

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
April 16, 2015**

A meeting of the Louisville Metro Planning Commission was held on April 16, 2015 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
Jeff Brown
Vince Jarboe
Robert Peterson
Clifford Turner – Left at approximately 2:34
David Tomes
Chip White

Commission members absent:

Carrie Butler
Robert Kirchdorfer
David Proffitt

Staff Members present:

Emily Liu, Planning Director
Joseph Reverman, Planning Manager
Brian Davis, Planning Supervisor
David Wagner, Planner II
Julia Williams, Planner II
John G. Carroll, Legal Counsel
Jonathan Baker, Legal Counsel – Arrived at approximately 2:18
Pamela M. Brashear, Management Assistant

The following matters were considered:

PLANNING COMMISSION MINUTES

April 16, 2015

APPROVAL OF MINUTES

APRIL 2, 2015 PLANNING COMMISSION REGULAR MEETING MINUTES

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

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on April 2, 2015 with the following **CORRECTIONS**: clarification of the intent of binding element number 11, Case No. 14ZONE1060, pages 23 and 26 – The binding element will read as follows: The locked gate access on Blowing Tree Rd. shall not be modified to allow access to and from the site from Blowing Tree Rd. as a way of accessing Taylorsville Rd.

The vote was as follows:

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

NO: No one

NOT PRESENT FOR THIS CASE: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

Request: Change in Zoning from OR-2/C-2 to C-1
Project Name: Taylor Boulevard Commercial
Location: 4152-4178 Taylor Boulevard

Owner: Erma M Shrader Estate
Paul Schrader, Executor
C/O Raymond L. Suell
310 West Liberty Street, Suite 610
Louisville, Ky. 40202

HS Robinson
4154 Taylor Boulevard
Louisville, Ky. 40214

James Ray Logsdon
4152 Taylor Boulevard
Louisville, Ky. 40214

Louisville Rentals LLC
Peni Shelton
4166 Taylor Boulevard
Louisville, Ky. 40214

Applicant: 9420 LLC
Gary McCartin
1387 South 4th Street
Louisville, Ky. 40208

Representative: Miller/Wihry MWGLLC
John Miller
1387 South 4th Street
Louisville, Ky. 40208

Jurisdiction: Louisville Metro
Council District: 15-Marianne Butler
Case Manager: Julia Williams, AICP, Planner II

CONTINUED FROM APRIL 2, 2015 PUBLIC HEARING

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.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

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:

00:08:52 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Miller, Miller/Wihry MWG LLC, 1387 South 4th Street, Louisville, Ky. 40208

Summary of testimony of those in favor:

00:15:33 Mr. Miller said this redevelopment area consists of 11 tracts. The existing commercial developments all have parking in front of their establishments. "It's the physical location of Lehigh Ave. that's dictating where our entrance is and is the reason we're requesting the waivers and variances."

Deliberation

00:22:51 The commissioners are in support of the waivers and variance. To be commercially viable, they need a certain amount of access.

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 OR-2/C-2 to C-1

27:41 On a motion by Commissioner Tones, seconded by Commissioner Peterson, the following resolution was adopted.

WHEREAS, The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

WHEREAS, The proposal is for one a mix of stand-alone uses with no residential or multi-story structures proposed. The proposal is designed for easy access by car. Pedestrians and transit users have limited conflict points that would be further resolved if all the structures were located following the traditional form where the buildings are within the traditional setbacks along Taylor. Setbacks are not compatible with the form district standards as one the buildings is not located within the minimum and maximum setback. The building on tract 2 has parking located in the front. The buildings located at 4152, 4154, 4166 Taylor Blvd are potentially eligible historic resources as an example of a bungalow type structure, the context is not fully known at this time. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structures instead of demolition. Parking over the minimum is being provided for the uses considering transit is available along both Taylor and Bluegrass; and

WHEREAS, the Louisville Metro Planning Commission finds, with the exception of the waiver and variance, which only apply to Tract 2, the site is otherwise compliant with the LDC. The proposed buildings on Tracts 1 and 3 are in compliance with LDC requirements which is otherwise brings back the traditional form which was lost with other developments in the area. Other developments in the area were developed prior to the current LDC when form districts were not in place; and

WHEREAS, the Louisville Metro Planning Commission further finds all other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

PLANNING COMMISSION MINUTES
April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the change in zoning from OR-2/C-2 to C-1 for Case No. 14ZONE1037 based on the evidence and testimony heard today as well as other documents including the staff report and the applicant's justification.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

Variance

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

WHEREAS, the variances are the result of the required driveway location in the middle of the tract (due to traffic safety considerations), which given the desires of the developers to create three lots resulted in the building being setback past the first parking bay; and

WHEREAS, the development will be more consistent with its immediate surroundings where there is a variety of setbacks and parking is typically in front of the building; and

WHEREAS, other developments immediately adjacent to the project have the same setback and parking designs as those proposed for this project; and

WHEREAS, the variance will only allow the applicant to utilize the property in a safe and marketable manner; and

WHEREAS, the variance arises from the need to locate a single entrance in the middle of the tract; and

WHEREAS, the Louisville Metro Planning Commission finds, strict application of the regulation would significantly result in the loss of a lot or the formation of three unmarketable lots which would make this commercial revitalization project not feasible; and

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

WHEREAS, the Louisville Metro Planning Commission further finds the variance results from agency requirements for a single entrance location across from Lehigh Avenue.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance from chapter 5.2.2.C to exceed the maximum required 25 foot setback by 105 feet for Tract 2 based on the evidence and testimony heard today and the applicant's justification statement, noting that the prevailing pattern on Taylor Blvd. seems to be that the buildings are set back considerably from the street.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

Waiver

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

WHEREAS, the waiver will not adversely affect adjacent property owners because the proposed waiver location is internal to the development not adjacent to any other properties; and

WHEREAS, the waiver will not violate the Comprehensive Plan. The waiver will simply allow the access to be located directly across from Lehigh Avenue as required by the Metro; 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 because it allow the applicant to locate the primary entrance in the center of the property and still make three commercial lots; and

WHEREAS, the Louisville Metro Planning Commission further finds the applicant has incorporated other design measures that exceed the minimum of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) by locating the center building to screen the parking from the school behind it and the other two buildings and parking to provide an internal walkway system.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver from 5.5.1.A.3 to permit parking in front of the principal structure on Tract 2 based on the evidence and testimony heard today and the applicant's justification statement, noting that the prevailing pattern on Taylor Blvd. seems to indicate that most of the businesses have parking in the front.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

General and Detailed Development Plans and Binding Elements

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

WHEREAS, Open space on the site is in the form of buffers and a couple of large ILAs. In the larger ILAs, rain gardens and a bio-swale are being provided; and

WHEREAS, MSD has preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds, the site for the most part brings back the traditional form that exists in the area. The building on Tract 3 is the exception; and

WHEREAS, the Louisville Metro Planning Commission further finds with the exception of the waiver and variance, which only apply to Tract 2, the site is otherwise compliant with the LDC. The proposal is mostly compliant with Cornerstone 2020.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the General and Detailed District Development Plans and binding elements as shown on pages 16 and 17 of the staff report based on the evidence and testimony presented today and the staff report with 2 exceptions: the pattern of development along Taylor Blvd., which allows buildings to be set back and have parking in front; and the significance of what may be termed "historical homes". From the discussion and testimony heard today, the thought is they are old but not historically or architecturally significant.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

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. The development shall not exceed 8,000 square feet of gross floor area for Tract 1. 10,696 square feet of gross floor area for Tract 2. 7,250 square feet of gross floor area for Tract 3
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit) is requested:
 - 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. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1037

recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. The property owner shall provide a cross over access easement if the property to the north is ever re-developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 23, 2015 Planning Commission meeting.
11. No overnight idling of trucks shall be permitted on-site.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

Case No: 14ZONE1057
Request: Change in Zoning from R-4 (Single Family Residential) to R-5A (Multi-Family Residential), Detailed District Development Plan and Binding Elements, Preliminary Major Subdivision Plan, and Waivers
Project Name: Ashton Park, Phase II
Location: 7504 – 7508 Beulah Church Road
Owner: Margaret D. Greenwell Revocable Trust
6507 Shaffer Lane
Louisville, Ky. 40291
Applicant: Blacketer Company
225 South Hurstbourne Parkway, Suite 103
Louisville, Ky. 40222
Representative: Bardenwerper, Talbott & Roberts, PLLC
William B. Bardenwerper
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223
Land Design & Development, Inc.
Kevin M. Young
503 Washburn Avenue
Louisville, Ky. 40222
Jurisdiction: Louisville Metro
Council District: 23 – James Peden
Case Manager: David B. Wagner – Planner II

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

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

Agency Testimony:

PLANNING COMMISSION MINUTES
April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

00:35:28 Mr. Wagner discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Kevin M. Young, Land Design & Development, Inc., 503 Washburn Avenue, Louisville, Ky. 40222

Diane Zimmerman, Jacobs Engineering Group, 11940 US 42, Goshen, Ky. 40026

The following spoke in opposition of this request:

David Steff, 7812 Applevue Lane, Louisville, Ky. 40228

Summary of testimony of those in favor:

00:48:25 Mr. Bardenwerper gave a power point presentation. Notification was given to well past 2 tiers for the adjoining property owners, but there's still a limit. Also, 3 additional binding elements are being proposed.

00:57:00 Mr. Young said they need to align their entrance with Beulah Church. A public road will have to be provided to the back of the properties and that will affect the design. Also, a stop sign will be provided to address the neighbors concern about cut-through traffic. There's a 15 foot landscape buffer already in place, so a 10 foot landscape buffer is what is needed for a total of 25 feet.

01:04:27 Ms. Zimmerman prepared the traffic study and would like to clarify a point that came up at LD&T. The traffic data count at Beulah Church and Outer Loop was turned 90 degrees and the data was incorrect. The report has been modified.

Summary of testimony of those in opposition:

1:07:20 Mr. Steff is the president of the Apple Valley Property Owners' Association. He requests that Metro Council review the street closure and asks if the on-site water will be contained on site or will it go to the detention basin at the end of Apple Valley Dr.

Mr. Steff said he's glad about installing a stop sign to slow traffic down and asks Public Works not to allow semi-traffic through the streets.

Rebuttal

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

01:11:25 Mr. Young stated they will not be utilizing the basin that is upstream.

| Mr. Bardenwerper proposes the following three additional binding elements:

1. A 6 ft. high solid wood shadow box fence shall be provided along the north property line between the multi-family portion of the Ashton Park 2 project adjoining the Fountains Condominiums. This new fence shall tie into the existing Fountains Condominiums fence and shall be stained the same color as the existing fence.
2. The applicant shall install landscaping as shown on the proposed landscape plan presented at the April 16, 2015 public hearing.
3. The applicant shall install stub-street barriers prohibiting access to or from the Apple Valley Subdivision, which barriers shall be removed upon completion of construction of both the multi-family and single-family developments.

1:13:45 Commissioner Brown suggested replacing the proposed (by Mr. Bardenwerper) binding element 3 to read as follows: The developer shall install MUTCD compliant end-of-road barricades and signage to prohibit traffic from accessing the stub streets prior to any construction approval. The stub streets shall be open to the development upon completion of the final surface of asphalt and prior to subdivision bond.

Deliberation

01:20:50 Commissioner Jarboe said connectivity is important. Commissioner Blake said he likes that a portion will not be rezoned and will keep some mixed uses. He also agrees with Mr. Steff regarding the corner of Fegenbush, Beulah Church and Outer Loop having a heavy flow of traffic in the afternoon, but to keep working with the police and Public Works to slow the traffic down.

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 to R-5A

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

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

WHEREAS, The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas; and

WHEREAS, The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing; and

WHEREAS, The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit; and

WHEREAS, Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets; and

WHEREAS, Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The site is surrounded on all sides by single and multi-family residential uses. The multi-family residential portion of the development is located along a major arterial level roadway to encourage traffic to exit the development onto the main thoroughfare and locates the single family residential area along the west end of the site at the rear, adjoining the other single family residential uses. The required Parkway Buffer and Setback are provided along Beulah Church Road and the site contains the required landscape buffers to help mitigate potential nuisances to adjoining property owners. The site has excellent cross-connectivity with the subdivisions to the north and west and will provide a stub street connection to the south for when or if the adjoining property is re-developed. This site provides another vital means of access in the area as the

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

subdivisions to the west do not have a means to access Beulah Church Road without having to drive out of their way to the north and Outer Loop or to the south and Manslick Road. A detention basin will be provided on site to help mitigate drainage concerns in the area and required sidewalks will be created along the entire street network within and abutting the development. Height restrictions and setbacks will be provided on the site to help with compatibility and the applicant has provided elevations of the proposed multi-family residential buildings to ensure compatibility with similar developments in the area; and

WHEREAS, The proposal complies with **Guideline 4 (Open Space)** as adequate open space has been provided for this development. Multi-family residential developments in the area can be found with similarly designed open space as is provided within this development. It will be maintained by deed restrictions to be recorded upon recording the record plat for the development; and

WHEREAS, There are no natural areas or habitats to integrate on this site nor are there any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**; and

WHEREAS, the Louisville Metro Planning Commission finds, compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The development will greatly increase the connectivity in the area by providing a means to access Beulah Church Road by the subdivisions to the north and west of the site. Sidewalks are provided throughout the site and right-of-way is being dedicated to allow for future road improvements that may be necessary in the future. A stub street has been shown to connect to potential residential development in the future along the south property line. All comments from Transportation Review and KTC have been addressed and Transportation Review has given their preliminary approval of the plan; and

WHEREAS, the Louisville Metro Planning Commission further finds information provided by the applicant has shown there is compliance with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as the Air Pollution Control District has approved the proposal and no other utility has any issues. Existing utility infrastructure will be maintained for the development and MSD has given preliminary approval of the plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the zoning change from R-4 to R-5A, Case No. 14ZONE1057, based on the staff report, applicant's justification and the testimony heard today.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

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

Waiver #1 for Tract 1 from LDC 10.2 to waive the required 25' LBA, plantings and screening along the Fountains Condo Council property line

WHEREAS, The waiver will not adversely affect adjacent property owners because the development is adjacent to a 15' LBA already provided by the Fountains Condo Council and an existing detention basin which creates a substantial distance from the actual building in the two developments; and

WHEREAS, The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review; 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 because LBA already exists on adjoining property and this space is needed for a 15' Sanitary, Sewer, and Drainage Easement to serve the proposed development; and

WHEREAS, the Louisville Metro Planning Commission further finds The strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because some landscaping is already provided by the adjoining property owner and the applicant would have to add unnecessary landscaping.

Waiver #2 for Tract 2 from LDC 10.2 to reduce the required 25' LBA along the Fountain Fountains Condo Council property line to a 10' LBA and allow encroachments into the 10' LBA

WHEREAS, The waiver will not adversely affect adjacent property owners because the total required 25' LBA would be provided with the combined landscaping on both properties; and

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

WHEREAS, The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because the waiver will allow the applicant to add additional landscaping to provide the total required instead of more landscaping than what is typically required; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the total landscaping would be 15' wider than what is normally required.

Waiver #3 for Tract 2 from LDC 10.2 to reduce the required 8' screen along the Fountains Condo Council property line to a 6' screen

WHEREAS, The waiver will not adversely affect adjacent property owners because the applicant will provide the same 6' high fence that the adjoining property owner partially installed; and

WHEREAS, The waiver will not violate specific guidelines of Cornerstone 2020 for the reasons stated above in the re-zoning comprehensive plan review; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of waiver of the regulation the minimum is necessary to afford relief to the applicant because it will allow the applicant to provide the same screening that was provided by the adjoining property owner.

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the existing fence is only 6' tall instead of the code required 8'.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Waivers 1, 2 and 3 for Case No. 14ZONE1057 based on the staff report, testimony today and the applicant's justification.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes, Turner and White
NO: No one

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

Development Plan and Binding Elements

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

WHEREAS, The site will not preserve tree canopy but it will add a substantial amount of tree canopy through the planting of additional trees; and

WHEREAS, The development will greatly increase the connectivity in the area by providing a means to access Beulah Church Road by the subdivisions to the north and west of the site. Sidewalks are provided throughout the site and right-of-way is being dedicated to allow for future road improvements that may be necessary in the future. A stub street has been shown to connect to potential residential development in the future along the south property line. All comments from Transportation Review and KTC have been addressed and Transportation Review has given their preliminary approval of the plan; and

WHEREAS, Adequate open space has been provided for this development. Multi-family residential developments in the area can be found with similarly designed open space as is provided within this development. It will be maintained by deed restrictions to be recorded upon recording the record plat for the development; and

WHEREAS, MSD has approved the drainage facilities for the site; and

WHEREAS, the Louisville Metro Planning Commission finds, the site is surrounded on all sides by single and multi-family residential uses. The multi-family residential portion of the development is located along a major arterial level roadway to encourage traffic to exit the development onto the main thoroughfare and locates the single family residential area along the west end of the site at the rear, adjoining the other single family residential uses. The required Parkway Buffer and Setback are provided along Beulah Church Road and the site contains the required landscape buffers to help mitigate potential nuisances to adjoining property owners. The site has excellent cross-connectivity with the subdivisions to the north and west and will provide a stub street connection to the south for when or if the adjoining property is re-developed. This site provides another vital means of access in the area as the subdivisions to the west do not have a means to access Beulah Church Road without having to drive out of their way to the north and Outer Loop or to the south and Manslick Road. Height restrictions and setbacks will be provided on the site to help with compatibility and the applicant has

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

provided elevations of the proposed multi-family residential buildings to ensure compatibility with similar developments in the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal complies with the guidelines of the Comprehensive Plan as explained in the review for the re-zoning request.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, binding elements on pages 11 and 12 of the staff report and the 2 additional binding elements #1 and #2 as proposed by the applicant based on the staff report, testimony heard today and the applicant's justification **SUBJECT** to the following Binding Elements:

Proposed Binding Elements for Re-Zoning Multi-Family Residential (Tract 2)

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 Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to

PLANNING COMMISSION MINUTES
April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

- requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
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. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
- a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
- b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
- c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
9. A 6 ft. high solid wood shadow box fence shall be provided along the north property line between the multi-family portion of the Ashton Park 2 project adjoining the Fountains Condominiums. This new fence shall tie into the existing Fountains Condominiums fence and shall be stained the same color as the existing fence.
10. The applicant shall install landscaping as shown on the proposed landscape plan presented at the April 16, 2015 public hearing.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

Preliminary Major Subdivision Plan

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Preliminary Major Subdivision Plan and Conditions of Approval found on pages 12 and 13 of the staff report with an additional Condition of Approval (proposed by Bill Bardenwerper and edited by Commissioner Brown) to read as follows: The developer shall install MUTCD compliant end-of-road barricades and signage to prohibit traffic from accessing the stub streets prior to any construction approval. The stub streets shall be open to the development upon completion of the final asphalt surface and prior to subdivision bond; based on the staff report, testimony heard today and the applicant's information.

Proposed Conditions of Approval for Single Family Residential (Tract 1)

1. 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.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

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 Louisville Metro Department of Codes and Regulations Construction Permits, Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
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 conditions 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 conditions to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these conditions. These conditions 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 conditions. 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 conditions.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1057

6. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
8. The developer shall install MUTCD compliant end-of-road barricades and signage to prohibit traffic from accessing the stub streets prior to any construction approval. The stub streets shall be open to the development upon completion of the final asphalt surface and prior to subdivision bond.

The vote was as follows:

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

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer and Proffitt

ABSTAINING: No one

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1061

Case No: 14zone1061
Request: Change in zoning from R-6/EZ-1 to EZ-1
Project Name: Cane Run Road Facility
Location: 3650 Cane Run Road

Owner: Don and Martha Tuffli Family Trust
2780 Skypark Drive, Suite 410
Torrance, CA., 90505

Applicant: Don and Martha Tuffli Family Trust
2780 Skypark Drive, Suite 410
Torrance, Ca. 90505

Representative: Mindel Scott and Associates, Inc.
Kathy M. Linares
5151 Jefferson Boulevard, Suite 101
Louisville, Ky. 40222

Bardenwerper, Talbott and Roberts PLLC
1000 North Hurstbourne Parkway, 2nd floor
Louisville, Ky. 40223

Jurisdiction: Louisville Metro
Council District: 1-Jessica Green
Case Manager: Julia Williams, 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:

01:31:11 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1061

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223

Kent Gootee, Mindel, Scott and Associates, Inc., 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40222

Summary of testimony of those in favor:

01:34:12 Mr. Bardenwerper said the main concern that came up at the neighborhood meeting was what the proposed business would be. There is no definite use at this time.

1:39 Mr. Bardenwerper submitted a 'Prohibited Uses' list to help mitigate.

1:41:07 Mr. Gootee said there's a 25 foot buffer between the site and the church. The church owns the existing chain link fence along the property line and there is an existing tree canopy (on the proposed site) that cannot be saved. Additional trees will be planted for screening. All the drainage flows to the rear of the property. The building will be closer to the road and there will be no parking in the front.

Deliberation

01:49:33 The commissioners agree that the plan is appropriate. Commissioner Blake commends the applicant for working with the church and coming up with some binding elements to limit some land uses.

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

Zoning Change from R-6 to EZ-1

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

WHEREAS, A Traditional Workplace is a form characterized by predominantly small to medium scale industrial and employment uses. The streets are typically narrow, in a grid pattern and often have alleys. Buildings have little or no setback from the street. Traditional workplaces are often closely integrated with residential areas and allow a mixture of industrial, commercial and office uses. New housing opportunities should be allowed as well as civic and community uses.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1061

Traditional workplaces should be served by public transportation. Because of the close proximity to residential areas, parking should be encouraged to be located mostly off street and behind buildings. There should be adequate buffering of nearby neighbors from noise, odors, lighting and similar conditions; and

WHEREAS, In order to encourage reinvestment, rehabilitation and redevelopment in these areas, flexible and creative site design should be encouraged along with a respect for the traditional pattern of development in the surrounding area; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal for EZ-1 zoning is supported by the Comprehensive Plan. The proposal follows the requirements for new construction within the Traditional Workplace Form District as indicated in the Land Development Code; and

WHEREAS, the Louisville Metro Planning Commission further finds all other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the zoning change from R-6 to EZ-1, Case No. 14ZONE1061, based on the staff report, applicant's statements and Planning and Design's statements.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and White

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and Turner

ABSTAINING: No one

Development Plan and Binding Elements

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

WHEREAS, There are no natural features evident on the site. Landscaped areas will be created within the buffers and around the detention area; and

WHEREAS, Vehicles and pedestrians are both provided for within the development. A sidewalk is proposed along the frontage; and

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1061

WHEREAS, Open space for the site is provided in the form of LBAs and a large area to the rear of the site where a detention/infiltration basin is proposed; and

WHEREAS, MSD has no issues with the proposal and have preliminarily approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds, the site design meets the requirements of the LDC; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposal follows the requirements for new construction within the Traditional Workplace Form District as indicated in the Land Development Code. The proposal also meets the guidelines of the Comprehensive Plan.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan, binding elements on page 13 of the staff report and the binding elements submitted by the applicant with the following change: There will be no truck idling, loading/unloading activities that interfere with Saturday or Sunday services at the adjoining church property based on the staff report and the applicant's statements **SUBJECT** to the following Binding Elements:

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 review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 16,300 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1061

remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. 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.
8. The property owner shall provide a cross over access easement if the property to the north and south are ever redeveloped. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 16, 2015 Planning Commission meeting.

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1061

Proposed Binding Elements by Applicant

- There will be no truck idling, loading/unloading activities that interfere with Saturday or Sunday services at the adjoining church property.
- EZ-1 uses of the property shall not include the following list of prohibited uses, except as this prohibited use list may be amended following application, notice to APOs and those who spoke at the public hearing, and decision of the Planning Commission or Committee thereof.

Prohibited Uses

- Adult bookstores, novelty sales, health spas or entertainment
- Animal Pound
- Auction sales
- Automobile (major repair) garages
- Automobile gas stations/convenience stores
- Battery storage
- Bed and Breakfast and Hotels/Motels
- Billiard parlors, game rooms and similar entertainment uses
- Bingo Hall
- Boarding and Lodging houses
- Boiler manufacturing
- Bowling Alley
- Bus garage and repair
- Car Wash
- Clubs (Private)
- Distilleries, breweries and non-industrial alcohol spirits
- Establishments holding retail malt beverage and liquor licenses
- Firearm manufacture or sales
- Flea Market
- Fraternities, sororities, clubs and lodges
- Food Processing
- Garage or Yard sale
- Golf driving ranges
- Indoor or Outdoor paintball ranges
- Laundries/laundrettes or Dry Cleaning
- Machine tool, die and gauge shops
- Pawn Shop
- Railroad freight terminals and yards
- Refrigerating plants
- River terminals
- Skating rinks (ice or roller)
- Storage of coal and gas, yards and pockets

PLANNING COMMISSION MINUTES
April 16, 2015

PUBLIC HEARING

CASE NO. 14ZONE1061

- Tattoo, body art and piercing parlors
- Used car sales
- Use , manufacture, processing, treatment or storage of the following:
 - Chemicals
 - Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
 - Jute, hemp, sisal, or oakum products
 - Lead oxide
 - Oils, shortening and Fats (edible)
 - Paint and coating
 - Paint, lacquer, shellac and varnish
 - Poultry or rabbit, packing or slaughtering (wholesale)
 - Rubber (natural or synthetic)
 - Sauerkraut
 - Stone processing or stone products
 - Synthetic Fibers
 - Textile and product bleaching
 - Tire retreading and vulcanizing shops
 - Tobacco (including curing) or tobacco products

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and White

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and Turner

ABSTAINING: No one

PLANNING COMMISSION MINUTES

April 16, 2015

PUBLIC HEARING

CASE NO. 15MISC1001

Case No.: 15MISC1001
Request: Fee Schedule Changes
Case Manager: Joe Reverman, AICP

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:

1:53:35 Mr. Reverman gave an overview of the proposed changes to the fee schedule citing: Inflation; Cost Recovery; and Peer City Research. Planning and Design fees have not been changed since the year 2000.

The increase would total 6% and a fee waiver program is proposed for Land Bank purchased property, small and micro-business development.

The following spoke in favor of this request:

Bill Bardenwerper, Bardenwerper, Talbott and Roberts, PLLC, 1000 North Hurstbourne Parkway, 2nd floor, Louisville, Ky. 40223
Kent Gootee, Mindel, Scott and Associates, Inc., 5151 Jefferson Boulevard, Suite 101, Louisville, Ky. 40222

Summary of testimony of those in favor:

2:15:30 Mr. Bardenwerper is in favor of a fee increase but suggests doing it on an annual basis.

2:17:03 Mr. Gootee said he's in support of raising the fees and has a caveat to the proposal: "I would like to see it raised more if we could supplement or increase the salaries of the people that are actually doing the plan review. It's very hard to keep quality personnel within Planning and Design Services, as well as in the Construction Plan Review. They work very hard at what they do. Also, we increased our rates this year and hadn't done so in 4 years. We went up 15%."

Discussion

PLANNING COMMISSION MINUTES
April 16, 2015

PUBLIC HEARING

CASE NO. 15MISC1001

2:19:04 The commissioners are in agreement with the fee increase. Commissioner Peterson suggests reviewing the fees every 3 years. Chairman Blake said he thinks reviewing it at the annual meeting will help determine if the increase was enough or needs to be revisited.

2:27:12 Ms. Liu stated that, if approved, the fee increase should become effective July 1, 2015.

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 Tomes, seconded by Commissioner White, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Planning and Design Services fee schedule changes, for Case No. 15MISC1001, effective July 1, 2015 based on the testimony and discussion today.

The vote was as follows:

YES: Commissioners Blake, Brown, Jarboe, Peterson, Tomes and White

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Butler, Kirchdorfer, Proffitt and Turner

ABSTAINING: No one

PLANNING COMMISSION MINUTES
April 16, 2015

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

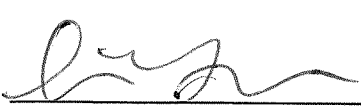
No report given.

ADJOURNMENT

The meeting adjourned at approximately 3:42 p.m.



Chair



Planning Director

