

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION**

July 19, 2007

A meeting of the Louisville Metro Planning Commission was held on Thursday, July 19, 2007, at 7:00 p.m. at the Community Presbyterian Church, located at 13902 Factory Lane, Louisville, Kentucky, 40245.

Commission members present:

Sue Ernst, Chairman
Chief Richard Carlson, Vice Chairman
Rick Storm, County Engineer, Public Works
Barry Queenan
Marshall Abstain
Yvonne Wells-Hatfield
Susan Hamilton
David Fleischaker
Lula Howard
Donnie Blake

Commission members absent:

No one

Staff Members present:

Charles Cash, Commission Director
Theresa Senninger, Legal Counsel
Jonathan Baker, Legal Counsel
Steve Lutz, Planning Coordinator
Paula Wahl, Transportation Planner, Public Works
Ann Cromwell, Management Assistant (Minutes)

Others Present:

The following matters were considered:

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Case: 9-1-07
Location: 13701, 13715, 13719, 13723, 13727, 13731 and
13801 Old Henry Trail

Owners: MRH, Inc,
3 Riverfront Plaza, Suite 201
Louisville, KY 40202

James F. Klosterman
13715 Old Henry Trail
Louisville, KY 40245

Paul A. & Judy A. Buck
13731 Old Henry Trail
Louisville, KY 40245

Applicant: Kevin D. Cogan, Jefferson Development Group
1706 Bardstown Road
Louisville, KY 40205

Architect/Engineer: QK4
Architects and Engineers
815 W. Market Street
Louisville, KY 40202

Area: 77.52
Form District: Suburban Workplace/Neighborhood
Zoning District: R-4 to C-2, PEC and R-6

Existing Use: Vacant
Proposed Use: Restaurants, hotels, offices, office/warehouses and
multi-family residential

Jurisdiction: Louisville Metro
Counsel District: 19
Case Manager: Stephen A. Lutz, AICP

Request

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Change in zoning from R-4 Single-family Residential to C-2 Commercial (12.069 acres), PEC Planned Employment Center (45.279 acres) and R-6 Multi-family Residential (20.17 acres) and a change from the Neighborhood Form District to the Suburban Workplace Form District for a 8.2 acre portion of the site west of Bush Farm Road, on property located at 13701, 13715, 13719, 13721, 13723, 13731 and 13801 Old Henry Trail, containing 77.52 acres total and being in Louisville Metro.

DISCUSSION:

Steve Lutz summarized information which can be found in the attached staff report. He presented the case using a copy (hand-out) of a power point presentation including a copy of the zoning site map showing the Suburban Workplace and Neighborhood form districts.

After the Comprehensive Plan was adopted, the Old Henry Road Study was adopted which suggests work place uses would be appropriate but uses should be limited west of Factory Lane.

Binding Elements 14 through 19 are for Public Works. Number 20 is from the Lake Forest Homeowner's Association.

Paula Wahl with Public Works discussed the traffic study showing improvements. Binding elements were outlined with the study including traffic signals that are to be installed. She answered questions from the commissioners.

SPEAKERS RECORD

THOSE LISTED AS OR WHO SPOKE IN FAVOR OF:

Antoinette Cogan
1706 Bardstown Road
Louisville, KY 40205

Kevin Cogan
1706 Bardstown Road

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Louisville, KY 40205

Rob Webber
409 Rolling Lane
Louisville, KY 40207

Bob Kirzinger
16907 Aiken Road
Louisville, KY 40245

Joe Argabrite
5322 Progress Way
Sellersburg, IN 47172

David Reed
815 W. Market Street, Suite 300
Louisville, KY 40202

Timothy W. Martin
400 W. Market St, Suite 3200
Louisville, KY 40202

THOSE LISTED AS OR WHO SPOKE IN OPPOSITION:

Manishkumar Patel (listed as opposed, but spoke in favor of)
14706 Forbes Circle
Louisville, KY 40245

Dennis J. Haugh
14304 Lake Forest Drive
Louisville, KY 40245

Sharon Weaver
3332 Ridge Brook Circle
Louisville, KY 40245

Robert J. Arrell
2402 Tradition Circle
Louisville, KY 40245

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Rob Felts
15106 Chestnut Ridge Circle
Louisville, KY 40245

Jim Kennedy
13901 Old Henry Trail
Louisville, KY 40245

Mary Alice Kennedy
13901 Old Henry Trail
Louisville, KY 40245

Rich Gowin
14305 Old Henry Trail
Louisville, KY 40245

Lisa Jester
2410 Tradition Circle
Louisville, KY 40245

Kevin Rose
2409 Galloway Court
Louisville, KY 40245

Bill Henderson
3220 Ridge Brook Circle
Louisville, KY 40245

Selena Selakovich
3921 Woodmont
Louisville, KY 40245

THOSE LISTED AS OR WHO SPOKE AS OTHER:

Mary Alice Kennedy
13901 Old Henry Trail
Louisville, KY 40245

Bill Henderson

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

3220 Ridge Brook Circle
Louisville, KY 40245

Don Wagaman
14100 Willow Grove Way
Louisville, KY 40245

Tom Cole
2417 Galloway Court
Louisville, KY 40245

Robert J. Arrell
2402 Tradition Circle
Louisville, KY 40245

Testimony of those who spoke in favor of:

Timothy Martin with Frost Brown Todd and representing the applicant pointed out specific highlights in the docket including binding elements discussed at LD&T.

David Reed with QK4 Engineers and Architects made a presentation using a PowerPoint presentation. He highlighted areas of the Old Henry Road Subarea Plan and design guidelines which included roadways, bike facilities and connectivity. He summarized the "Guiding Principles" in his plan. Density, development, buffer, landscaping and compatibility were discussed.

Joe Argabrite, architect with the Weber Group, presented design guidelines using a PowerPoint presentation showing the design elements including sidewalks, lighting, traffic, landscaping and signage, in the proposed design manual for the project.

David Reed, discussed traffic studies and issues with regard to the developments.

Tim Martin said there is a binding element regarding signage and discussed the guiding principles. He answered questions from commissioners regarding those principles. He said they will come back with plans for specific development with regard to variances. Truck traffic regarding the warehouse was discussed along with density.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Manishkumar Patel had questions about the jobs in the area and the docking place regarding the warehouse. He wanted to know if the use would be for warehouse or a technical research center.

Timothy Martin, Attorney for the applicant has submitted his Summary of Testimony and Findings of Fact. A copy of each can be found in the file.

Testimony of those who spoke in opposition:

Dennis J. Haugh objects to the warehouse because of “18 wheelers coming & going”. He likes the Old Henry Subarea Plan but wants to exclude the warehouse. He also objects to the proposed condominiums as well.

Sharon Weaver has several issues including opposition to a multi-family dwelling. She said she feels the warehouse will decrease property values. Her other concerns are traffic and the impact on schools. She does not like all the apartments “going up” on Factory Lane. She said the area is appropriate for low-density. Another concern of hers is the proposed hotel.

Robert J. Arrell objects to the proposed changes due to safety problems and traffic, particularly truck traffic. He mentioned the recent development of the Wal-Mart and schools and the danger of increased traffic.

Rob Felts is opposed to the warehouse, apartments, increased traffic and the safety of school children. He suggested working with signalization.

Jim Kennedy submitted hand-outs to the commissioners and presented a map of the Old Henry study area and pointed out on the map development in the area. His concerns are trucks and traffic, apartments, the warehouse and offices.

Rich Gowin thinks the hotels and the associated development of the Snyder is appropriate. He is concerned about traffic created by the hotel and office warehouses. He said the area is designed for office and low impact. He said that Public Works traffic issues were not addressed at LD&T. He said the water pressure in the area is already low.

STAFF COMMENT / RESPONSE: Paula Wahl said she has a list of the issues that Public Works spoke of and said they were addressed during the process. She said the information had been provided in discussions at follow-up meetings.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Lisa Jester is opposed and asked for clarification regarding zoning change. Mr. Martin answered her questions regarding the site locations.

STAFF COMMENT / RESPONSE: Theresa Senninger explained the changes with regard to what the applicant will be entitled to. She also explained the approval of the development plan. She said that the applicant will need to come before a review process.

Bill Henderson is opposed to the plan. His concerns are traffic particularly due to truck traffic caused by the warehouse and signalization issues.

Selena Selakovich (did not sign sheet) wants sidewalks and bicycle paths. She is concerned about trucks and traffic. She wants to see more of a village atmosphere where "we all have a destination to go". Her examples were ice cream shops and restaurants.

Tom Hoe(sp) (did not sign sheet) asked about hotels. He wants a class A type hotel to be built. His concerns are the warehouse, apartments, traffic and water pressure. He also said that signalization is a problem.

Testimony of those who spoke as other or interested parties:

Don Wagaman, (spoke as other or interested parties) represents Lake Forest Community. He said he is both for and against the proposal. His concerns are the PEC which would allow manufacturing with the M-1 or M-2 zoning. They are also concerned about traffic and odors, noises and "three shift operations". He said they paired down the issues which are part of the binding elements. He said he was turned down for funding for a comprehensive traffic study. The Bush Farm Road intersection is also an issue for the Lake Forest Community as is the density of the apartment area. He said some binding elements were agreed upon to address some of their concerns.

Tom Cole asked questions regarding traffic and signalization issues, warehouses, density and water pressure issues. He asked about PED and zoning issues. He said he had an issue with the hotels and whether or not it would be a class A hotel. He is also concerned about safety issues regarding traffic and children. The mature landscape being replaced by small trees is another concern of his.

Rebuttal:

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Timothy Martin addressed the main issues such as: traffic and signalization, warehouses, density and water pressure. He addressed uses including PEC area and zoning uses. Flex buildings were suggested. He suggested binding element number 11 be amended. Uses included the intention of a class "A" hotel as well as density in relation to buffers and setbacks. A binding element regarding traffic was discussed. Also discussed were multiple unit apartments with respect to traffic and height issues and a binding element regarding density. Bike and pedestrian areas were shown on the slide presentation.

Mr. Martin submitted proposed Findings of Fact and a Summary of Testimony, which is part of the case file and can be found there.

STAFF COMMENT: Steve Lutz answered questions regarding the Louisville Water Company and read a document from the Health Department which stated they were ok with the zone change request. The capacity was verified from MSD.

Mr. Reed talked about Louisville Water Company and looking at improving water pressure in the area.

Rob Weaver discussed the condo crowd and needs.

Kevin Cogan talked about design and setting standards regarding adding to the review process.

Kevin Rose had concerns about traffic and apartments.

STAFF COMMENT: Paula Wahl discussed the binding element regarding traffic signals. Binding Element number 13 suggested a change. She answered questions regarding condominiums.

A transcript of the public hearing is on file in this docket.

Business Session:

Compatibility was discussed along with the variety of development uses. Also discussed were buffering, warehouse, density of use of land and connectivity. It was mentioned that it meets the Workplace Form.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Commissioner Ernst said there is not enough detail in the plan and there are a lot of variables. She had concerns about compatibility. She asked for more detailed plans.

Charles Cash, Director of Planning for Louisville Metro, said he hears the commissioners struggling with two issues: the density question which is a separate land use and land development question, and the question of the level of plan detail and when is there enough. He pointed out what options the commissioners have related to voting on a zoning change, and then, on a plan and associated binding elements.

Theresa Senninger, legal counsel said the commission can approve one without the other. Zoning is the first question to resolve and recommended the plan be approved before forwarding to Metro Council. She gave the Commissioners options on what can be done.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

FORM DISTRICT

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

WHEREAS, based on the fact that the Old Henry Road small area study recommends that property west of Bush Farm Road be classified Suburban Workplace; and

WHEREAS, The uses are in compliance with Cornerstone 2020 concerning the Suburban Workplace; and

WHEREAS, The Old Henry study states that this area is appropriate for a wide variety of commercial and industrial uses, which this plan shows; and

WHEREAS, The Suburban Workplace Form District is more appropriate than Neighborhood due to the fact it is characterized by commercial and industrial uses that vary in size and intensity; and

WHEREAS, A Suburban Workplace encourages a workplace to give citizens jobs; and

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

WHEREAS, Based on the staff report and the testimony at the public hearing, the form district change does not violate Cornerstone 2020 or the Land Development Code and the applicant's justification and findings of fact;; Now therefore be it

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

The vote was as follows:

YES: Commissioners Hamilton, Abstain, Storm, Fleischaker, Blake, Carlson, Queenan, Wells-Hatfield and Howard.

NO: Commissioner Ernst.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: No one.

ZONING

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

WHEREAS, The Commission finds that based upon testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case 9-1-07; and

WHEREAS, The Commission finds that the proposal has received preliminary approval from the Louisville Metro Department of Public Works, (the Louisville, Metro Department of Inspections, Permits and Licenses) and the Metropolitan Sewer District; and

WHEREAS: Based on the fact that commercial use is appropriate on this piece of land due to the fact that it will be close to a work place and the C-2 Commercial zoning will provide opportunities for commercial uses that complement the intent of the Suburban Workplace Form District (which is to foster and encourage workplace formation); and

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan;
Now, therefore, be it

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

PEC AND R-6 ZONING

WHEREAS, based on the fact that PEC Industrial zoning is appropriate on this piece of land due to the fact that “the scale and site design is appropriate and compatible with the adjacent area. This upholds the intent of the Old Henry Road area study, and

WHEREAS, The R-6 Multi-family Residential development will provide different types and styles of housing in accordance with the Neighborhood form district’s goal of promoting diverse housing densities and styles, the applicant’s booklet, finding of facts, and justification statement and testimony at tonight’s hearing;
and

WHEREAS, the traffic issues have been addressed about this piece of land and the rezoning in the Binding Elements 14 through 19; and

WHEREAS, The staff report, the evidence and testimony presented at the public hearing, the applicant’s booklet, justification, and finding of fact; and

WHEREAS, This PEC rezoning does not violate the Land Development Code or Cornerstone 2020 because the PEC zoning class is consistent with the Suburban Workplace form district goals and objectives as well as the recommendations of the Old Henry Study; and

WHEREAS; This is a general district development plan, and the applicant will be required to return to the Planning Commission with detailed plans for each one of these parcels; and

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

WHEREAS, The Commission finds that based upon testimony and evidence submitted during the public hearing, Land Development and Transportation Committee review, the staff report and the file of the case 9-1-07; and

WHEREAS, The Commission finds that the proposal has received preliminary approval from the Louisville Metro Department of Public Works, (the Louisville, Metro Department of Inspections, Permits and Licenses) and the Metropolitan Sewer District; and

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan;
Now, therefore, be it

RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to Louisville Metro Council, that the change in zoning from **R-4 Single-family Residential to PEC Planned Employment Center and R-6 Multi-family Residential**, on property described in the attached legal description be **APPROVED**,

The vote was as follows:

YES: Commissioners Hamilton, Abstain, Storm, Fleischaker, Ernst, Blake, Carlson, Queenan, Wells-Hatfield and Howard.

NO: Commissioner Ernst.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: No one.

DEVELOPMENT PLAN

On a motion by Commissioner Wells-Hatfield, the following resolution was adopted:

RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby **APPROVE** the general district development plan based on the evidence in the staff report, the applicant's finding of facts and justification statement and the fact that this is a general plan of the land use for this piece of land and it is **SUBJECT** to the following Binding Elements, with an amendment to Binding Element 13 and Binding Element 11. The changes to Binding Element number 11 shall read: "Prior

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

to any development on any parcel the design of the structures must be reviewed and approved by the Land Development and Transportation Committee, after review to ensure the proposed design is in compliance with the design book on record in the file for the case". The changes to Binding Element number 13 shall read; "All street signs shall be installed by the developer and shall conform to the manual of Uniform Traffic Control Devices. Street signs shall be installed prior to the recording of the subdivision, plat, or occupancy of the first residence or building on the street".

The vote was as follows:

YES: Commissioners Hamilton, Abstain, Storm, Fleischaker, Blake, Carlson, Queenan, Wells-Hatfield and Howard.

NO: Commissioner Ernst.

NOT PRESENT FOR THIS CASE: No one.

ABSTAINING: No one.

Standard Binding Elements

CLAIBOURNE CROSSINGS

Docket No. 9-1-07

Binding Elements

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code (LDC). Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. Prior to development **(includes clearing and grading but excludes roads, utilities, basins and other infrastructure development)** of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

with Chapter 11, Part 6. Each plan shall be in adequate detail and may be subject to additional binding elements.

3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.

4. The square footage of the development shall not exceed:

C-2 Commercial:

- 1) 24,000 square feet of restaurant space
- 2) Two, 116-room hotels

PEC Planned Employment Center

- 1) 230,842 square feet of office
- 2) 270,000 square feet of office/warehouse
- 3) 210,000 square feet of office
- 4) Total 440,842 square foot office and 270,000 square foot of office/warehouse

R-6 Multi-family residential

336 dwelling units, 16.66 DU/acre

5. Signs shall be in accordance with Chapter 8 of the LDC.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors, assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
11. The materials and design of proposed structures shall be substantially in accordance with the procedures outlined in the Design Guidelines & Development Patten Book for Claibourne Crossings as presented at the July 19, 2007 public hearing before the Planning Commission.
12. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

13. All street signs shall be installed by the Developer and shall conform to the *Manual on Uniform Traffic Control Devices* (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence or building on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

14. Prior to full construction plan approval by Metro Public Works (MPW) for any development on Lots 1 through 8(excluding Office Buildings 3, 4, & 5) that represents up to 65% of total AM and PM peak hour trips anticipated by QK4 June 2007 Traffic Impact Study (QK4 TIS), developer shall construct Old Henry Rd. and Terra Crossings Blvd. Road improvements as shown on the approved traffic study schematic plans.

These improvements will also include funding to signalize the intersection of the Terra Crossings Boulevard/Old Henry Road, with the timing of signal installation to be determined by the Kentucky Transportation Cabinet (KTC); the KTC will provide the signal equipment and developer shall be responsible for signal installation.

15. Development of Lots 1 through 8 (excluding Office Buildings 3, 4, & 5) that represents up to 75% of total AM and PM peak hour trips anticipated by QK4 TIS, shall require the completion of cross-access with Old Henry Crossings Lot 1 development to Old Henry Rd.

16. Prior to full construction plan approval by MPW for Office Buildings 3, 4, & 5 on Lot 8 and for Lot 9 which represents the final 25% of total AM and PM peak hour trips anticipated by QK4 TIS, Bush Farm Rd. Extension from Old Henry Rd. to Old Henry Trail and through Claiborne Crossings development must be completed.

Developer has option of constructing Bush Farm Rd. Extension from Old Henry Rd. to Old Henry Trail including required improvements to Old Henry Rd. as shown on approved traffic study schematic through a Roadway Construction Recapture Agreement.

These improvements will also include funding to signalize the intersection of the Bush Farm Road/Old Henry Road, with the timing of signal

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

installation to be determined by the KTC; the KTC will provide the signal equipment and developer shall be responsible for signal installation.

At the time of Bush Farm Rd. construction, developer shall provide construction plans for the Old Henry Trail Multi-Use path improvements as shown on the approved General District Development Plan.

17. When a development plan is filed for Office Buildings 3, 4, & 5 on Lot 8 or for Lot 9, developer shall make application for Old Henry Trail road closure as shown on the approved General District Development Plan.
18. When the MPW secures the balance of the funds to construct the future improvements to Old Henry Road and Gene Snyder Interchange, the developer shall contribute a total of \$100,000, toward the Old Henry Road and Gene Snyder Interchange improvements, including ramp widening and signalization additions.
19. Updated trip generations, or additional analysis if warranted by change in development character, shall be required per MPW requirements prior to each Detailed Development Plan approval.
20. **Allowable uses for all PEC zoning in the development**
The following list details the allowable and acceptable land uses for any business within the PEC zoning in the Claibourne Crossings Development. This list is comprehensive and complete and describes the individual allowable business uses by name. This document shall supersede and replace any and all land use descriptions referenced in the Metro Louisville Land Development Code for PEC zoned areas. The following are the allowable and acceptable land uses within the PEC zoned areas of Claibourne Crossings. In addition, all of the C-1 Commercial District uses shall be permitted in the PEC zoned areas.

M-1 Industrial District as a portion of the PEC zoned area

The following provisions shall apply in the M-1 Industrial District within the areas zoned PEC:

A. Permitted Uses:

Automobile parking areas, public and private

Auxiliary commercial uses: the following commercial uses shall be permitted only when subordinate and incidental to areas of existing

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

industrial use Branch offices of banks, savings and loans and similar financial institutions
Convenience grocery stores
Credit unions
Restaurants as permitted in the C-1 District
Contractor's shop, including but not limited to building, electrical, HVAC, landscape, and plumbing contractors, provided all operations are confined within a building
Carting and light local deliveries
Churches, parish halls and temples
Dwellings, only in connection with bona fide agricultural operations, or as living quarters for bona fide caretakers and/or for watchmen and their families
Laboratories, research, experimental or testing, but not including combustion type motor-testing
Medical laboratories
Office buildings, as accessory uses only
Telecommunications hotels
Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract, and which shall be removed upon completion or abandonment of such construction, or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner
Warehouse, storage, including mini-warehouses
Wholesale houses and distributors, provided the operation is enclosed in a building

Uses, manufacture, processing, treatment, or storage of the following, providing all operations permitted, including storage, must be confined within a building:

Carpenter, cabinet making, and pattern shops
Clocks and watches
Cloth products, including canvas, clothing, garments
Computers and related equipment
Electrical appliance and apparatus assembly (small), including fans, fixtures, hot-plates, irons, mixers, motion picture equipment (home), phonographs, radios, television sets, toasters, toys, or similar products, but not including electrical machinery.
Electronic measuring instrument and electrical control devices

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

Flowers, artificial

Food processing, including bakery products (wholesale), candy manufacture, coffee, tea, and spices (processing and packaging), creamery and dairy operations, ice cream manufacture, macaroni and noodle manufacture, oleomargarine (compounding and packaging only)

Fur finishing and fur goods, not including tanning, dyeing

Instruments, accessories and supplies used in medical diagnosis and treatment

Jewelry

Medical appliances, including braces, limbs, stretchers, supports, or similar appliances

Optical equipment

Pharmaceutical products (compounding only)

Photographic equipment

Precision instruments

Printing, publishing, engraving, including photo-engraving

Signs and displays (non-metal)

Stamp (hand), stencils, and brands

Toys and games

Trade and business schools

Umbrellas and parasols

Upholstery and furniture shops, wholesale

Window shades, Venetian blinds, awnings, tarpaulins, and canvas specialties

Wood products, including furniture, baskets, boxes, crates, or similar products, and copperage works (except copperage stockmill)

Those uses which are similar in type and intensity to the above list of uses as determined and approved by the Land Development and Transportation Committee of the Planning Commission.

B. Conditional Uses: Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 of the Metro Louisville Land Development Code for a listing of uses and requirements that apply to specific uses.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

M-2 Industrial District as a portion of the PEC zoned area

The following provisions shall apply in the M-2 Industrial District within the areas zoned PEC:

A. Permitted Uses: Accessory uses or buildings: those uses allowed shall be subordinate, customary and incidental to the permitted primary uses, including retail sale, rental or repair of items manufactured or assembled on site. Any accessory structure must meet site and other requirements of this zone. Under no circumstances will uses appropriate only in the M-3 zone be allowed in this zone as accessory uses.

Uses shall be limited only to processing or storage of the following:

Athletic or sports equipment, including balls, baskets, bats, cues, racquets, rods, or similar products

Baskets and hampers (wood, reed, rattan, and the like)

Carpet, rug, mat

Clay, stone, glass products

Pottery and porcelain products

Those uses which are similar in type and intensity to the above list of uses as determined and approved by the Land Development and

Transportation Committee of the Planning Commission.

B. Conditional Uses: Certain uses may be permitted in this district upon the granting of a Conditional Use Permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 of the Metro Louisville Land Development Code for a listing of uses and requirements that apply to specific uses.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
Night Hearing**

July 19, 2007

DOCKET 9-1-07

STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee –

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at 11:30 p.m.

Chairman

Division Director