the site. The site is fully developed; 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 has approved the preliminary development plan; and

WHEREAS, no open space provisions are pertinent to the request; and

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

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is in compliance with existing and planned future development in the area. No new construction is proposed. The structure on the site already exists within its current context and is compatible with the surrounding development; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waiver. The site plan generally complies with the policies and guidelines of the Comprehensive Plan. The site plan would preserve an existing structure.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the

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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.
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. A minor plat or legal instrument shall be recorded consolidating the property with the 2329 Millers Lane lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
7. 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.
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

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elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Fischer, Howard, Mims and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Clare, Pennix and Sistrunk

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 3:00 p.m.

Chair

Planning Director