

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
January 9, 2020**

A meeting of the Louisville Metro Planning Commission was held on Thursday, January 9, 2020 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Marilyn Lewis, Vice Chair (Acting Chair)
Robert Peterson
Lula Howard
Rich Carlson
Ruth Daniels
Jeff Brown (left at 4:38 p.m.)
David Tomes
Jim Mims

Commissioners absent:

Vince Jarboe, Chair

Staff members present:

Emily Liu, Director, Planning & Design Services
Joe Reverman, Assistant Director, Planning & Design Services
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Lacey Gabbard, Planner I
Dante St. Germain, Planner II
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation Planning
Tony Kelly, MSD
Chris Cestaro, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

Approval of the Minutes for the December 16, 2019 Planning Commission public night hearing held at 6:00 p.m. at the East Government Center.

00:06:06 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the hearing conducted on December 16, 2019 at 6:00 p.m. at the East Government Center.

The vote was as follows:

YES: Commissioners Peterson, Brown, Carlson, Mims, and Lewis.

ABSTAIN: Commissioners Tomes, Howard, and Daniels.

NOT PRESENT: Commissioner Jarboe.

Approval of the Minutes for the December 19, 2019 Planning Commission public hearing at 1:00 p.m.

00:06:48 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the hearing conducted on December 19, 2019.

The vote was as follows:

YES: Commissioners Howard, Peterson, Brown, Daniels, Mims, and Lewis.

ABSTAIN: Commissioners Tomes and Carlson.

NOT PRESENT: Commissioner Jarboe.

Approval of the Minutes for the January 6, 2020 Planning Commission public night hearing held at 6:00 p.m. at the South Central Regional Library.

00:07:43 Commissioner Peterson asked that a correction be made: he said he was absent. This change will be made to the minutes.

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APPROVAL OF MINUTES

00:08:32 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the hearing conducted on January 6, 2020 at 6:00 p.m. at the South Central Regional Library.

The vote was as follows:

YES: Commissioners Tomes, Brown, Daniels, Carlson, Mims, and Lewis.

ABSTAIN: Commissioners Peterson and Howard.

NOT PRESENT: Commissioner Jarboe.

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PUBLIC HEARING

CASE NO. 19-WAIVER-0036

Request: **CONTINUED from the 01/08/20 DRC meeting – Sidewalk Waiver**
Project Name: Sidewalk Waiver
Location: 2727 Lindsay Avenue
Owner: Joseph S. Harrison
Applicant: Joseph S. Harrison
Representative: Joseph S. Harrison
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

00:09:20 Lacey Gabbard presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) She noted that the case is being heard at Planning Commission today because the DRC vote was **not** unanimous.

00:11:21 In response to a question from Joe Reverman, Planning & Design Assistant Director, Ms. Gabbard briefly reviewed some of what had been discussed at DRC yesterday, including: the fee-in-lieu; the correction to the amount of same as listed in the staff report (**correct amount should be \$2000**); and if there were any other sidewalks in the immediate area.

00:12:28 Commissioner Mims said his vote yesterday to grant the waiver was based on the lack of sidewalks in the nearby area. Beth Stuber, with Metro Transportation Planning, said the fee-in-lieu money would be used at another location in the same Council District. Mr. Reverman briefly described the newer version of the Sidewalk Ordinance that was adopted last year by the Louisville Metro Council.

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CASE NO. 19-WAIVER-0036

00:15:04 Commissioner Brown noted that there is a significant population of visually-impaired pedestrians in District 9 due to the location of the Kentucky School for the Blind, so there are always opportunities for sidewalk construction in this District.

00:16:37 In response to a question from Commissioner Tones, Mr. Reverman said that fee-in-lieu funds must go towards new sidewalk construction, not existing sidewalk repair. Commissioners Mims and Brown discussed with Mr. Reverman whether these funds could be used for the Transition Plans.

The following spoke in support of this request:

Joseph Harrison, 2010 Bainbridge, Louisville, KY 40206

Summary of testimony of those in support:

00:17:49 Joseph Harrison, the applicant, presented the case and showed photos of the site which showed no sidewalks (see recording for detailed presentation.)

00:19:23 In response to a statement by Mr. Harrison, Commissioner Brown said that all sidewalks in any area have to have a starting point. Sidewalk projects are always "phased".

00:20:00 Mr. Harrison asked if Commissioner Brown anticipated that Louisville Metro will install more sidewalks in the neighborhood. Commissioner Brown explained sidewalk-building procedures and regulations; also, how funding is obtained.

The following spoke in opposition to this request:

No one spoke.

00:23:06 Commissioners' deliberation.

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

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00:28:23 On a motion by Commissioner Carlson, seconded by Commissioner Brown, the following resolution, based on evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested Waiver would not conform to the Comprehensive Plan; and

WHEREAS, the Commission further finds that the requested Waiver would not conform to the intent of the Land Development Code; and

WHEREAS, the Commission further finds that the requested Waiver would not deprive the applicant's reasonable use of the land, or create an unnecessary hardship for the applicant; now therefore be it

RESOLVED, THE Louisville Metro Planning Commission does hereby **DENY** the requested **Waiver** of Land Development Code 5.8.1.B to provide the sidewalk for a new single family residence on Lindsay Avenue.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

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PUBLIC HEARING

Binding Element Final Order – 12909 Dixie Highway

Project Name: Binding Element Final Order – 12909 Dixie Highway
Jurisdiction: Louisville Metro
Council District: 14 – Cindi Fowler

Case Manager: Laura Ferguson – Jefferson County Attorney's Office

Agency Testimony:

00:29:36 Laura Ferguson, legal counsel for the Planning Commission, presented the case (see recording for detailed presentation.) She showed the Commissioners photos of the site, taken today, which showed non-compliance. The applicant has not contested the citation. She listed the possible recommended fine amounts.

00:33:34 In response to a question from Commissioner Howard, Ms. Ferguson confirmed that the property owner has had since late 2018 to bring this site into compliance. The citation in question today was issued in March 2019.

00:34:03 In response to a question from Commissioner Carlson, Ms. Ferguson said that if the property owner is running a salvage business, instead of just parking and storing empty tractor trailers, then they are in violation of a binding element regarding unauthorized change of use.

00:34:41 Commissioner Brown asked if a required sidewalk had been built. Mike Wilcher, Planning & Design Services Code Enforcement, first stated that a salvage yard is not permitted in this zoning district (M-2). He said sidewalks have not been constructed to his knowledge, not has anything about the site been developed according to the approved plan. The site is in violation of numerous binding elements and no improvement have been made over the last year that this investigation has been ongoing.

00:36:35 In response to a question from Commissioner Mims, Mr. Wilcher said the property owner has met in Metro Development Center offices with himself and other staff to discuss what they [property owner] needed to do to bring the site into compliance. However, no progress has been made since that meeting. He added that Councilwoman Fowler has met with the property owner "numerous times" to try to get them to comply.

00:38:43 In response to questions from Commissioner Howard, Ms. Ferguson read the final order which stipulates the amount/s of the fines and the time limits for the property owner to both pay and bring the property into compliance. There was much

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Binding Element Final Order – 12909 Dixie Highway

discussion about the violations and the potential fines. **See recording for detailed discussion.**

00:41:38 Commissioner Carlson asked about potential environmental damage due to spillage and leakage of various automotive fluids. Mr. Wilcher said an inspector went to the site today and found fluids leaking onto the ground from wrecked semi -tractor trailers . Commissioner Carlson asked if this is a safety as well as an environmental issue. Mr. Wilcher said yes, and said the Metro Council is working with various environmental agencies to handle this situation.

00:50:51 The dates, fines, and potential actions to be taken by the Planning Commission were discussed in more detail. See recording.

00:55:31 Commissioners' deliberation.

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

01:12:16 On a motion by Commissioner Howard, seconded by Commissioner Brown, the following resolution was adopted:

RESOLVED, THE Louisville Metro Planning Commission does hereby **UPHOLD** the binding element citation for property located at 12909 Dixie Highway; does hereby order that the violator will be fined \$4500; and does hereby order that the site shall be brought into compliance within thirty (30) days.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

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PUBLIC HEARING

CASE NO. 19-DDP-0056

Request: **CONTINUED from the 12/04/19 DRC meeting – Revised**
District Development Plan
Project Name: Massie Avenue Condos
Location: 3930 Massie Avenue
Owner: Wayne Wells Jr., WHWJR, LLC
Applicant: Wayne Wells Jr., WHWJR, LLC
Representative: Nicholas Pregliasco, Bardenwerper Talbott & Roberts PLLC
Jurisdiction: City of St. Matthews
Council District: 9 – Bill Hollander

Case Manager: Lacey Gabbard, AICP, Planner I

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

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

Agency Testimony:

01:13:34 Lacey Gabbard reviewed the case (see staff report and recording for detailed presentation.) The buildings have all been reduced to one story and there has been a reduction in total floor area.

01:15:43 Commissioner Carlson asked if the new plan was in compliance with a binding element that had been added by the City of St. Matthews. Ms. Gabbard said it had, and she showed details on the site plan.

The following spoke in support of this request:

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

John Carman, Carman Engineering, 400 East Main Street, Louisville, KY 40202

Summary of testimony of those in support:

01:16:41 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

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He contrasted the previous plan with the one being presented today, and explained the drainage issues/improvements in more detail.

01:23:04 In response to a question from Commissioner Carlson, Ms. Gabbard said that building design and materials are covered in binding element #3E, located on page 8 of the staff report. She said the applicant has submitted elevations.

The following spoke in opposition to this request:

Spencer Probst, 6004 Brownsboro Park Boulevard Suite A, Louisville, KY 40207

Jason Tasman, 3933 Kennison Court, Louisville, KY 40207

Sue Finley, 3925 Kennison Avenue, Louisville, KY 40207

Summary of testimony of those in opposition:

01:24:08 Spencer Probst, representing Jason Tasman (an adjoining property owner in opposition), said the primary objections are: the “substantial” changes from the original plan that was approved by the City of St. Matthews, and “the approach to the procedural process”. His client feels that this project has been pushed through too quickly with too many changes; also, binding elements were not followed or adhered to. (See recording for detailed presentation.) He said the project does not conform to the character of the neighborhood and the density has increased. Drainage remains an issue – after hours of discussion, a solution was reached with a closed pipe system. This new plan presents a completely new system.

01:28:34 Jason Tasman, an adjoining property owner, said the City of St. Matthews has declared this property as “marsh land” which is permanently saturated with water year round. He explained his past and current drainage problems and said that this development will displace even more water onto his property. He said the number of stories does not matter; the paved areas will still drain runoff onto his property. Drainage issues affect several streets behind this site, not just his property. He discussed the binding elements that were approved by the City of St. Matthews which are not being included in the current plan.

01:34:27 Sue Finley pointed out “surface drainage arrows” on the plan that indicate the direction of water flow. The arrows all point in the direction of her property. She asked how much water will come toward her property.

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01:36:09 Commissioner Mims and Ms. Gabbard discussed some issues, including whether there was a traffic study done. Ms. Gabbard and Beth Stuber, with Metro Transportation Planning, said the size of the project did not warrant a traffic study.

01:37:49 In response to some questions from Commissioner Mims, Tony Kelly, representing MSD, noted that the City of St. Matthews handles their own drainage. He said MSD has met with the St. Matthews staff multiple times, in office and on-site, to discuss this project and plan out drainage patterns and downstream restrictions with respect to the underground detention proposed by the applicant. He emphasized that, whatever the drainage patterns are, the City of St. Matthews will have to maintain it. He noted that there was much downstream investigation done upfront for this project.

01:41:15 Commissioner Mims also asked about the view from Kennison Court. Ms. Gabbard showed the plan and discussed proposed buffer/landscaping.

01:42:16 In response to a question from Commissioner Mims, dumpsters vs. individual waste receptacles were discussed.

Rebuttal:

01:42:56 Mr. Pregliasco presented rebuttal (see recording for detailed presentation.) He discussed binding elements, density, drainage, reducing impervious surface, and changes with the underground detention.

01:50:02 John Carman, the applicant's engineer, said the new plan has space for a screened dumpster. Regarding the stormwater detention, he said the applicant is providing the same amount of volume although there is less impervious area. The system being proposed is often used in flood mitigation projects. He said a "significant" amount of stormwater modeling and engineering has already been done with MSD and applicant's engineers.

01:52:12 Mr. Pregliasco summarized the rebuttal.

01:52:42 In response to a question from Commissioner Tones, Mr. Kelly said that the previous plan had the detention basin behind the proposed buildings, not under them.

01:53:06 Commissioners' deliberation.

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01:56:53 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided. Public Works and MSD have provided preliminary approval; and

WHEREAS, the Commission further finds that the proposed Outdoor Amenity Area meets Land Development Code requirements; and

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

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks; and

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

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews that the requested Revised District Development Plan be **APPROVED**, subject to the following binding elements:

1. The development shall be in accordance with the approved detailed district development plan, all applicable sections of the Development Code and agreed

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upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) or to the approved development plan shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid. Development shall not exceed 34,368.46 total square feet.

2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District and the City of St. Matthews Public Works Director. Applicant shall dedicate a drainage easement on the East side of its property and direct a portion of the through-drainage in that area into its underground detention system. The amount of through-drainage to be directed into applicant's underground detention system shall be determined by the City of St. Matthews Public Works Director. Post construction flows from the watershed shall keep a 50-year storm event from surcharging out of the downstream system; either through underground detention, or, at the City of St. Matthews' sole option, an off-site drainage improvement. A blocked condition analysis for the 100 year-rain event shall be provided to the City of St. Matthews to verify the flow path of the possible 100- year event surcharge.
 - b. In order to ensure that the underground detention is properly constructed, maintained and properly functioning, Developer shall submit a letter of credit, in the amount of \$25,000.00. Such letter of credit shall be payable to the City of St. Matthews, if, in the opinion of the St. Matthews Public Works Director, the underground detention facilities are not constructed properly, are not maintained, or do not function properly. The letter of credit shall be maintained by the Developer for a period of five years after the issuance of the first certificate of occupancy for the site.

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- c. The property owner/developer must obtain approval (including City of St. Matthews approval), of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. St. Matthews may require more landscaping than required by code. Developer shall provide a 15-foot landscape buffer adjacent to the principal structure at 3933 Kennison Court. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and the City of St. Matthews prior to obtaining a building permit.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 4. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission or designee and the City of St. Matthews.
 - 5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of any structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting an issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 - 6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and the 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, subcontractor and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

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YES: Commissioners Tones, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

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CASE NO. 19-ZONE-0026

Request: Change in zoning from R-4 to PRD, with Detailed District Development Plan / Major Preliminary Subdivision and Binding Elements, and associated rear yard waiver

Project Name: Cedar Heights Subdivision

Location: 8700 Smith Lane

Owner: Smith Lane Property LLC

Applicant: Smith Lane property LLC

Representative: John Talbott, Bardenwerper Talbott & Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

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

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

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

Agency Testimony:

01:56:49 Dante St. Germain presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

The following spoke in support of this request:

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

Curtis Mucci & David Mindel, Mindel Scott & Associates, 5151 Jefferson Boulevard,
Louisville, KY 40219

Robert Allen, 15302 Crystal Springs Way, Louisville, KY 40245

Bobby Coomer, 130 Sunbeam Court, Shepherdsville, KY 40165

Kenneth Stribling Jr., 9517 Barn Road, Louisville, KY 40291

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Robbie Brueck, 197 Trammel Road, Baghdad, KY 40003

Tim Lingerfelt, 1835 San Jose Avenue, Louisville, KY 40216

Summary of testimony of those in support:

02:03:01 John Talbott, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

02:06:19 Mr. Talbott called Mr. Allen to the podium to testify and answer some questions from him. Mr. Allen told the Commission when he bought the property and how he cleaned it up and improved it; the donation of some property to the Fern Creek Optimist Club; what kinds of residents they are marketing to (long-term residents who own their own homes / no renters); and traffic flow.

02:10:56 Mr. Talbott resumed his presentation.

02:20:37 Bobbie Coomer spoke in support. He said the Allens have greatly cleaned up and improved the mobile home park.

02:23:33 Kenneth Stribling was called but was not present (had to leave.)

02:23:41 Robbie Brueck was called but did speak (available to answer questions if needed.)

02:23:50 Tim Lingerfelt was called but did not speak (available for questions if needed.)

02:24:33 Commissioner Carlson asked about the types of manufactured homes planned for the site and the regulations for them. Binding element #3 was discussed in relation to manufactured housing. Rob Brueck said the homes are inspected by the Kentucky Manufactured Home Association. The homes must be inspected before anyone is allowed to live in them. Inspection and regulation protocols were discussed (see recording.) The alignment of the homes to the road was discussed.

02:34:30 In response to a question from Commissioner Mims, Mr. Talbott said this proposal is a subdivision, not a continuation of an existing mobile home park.

02:35:25 In response to a question from Commissioner Mims, Emily Liu, Director of Planning & Design Services, discussed "manufactured home" regulations and noted

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that these homes are allowed in single-family-zoned districts. She explained the State and HUD national standards, which are applied at the factory and on the site.

02:37:40 Mr. Talbott and Commissioner Carlson discussed landscaping. Commissioner Brown asked if there was anything in the site design guidelines specifying that houses have to be oriented towards the street. Ms. St. Germain said there are in *Traditional* form districts, but this is a Neighborhood form district.

02:41:17 In response to a question from Commissioner Tomes, David Mindel testified about landscaping (see recording for detailed discussion.) Mr. Mindel noted that, currently, this site has no trees at all. Commissioner Tomes discussed his experience with manufactured homes (State approvals, inspection procedures, building permits, etc.) Mr. Mindel added that these will be public roads, curb-and-gutter, and underground utilities.

02:45:43 In response to a question from Commissioner Mims, Mr. Mindel pointed out a road that is going to be eliminated.

02:46:49 In response to a question from Commissioner Brown, Mr. Mindel said driveways would be provided from the road. Commissioner Brown said that, because these are public roads with a 15-foot setback, he would request a note on the plan requiring the driveway to be at least 25 feet from the back of the ROW to the garage.

The following spoke in opposition to this request:

No one spoke.

02:47:29 Commissioners' deliberation.

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

Zoning

02:52:20 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Staff Plan 2040 checklist, the applicant's justification, and evidence and testimony heard today, was adopted:

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form: Goal 1 because the proposal is not for a higher density or intensity use. The gross density of the site is proposed to be 4.79 du/acre. The proposal is not for a substantially different scale or intensity or density of development compared with the adjoining residential mobile home park. Appropriate transitions will be provided to the adjacent athletic fields; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 2 because the proposed zoning district will allow for new residential uses; and

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

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

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 1 because the proposal is not for a higher density or intensity use; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 2 because access to the site will be achieved via Smith Lane, a local-class, state road that parallels I- 265; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the proposal will encourage a mixture of compatible land uses in the neighborhood; Transportation Planning has approved the proposal; and no direct residential access to high-speed roadways is proposed; and

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

WHEREAS, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because the site is currently cleared and tree canopy will be required to be added to the site; a karst survey of the site revealed no karst features; and the site is not located in the regulatory floodplain; and

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

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 2 because the proposed zoning district would permit inter-generational and mixed-income development; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 3 because the proposed zoning district would encourage the provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro; no existing residents are located on the property and no existing residents will be displaced by the proposal; and the proposed zoning district would permit the use of innovative methods of housing; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 1, and specifically with Objectives and Policies 2, 4, 5, 9, and 11 of Goal 1, because this proposal will provide this area with new, attractive, housing choices for residents who desire to live in this community but prefer lower cost, affordable housing with smaller lots. Homes will be constructed of attractive building materials (vinyl siding) and will feature architectural details similar to those in other nearby residential areas in order to ensure that the scale and appearance of this community will be compatible with the existing communities in this area; and setbacks, lot dimensions, and building heights will be consistent with the mobile home park nearby and that meet the Form District Guidelines. At the same time, the lot size will provide a diversity of densities since many of the nearby residential areas comprise larger lots sizes. The site itself abuts a mobile home park, soccer fields and the 1-264 expressway, utilizing an underused property for an economically needed use; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 2, and specifically with Policy 9 of Goal 2, because the proposed development is an infill development providing new housing within the southcentral portion of Louisville Metro; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 3, and specifically with 1, 2, 3, 6, 8, 10, 12 and 9 of Goal 3 because the proposed development has been designed to avoid wet soils and it is located on a flat portion of land, avoiding steep slopes and unstable soils. There are no wet or highly permeable soils, severe, steep or unstable slopes on the subject property that would create erosion problems. The development plan further

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incorporates open space into the subdivision and development that can be visually enjoyed by the community and ensures transitions between the various surrounding properties; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable, Objectives and Policies 1, 3, 4 of Goal 1 because this proposed rezoning will cater to those potential apartment renters and owners that enjoy a healthy lifestyle through pedestrian travel and through bicycle as a means of transit. Sidewalks are being added to the property to provide pedestrian connections for easy walkability to the adjoining mobile home park. This proposed higher density residential use is located in very close proximity to the marketplace corridors along Bardstown Road, as well as the employment centers in downtown Louisville through its proximity to the interstate road system; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 2, and specifically with 4, 5, and 6 of Goal 2 because the proposed development will avoid access to development through areas of significantly lower intensity as it will connect with Barn Rd. and have the mobile home park and soccer fields and the immediate neighbors. The entrances will also be compliant with all requirements in the Land Development Code and Metro Works to ensure that all sight lines for entrances will be compatible with traffic, speed, terrain, etc. in street design; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 3, and specifically with 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 14 of Goal 3 because the proposed redevelopment of this underutilized property and undeveloped land into a new and vibrant residential community will provide new housing stock critically needed by Louisville Metro to allow its continued growth and also reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options. The subject properties close proximity to the Bardstown Rd. corridor will also help eliminate multiple automobile trips for services offered in that commercial area. Due to this development's opportunity for pedestrian and bicycle travel, this proposal will have a fraction of the demand on the public transportation network that a new development in the outer portions of Louisville Metro would have on this network. The additional residential lots this development would provide would also help create a larger demand for the existing public transportation options in the Bardstown Road area; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 2, and specifically with 1, 2, and 3 of Goal 2 because the subject property is currently served by existing utilities and has adequate

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capacity for this proposed development as will be confirmed through all utility providers through this rezoning process. These confirmations specifically include the Louisville Water Company's confirmation of sufficient water service capacity and the Metropolitan Sewer District's confirmation of adequate sanitary capacity; and

WHEREAS, the Commission further finds that the proposal meets the intents of the Goals, Objectives and Policies of Goals 1 & 2 to the extent that it provides affordable housing options, diversifying the current type of housing available, and thus supporting a diverse and highly skilled work-force in the Louisville Metro community; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 1, and specifically with 5, 10, 17, 21, 31, 32, and 35 of Goal 1 because there are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition through the detention and water quality as shown on the DDDP. The added detention and water quality unit will not only help mitigate the impacts of this development but likely help with the existing floodplains in the area to the extent same exist; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 1, and specifically with Policy 1 and 3 of Goal 1 because, as stated previously, the proposal is for a new and different housing option for the area, being affordable new manufactured construction residential lacking in Louisville Metro which has the qualities of much higher priced residential, being quiet, family-oriented, safe, and clean environment; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 2, and specifically with 1, 2 and 7 of Goal 2 because this affordable form of residential development provides a housing option for a mixture of residents, including the new family, single persons, and older homeowner that wants to live in close proximity to services near Bardstown Rd. and the Interstate system, and those persons of all ages and incomes that want to live in high-quality, but affordable living environment; and

WHEREAS, the Commission further finds that the proposal meets the intents of the applicable Objectives and Policies of Goal 3, including 1, 2, 3, 4, 6, 8, 12 because the proposed development will be a different housing option with the ability to rent a lot and a manufactured home, or bring their own manufactured home, than more traditional single-family residential lot that predominates throughout the surrounding area, and thus will have a different and more affordable price point. The proposed development will also have a mixture of housing options, which includes the small and most affordable small manufactured home, to the larger, manufactured home with more amenities. This

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type of housing options will also help by providing multiple options for the existing residents in the area that want to raise families as well as age in place and in their community in an affordable, safe, quiet, and clean environment; now, therefore be it

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

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

Waiver

02:53:09 - On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the rear yard overlap with a drainage easement will only affect the property owners of the new lots; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address drainage easements, and addresses yard requirements only as buffers between incompatible uses. The adjacent uses are not incompatible with the proposed use; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the overlap is made necessary by a drainage easement to the rear of the new lots, which is the appropriate place for a drainage easement; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to move the

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easement or extend the rear yards, either of which would reduce the usability of the property; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested waiver from LDC section 7.3.30.E to allow more than 15% of a rear yard of a buildable lot to be occupied by a drainage easement (19-WAIVER-0030).

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

Detailed District Development Plan/Major Preliminary Subdivision with Binding Elements

02:53:49 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any historic resources or natural resources on the subject site. Required tree canopy will be provided; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds that required open space is being provided; and

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

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WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. The proposal is for single-family development, which is compatible with the neighborhood; and

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

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan/Major Preliminary Subdivision with Binding Elements, **ON CONDITION** that a note is added to the plan to read, "Driveways shall be a minimum of 25 feet in length from the edge of the right-of-way to the back of the driveway." and **SUBJECT** to the following binding elements:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. 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.
4. 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,

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contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

5. The applicant shall submit a Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
6. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
7. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
8. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
9. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for "Street A". Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
10. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
11. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be

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treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

12. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
13. 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 homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

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CASE NO. 19-ZONE-0048

Request: Change in zoning from R-6 to C-2 with a Detailed Plan and waivers
Project Name: Hinterof Micro-Rosteri
Location: 1008 East Oak Street
Owner: John Webb and Sarah Anderson
Applicant: John Webb and Sarah Anderson
Representative: Glenn Price, Frost Brown Todd, LLC
Jurisdiction: Louisville Metro
Council District: 10 – Pat Mulvihill

Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

02:54:42 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

03:00:34 In response to a question from Commissioner Howard, Ms. Williams clarified that there is not a C-2 use on the site right now, but it has been historically used as commercial. The applicant wants to use the site as a coffee shop and a barber shop- those uses are permitted in C-1 zoning. The applicant chose to apply for C-2 because of alcohol sales and receipts. She said the applicant can go into that in more detail.

The following spoke in support of this request:

Glenn Price, Frost Brown Todd LLC, 400 West Market Street Suite 3200, Louisville, KY 40202

Charles Cash, Urban One, 815 West Market Street Suite 302, Louisville, KY 40202

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Summary of testimony of those in support:

03:01:44 Glenn Price, the applicant's representative, presented the applicant's case and showed a Power Point presentation. Mr. Price explained that the applicant is asking for the C-2 zoning in order to sell beer, or a coffee drink that has some liqueur in it, and to have outdoor seating without having to have more parking spaces (see recording for detailed presentation.)

03:05:32 Charles Cash, an applicant's representative, explained and showed renderings of the proposed redevelopment. He also discussed some of the history of this building and site.

03:08:23 Commissioner Peterson asked if there would be any structural work done to garages in the back. Mr. Cash said the garage is on the property next door – the applicant has the walls of a former garage, but there is no actual garage on the site. The wall functions as a retaining wall today.

03:08:48 In response to a question from Commissioner Carlson, Mr. Cash said the second floor will be used as an extension of the coffee shop.

03:09:03 In response to a question from Commissioner Mims, Mr. Cash said there are no plans for outdoor seating at this time because the applicant cannot yet provide the parking requirements. He said that, in the future, the applicant would like to develop garden space in the back and have outdoor seating there. Commissioner Mims asked if there would be live entertainment on the site. Mr. Price said no.

03:10:20 Mr. Price briefly discussed the proposed waiver.

03:11:03 Commissioner Brown asked if some allowed C-2 uses should be prohibited with binding elements. Binding element #1 was discussed. Ms. Williams said that, if the applicant changed the use to something that required more parking, then there are routes the applicants could take (shared parking; requesting a parking waiver; etc.) She said parking requirements would be a determining factor as to what happens on the site.

The following spoke in opposition to this request:

No one spoke.

03:12:47 Commissioners' deliberation.

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

Zoning

03:17:53 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Staff Plan 2040 checklist and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form: Goal 1 because the proposed district is located in an area of varying intensities and densities and does not result in a non-residential expansion into existing residential areas; the proposed district is located in an area served by public transit and adjacent to similar intensities where demand and adequate infrastructure exists; the proposal is not for industrial zoning; no adverse impacts of traffic will result as the site is located on an arterial roadway in a walkable urban community served by public transit; and the proposed district is consistent with adjoining districts which pose the same potential for noise as the proposed district; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 2 because existing facilities will be repurposed; the proposed district is located in the traditional neighborhood form on an arterial roadway in a walkable urban community served by public transit; the proposed district is supported by a sufficient population in the area that has convenient access to the corridor; the proposed district encourages a concentration of commercial uses along the corridor resulting in an efficient land use and cost-effective infrastructure investment; the proposed district allows for a concentration of commercial activities of varying intensities to be located along a commercial and transit corridor resulting in fewer trips, the support and enhancement of alternative modes of travel, and vitality and a sense of place; the proposed zoning district permits mixed use; the proposed district does not require the demolition of existing structures; the proposal is not located in a shopping center where outlot development would occur; and the proposal expands the non-conformity of the other existing commercial in the area and corrects the zoning of the existing site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because the proposed district utilizes a previously developed site and does not impact floodplain or soils; the proposed district utilizes a previously

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developed site and does not impact floodplain or soils; the proposal is not located within the Ohio River corridor; and existing facilities will be repurposed; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 4 because the proposed district preserves existing structures that exhibit compatibility with the character of the area; and no cultural features are present on the subject site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 1 because the proposed district is a higher intensity district which is located amongst higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 2 because the area contains a wide variety of intensities and densities. Access is through areas of similar intensity; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the proposed district increases the availability of commercial activities without encroachment into the neighborhood and located along a transit corridor in a walkable urban neighborhood; the proposed district does not negatively impact mobility or accessibility to transit, pedestrians and people with disabilities; the proposed district is located along a major transit corridor that is readily accessible to pedestrians; the site is located on an arterial roadway in a walkable urban community served by public transit; improvements necessitated by the proposed district will be made, such as bike racks within the right-of-way; existing transportation facilities and services are adequate; and there do not appear to be any long range plans for transportation improvements; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Facilities: Goal 2 because the proposed district will be served by existing utilities; an adequate supply of potable water and water for fire-fighting purposes is available; and adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District is provided; and

WHEREAS, the Commission further finds that the proposal meets the intents of Economic Development: Goal 1 because the proposal is not for industrial zoning; the proposed district is located along an arterial roadway with multi-modal options that do not impact adjacent areas; and the proposal is not for industrial zoning; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because soils are not an issue with the proposal; the proposed district utilizes a previously developed site and is not located within the floodplain; and the proposal is not for industrial zoning; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 1 because the proposal allows for mixed use; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 2 because the proposal allows for mixed use along an existing transit route; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 3 because the proposal does not involve the displacement of existing residents; and the proposal allows for mixed use; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change-in-zoning from R-6, Multi-Family Residential to C-2, Commercial be **APPROVED**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

Waiver

03:18:58 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since the rear of the lot will look and act similarly to the other back yards in the area. The change in zoning is due to the expansion of a non-conforming use and correcting the existing zoning. The property to the west is also a non-conforming use that is not exclusively multi-family where the building occupies most of the site; and

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WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040. Land Use & Development Goal 1, Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. Land Use & Development Goal 1, Policy 10 calls for mitigation of the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. The waiver will not violate specific guidelines of Plan 2040 since the rear of the lot will look and act similarly to the other back yards in the area. The change in zoning is due to the expansion of a non-conforming use and correcting the existing zoning. The property to the west is also a non-conforming use that is not exclusively multi-family where the building occupies most of the site; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the rear of the lot will look and act similarly to the other back yards in the area. The change in zoning is due to the expansion of a non-conforming use and correcting the existing zoning. The property to the west is also a non-conforming use that is not exclusively multi-family where the building occupies most of the site; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the rear of the lot will look and act similarly to the other back yards in the area. The change in zoning is due to the expansion of a non-conforming use and correcting the existing zoning. The property to the west is also a non-conforming use that is not exclusively multi-family where the building occupies most of the site; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Land Development Code, section 10.2.4 to omit the landscape buffer along the west and east property lines for existing encroachments.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

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District Development Plan

03:19:39 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. The existing building is to remain. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

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

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required setbacks; and

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development

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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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 9, 2020 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
3. 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.
4. 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.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing

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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.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Brown, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioner Jarboe.

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CASE NO. 19-ZONE-0054

***NOTE: Commissioner Brown left the meeting at 4:38 p.m. and did not hear or vote on this case.**

Request: Change in zoning from C-1 to C-2 Commercial with a Conditional Use Permit for mini- warehouse, a waiver, and a Detailed Development Plan
Project Name: U-Haul at Preston Highway
Location: 4626 Preston Highway
Owner: PELCO Associates, Inc.
Applicant: AMERCO Real Estate Company
Representative: AMERCO Real Estate Company
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George

Case Manager: Julia Williams, AICP, Planning Supervisor

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

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

Agency Testimony:

03:20:47 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of this request:

Greg Ripple, Kinley-Horn & Associates, 250 East 96th Street Suite 580, Indianapolis, IN 46240

Chris Minnich, U-Haul Company of Kentucky, 8900 Talon Ridge Drive, Louisville, KY 40229

Russell Spencer, 1305 Mark Trail Road, Louisville, KY 40242

Summary of testimony of those in support:

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03:26:04 Greg Ripple, the applicant's representative, presented the applicant's case (see recording for detailed presentation.)

03:30:06 Chris Minnich, an applicant's representative, showed a Power Point presentation which included renderings of the proposed project (see recording.)

03:39:50 In response to some questions from Commissioner Mims, Mr. Minnich said that this facility will have a combination of on-site managers and staff as well as remote monitoring. The truck/trailer leasing will remain at an existing location down the street. Commissioner Mims also asked how the company prevents contraband and/or hazardous materials from being stored. Mr. Minnich explained the security protocols in place; also he noted that storing such materials would violate the customers' contract/s and they would be immediately removed from the site.

03:42:24 Commissioners' deliberation.

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

Zoning

03:44:54 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Plan 2040 checklist and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Land Use & Development Goal 1: Community Form because the proposed district does not result in a non- residential expansion into a residential area as the subject site is currently zoned for commercial activities and was previously developed; the proposed higher intensity is located on a major arterial roadway with access to I-65 and I-264 within close proximity. Preston Hwy is major transit corridor providing access to employment centers downtown and to the south; Preston Highway is a major arterial corridor intended to serve heavy volumes of traffic such as those that might accompany uses within the proposed district; and uses within the district do not pose a great deal of adverse impact associated with noise and most uses permitted are to be contained within structures; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Form because the proposal is located within an existing activity center. Design is to be consistent with the form district. Permitted density within the district is compatible with the available transportation and infrastructure network; A sufficient population exists for the current activity centers and a variety of uses permitted within the center, including those expanded activities allowed by the proposed district; the development is cost effective as it is a reuse of an existing structure and parking facilities; the proposed district encourages a greater mixture of uses that are supported by the form, and transportation and infrastructure network. The district has a limited impact on vitality and a sense of place along the corridor as a wide variety of densities and intensities are available; and the proposal allows for the redevelopment of a previously developed site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Community Form because existing conditions indicate that natural or sensitive features are not present; the site is previously developed and the majority of the land is impervious; thus, wet or highly permeable soils, severe, steep or unstable slopes would not appear to be present; and no changes to existing conditions that might impact flood-prone areas are present; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 4: Community Form because there are no features of historic or architectural value apparent on site, and there are no cultural features present; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Mobility because the proposed higher intensity district is within or near existing marketplace corridors, existing and future activity centers, and employment centers. Preston Hwy is a major transit corridor connecting many parts of the community; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Mobility because Preston Hwy is a major transit corridor connecting many parts of the community. Sidewalks are present along the roadway; Preston Hwy is a major transit corridor connecting many parts of the community. Sidewalks will be required along all road frontages; the proposed district is located on a site of previously development adjacent to similar district; the transportation network is sufficient to handle large volumes of traffic and accommodating pedestrians as it has convenient access to the interstate and TARC service; Transportation Planning has no issues with the proposal. No roadway improvements are required; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Facilities because existing utilities would appear to be available; the development has an adequate supply of potable water and water for fire-fighting purposes; and MSD has no issues with the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Economic Development because the proposed district is located on a major arterial street with access to I-65, I-264, and the airport; and the proposed district is located with the appropriate transportation connectivity on a major arterial street with access to I-65, I-264, and the airport; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Livability because existing conditions suggest that the site is less vulnerable to erosion or karst impacts or such conditions are not able to be evaluated given these conditions; and MSD has no issues with the proposal; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Change in zoning from C-1 to C-2, Commercial be **APPROVED**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.

Conditional Use Permit

03:45:56 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposed Conditional Use Permit for Mini-Warehouses complies with Plan 2040 as it is located along a commercial corridor, Preston Highway, and is located within an existing Suburban Marketplace Corridor; and

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WHEREAS, the Commission further finds that the proposed Mini-Warehouses appear to be at a scale appropriate with the surrounding commercial area. Setbacks and building heights are compatible with nearby properties and meet form district requirements for the proposed zoning district. Therefore, the proposal is compatible with surrounding uses and the general character of the area; and

WHEREAS, the Commission further finds that improvements to the site made necessary by the proposed development, such as transportation and drainage, have been adequately provided to serve the proposed use; and

WHEREAS, the Commission further finds that setbacks and building heights are compatible with nearby properties and meet form district requirements for the proposed zoning district. Landscaping will be provided along both Grade Lane and Preston Highway; and

WHEREAS, the Commission further finds that the proposal is asking for relief of the 30 foot landscape buffer areas adjacent to both side and rear property lines as the site is located adjacent to commercial and Interstate 65; and

WHEREAS, the Commission further finds that no outdoor storage areas are proposed on the development plan; and

WHEREAS, the Commission further finds that no toxic or hazardous materials will be stored on the property; and

WHEREAS, the Commission further finds that no retail or wholesale or distributing activities are proposed on the site; and

WHEREAS, the Commission further finds that all loading doors and vehicle maneuvering areas are facing the interior of the site, away from the exterior of the property; and

WHEREAS, the Commission further finds that The proposed structure is 4 stories and exceeds 15' in height. The applicant is asking for relief of a requirement that no structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed); and

WHEREAS, the Commission further finds that only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located. The proposed freestanding sign conforms to size, height and style requirements of the Land Development Code; now, therefore be it

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested **Conditional Use Permit** for mini-warehouse (LDC 4.2.35) with relief from item B & G

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.

Waiver

03:47:08 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Plan 2040. 2040 Community Form Goal 1, Policy 4 encourages new development and redevelopment be compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The proposal meets the comprehensive plan since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; and

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WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there will be windows on the Grade Lane and Preston Highway façades as well as around the building. The entrance to the site is internal due to the nature of the business and the loading area; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Land Development Code, section 5.5.2.A.1 to not provide an entrance facing public rights-of-way.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.

Detailed District Development Plan

03:47:34 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

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

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WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen roadways. Buildings and parking lots will meet all required setbacks; and

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

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 9, 2020 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the

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adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

3. 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.
4. 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.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. No new outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Carlson, Mims, and Lewis.

ABSTAIN: Commissioner Daniels.

NOT PRESENT: Commissioners Jarboe and Brown.

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CASE NO. 19-ZONE-0069

***NOTE: Commissioner Brown left the meeting at 4:38 p.m. and did not hear or vote on this case.**

Request:	Change in zoning from C-1 to C-2 with a Conditional Use Permit and a Detailed District Development Plan
Project Name:	Talecris Plasma Resources
Location:	1219 Gilmore Lane
Owner:	Lyncen, LLC
Applicant:	Talecris Plasma Resources
Representative:	Talecris Plasma Resources
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George

Case Manager: **Julia Williams, AICP, Planning Supervisor**

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

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

Agency Testimony:

03:48:23 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

03:52:58 Ms. Williams read the following corrections to the staff report into the record:

- Under the Standard of Review and Staff Analysis for the Conditional Use Permit, Item #1 should read, "As detailed in the Staff Analysis in the staff report, the proposed Conditional Use Permit for a plasma center should demonstrate how it complies with the Comprehensive Plan."
- Under the Standard of Review and Staff Analysis for the Conditional Use Permit, Item #2 should read, "The proposed plasma center appears to be at a scale appropriate with the surrounding commercial area and will have limited impact on nearby residential uses, as it is located in an existing commercial center. Setbacks and building heights are compatible with nearby properties, and meet form district

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requirements for the proposed zoning district; therefore, the proposal is compatible with surrounding uses and the general character of the area.”

03:54:46 In response to a question from Commissioner Howard, Ms. Williams confirmed that this is an expansion of an existing plasma center. Using the site plan, she discussed zoning on the existing and proposed portions of the building.

The following spoke in support of this request:

Chris Brown, BTM Engineering, 3001 Taylor Springs Drive, Louisville, KY 40220

Colin Seal, Talecris Plasma Resources, 5037 Preston Highway, Louisville, KY 40213

Summary of testimony of those in support:

03:56:20 Chris Brown, the applicant’s representative, introduced Colin Seal.

03:57:37 Colin Seal, an applicant’s representative, discussed the expansion and explained what the company does (see recording for his detailed presentation.)

04:08:22 Mr. Brown presented the applicant’s case and showed a Power Point presentation regarding the land use and proposal.

04:10:45 In response to a question from Commissioner Mims, Mr. Brown explained that there will be no new exterior construction.

04:13:53 In response to a question from Commissioner Carlson, days and hours of operation are Monday through Friday, 7:00 a.m. through 7:00 p.m.; Saturday 7:00 a.m. to 3:00 p.m.; Sunday 7:00 a.m. to 1:00 p.m.

The following spoke in opposition to this request:

No one spoke.

04:15:26 Commissioners’ deliberation.

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

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Zoning

04:17:32 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Staff Plan 2040 checklist and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Land Use & Development Goal 1: Community Form because the proposed district does not result in a non- residential expansion into a residential area as the subject site is currently zoned for commercial activities and impervious surfaces and buildings are present; the proposed higher intensity is located on a major arterial roadway with access to I-65 and I-264 within close proximity. Preston Hwy is major transit corridor providing access to employment centers downtown and to the south. Preston Highway is a major arterial corridor intended to serve heavy volumes of traffic such as those that might accompany uses within the proposed district; and uses within the district do not pose a great deal of adverse impact associated with noise and most uses permitted are to be contained within structures; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Form because the proposal is located within an existing activity center. Design is to be consistent with the form district. Permitted density within the district is compatible with the available transportation and infrastructure network; a sufficient population exists for the current activity centers and a variety of uses permitted within the center, including those expanded activities allowed by the proposed district; the development is cost effective as it is a reuse of an existing structure and parking facilities; the proposed district encourages a greater mixture of uses that are supported by the form, and transportation and infrastructure network. The district has a limited impact on vitality and a sense of place along the corridor has a wide variety of densities and intensities are available; and the proposal allows for the reuse of an existing structure and parking facilities; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Community Form because existing conditions indicate that natural or sensitive features are not present; the site is previously developed and the majority of the land is impervious; thus, wet or highly permeable soils, severe, steep or unstable slopes would not appear to be present; and no changes to existing conditions that might impact flood-prone areas are present; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 4: Community Form because the proposal allows for the reuse of an existing structure and parking facilities. There is no historic or architectural value apparent on site; and the proposal allows for the reuse of an existing structure and parking facilities. There are no cultural features present; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Mobility because the proposed higher intensity district is within or near existing marketplace corridors, existing and future activity centers, and employment centers. Preston Hwy is a major transit corridor connecting many parts of the community; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Mobility because Preston Hwy is a major transit corridor connecting many parts of the community. Sidewalks are present along the roadway; the proposal allows for the reuse of an existing structure and parking facilities where located along a major transit corridor having public sidewalks; the transportation network is sufficient to handle large volumes of traffic and accommodating pedestrians as it has convenient access to the interstate and TARC service; Transportation Planning is not requesting any changes to the existing transportation facilities; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Facilities because existing utilities would appear to be available; the development has an adequate supply of potable water and water for fire-fighting purposes; and MSD has no issues with the proposal; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Economic Development because the proposed district is located on a major arterial street with access to I-65, I-264, and the airport; and the proposed district is located with the appropriate transportation connectivity on a major arterial street with access to I-65, I-264, and the airport; and

WHEREAS, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Livability because existing conditions suggest that the site is less vulnerable to erosion or karst impacts or such conditions are not able to be evaluated given these conditions; and MSD comments must be addressed; now, therefore be it

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RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed Change in zoning from C-1 to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioners Jarboe and Brown.

Conditional Use Permit

04:18:30 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

Conditional Use Permit

04:18:30 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, The Louisville Metro Planning Commission finds that, as detailed in the Staff Analysis in the staff report, the proposed Conditional Use Permit for a plasma center has demonstrated how it complies with the Comprehensive Plan; and

WHEREAS, the Commission further finds that the proposed plasma center appears to be at a scale appropriate with the surrounding commercial area and will have limited impact on nearby residential uses, as it is located in an existing commercial center. Setbacks and building heights are compatible with nearby properties, and meet form district requirements for the proposed zoning district; therefore, the proposal is compatible with surrounding uses and the general character of the area; and

WHEREAS, the Commission further finds that improvements to the site and right-of-way made necessary by the proposed development, such as transportation and drainage, have been adequately provided to serve the proposed use; and

WHEREAS, the Commission further finds that the proposal provides appropriate transitions to adjacent residential and day care uses through the use of landscape buffer yards, setbacks and screening. Setbacks and building heights are compatible

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with nearby properties and meet form district requirements for the proposed zoning district; and

WHEREAS, the Commission further finds that the proposal provides 30 ft landscape buffer areas adjacent to both side property lines abutting properties with residential zoning districts; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Conditional Use Permit for blood/plasma collection center with relief from item 'A' (LDC 4.2.10).

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioners Jarboe and Brown.

Detailed District Development Plan

04:19:41 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

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

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WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area; and

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

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

1. 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
3. 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.
4. 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.

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5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

The vote was as follows:

YES: Commissioners Tomes, Howard, Peterson, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioners Jarboe and Brown.

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PUBLIC HEARING

CASE NO. Fee Schedule 2020

Request: Land Use Restriction Fee Updates

Case Manager: **Joe Reverman, AICP, Planning & Design Assistant
Director**

Agency Testimony:

04:20:26 Brian Davis, Planning & Design Manager, presented the Item on behalf of Joe Reverman (see recording for detailed presentation.)

04:22:21 Emily Liu, Director of Planning & Design Services, noted that Planning & Design Service's \$10 fee has not changed; this cost increase reflects the State increase (not limited to Louisville Metro/ Jefferson County.)

04:23:16 In response to a question from Commissioner Mims, Ms. Liu said the building industry is aware of this increase and that this fee increase comes from the State.

The following spoke in support of this request:

No one spoke.

The following spoke in opposition to this request:

No one spoke.

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.

Land Use Restriction Fee Updates

04:25:07 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the proposed Fee Schedule for 2020.

The vote was as follows:

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YES: Commissioners Tomes, Howard, Peterson, Daniels, Carlson, Mims, and Lewis.

NOT PRESENT: Commissioners Jarboe and Brown.

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STANDING COMMITTEE REPORTS

Land Development & Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy & Procedures Committee

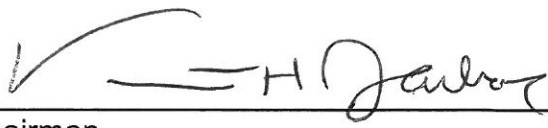
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given

ADJOURNMENT

The meeting adjourned at approximately 5:42 p.m.



Chairman

Division Director