

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
May 7, 2020**

A meeting of the Louisville Metro Planning Commission was held on Thursday, May 7, 2020 at 1:00 p.m. via Cisco Webex Video Teleconferencing. On the recommendation of the Louisville Metro Department of Health and Wellness regarding congregate events and social distancing, the special Planning Commission meeting set for today was held online.

Commissioners present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Robert Peterson
Lula Howard
Rich Carlson
Ruth Daniels
Jeff Brown
Jim Mims
Pat Seitz

Commissioners absent:

None

Staff members present:

Emily Liu, Director, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Joe Haberman, Planning and Design Manager
Brian Davis, Planning & Design Manager
Julia Williams, Planning Supervisor
Travis Fiechter, Legal Counsel
Beth Stuber, Transportation Planning
Rachel Dooley, Management Assistant

The following matters were considered

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APPROVAL OF MINUTES

April 15, 2020 Development Review Committee Minutes

00:13:02 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Development Review Committee meeting conducted on April 15, 2020.

The vote was as follows:

YES: Commissioners, Brown, Carlson, Mims, and Jarboe.

ABSTAIN: Commissioners Howard, Lewis, Peterson, and Seitz.

PRESENT AND NOT VOTING: Commissioner Daniels.

April 16, 2020 Planning Commission Minutes

00:14:17 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 Planning Commission meeting conducted on April 16, 2020.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard, Lewis, Mims, Peterson, Seitz, and Jarboe.

PRESENT AND NOT VOTING: Commissioner Daniels.

April 23, 2020 Planning Commission Minutes

00:15:42 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the Planning Commission meeting conducted on April 23, 2020.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard, Lewis, Mims, Peterson, Seitz, and Jarboe.

PRESENT AND NOT VOTING: Commissioner Daniels.

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Consent Agenda

Beecher Terrace Demo Waiver

Request: Request to Waive Two Year Deed Restriction
Project Name: Beecher Terrace Phase III
Location: 1200 West Jefferson St.
Owner: LMHA
Applicant: LMHA
Representative: LMHA
Jurisdiction: Louisville Metro
Council District: 4- Barbara Sexton-Smith

Case Manager: Cynthia Elmore, Planning & Design Supervisor

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:

00:16:45 Cynthia Elmore presented a Power Point slide show (see recording for detailed presentation.) Ms. Elmore detailed the request to waive the two year deed restriction for the Beecher Terrace project site.

00:21:25 Commissioner Brown asked if residents have been relocated for this phase of construction. Cynthia Elmore replied the relocation of residents have begun and is ongoing during this time.

00:21:50 Commissioner Mims and Cynthia Elmore discussed the deed restriction requirements for the wrecking ordinance (see recording for detailed presentation.)

00:23:09 Commissioner Carlson asked if the previous phases have been completed. Cynthia Elmore replied yes.

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.

Commissioner Deliberation:

00:23:25 Commissioners' discussion (see recording for detailed presentation.)

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Consent Agenda

Beecher Terrace Demo Waiver

00:23:28 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Beecher Terrace Demo Waiver.

The vote was as follows:

YES: Commissioners Brown, Carlson, Brown, Carlson, Howard, Lewis, Peterson, Seitz, and Jarboe.

PRESENT AND NOT VOTING: Commissioners Carlson Daniels and Mims.

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PUBLIC HEARING

CASE NO. 19-DDP-0077

Request: District Development Plan with Amendment to Binding Elements
Project Name: FKC Dialysis Center
Location: 4730 Champions Trace Lane
Owner/Applicant: Mahesh Kumar Jindal, Two Beans Properties, LLC
Representative: Ann Richard, Land Development & Design
Jurisdiction: Louisville Metro
Council District: 10 – Stuart Benson

Case Manager: Lacey Gabbard, AICP, Planner I
Presented by: Julia Williams, Planning Supervisor

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:

00:25:22 Julia Williams stated the applicant is requesting this case to be continued to the June 4, Planning Commission Meeting. She noted the applicant is present for questions (see recording for detailed presentation.)

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.

Commissioner Deliberation:

00:25:51 Commissioners' discussion (see recording for detailed presentation.)

00:26:15 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to **June 4, 2020** Planning Commission Meeting

The vote was as follows:

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CASE NO. 19-DDP-0077

YES: Commissioners Brown, Carlson, Brown, Carlson, Howard, Mims, Lewis, Peterson, Seitz, and Jarboe.

PRESENT AND NOT VOTING: Commissioners Daniels.

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PUBLIC HEARING

CASE NO. 20-CAT3-0003

Request: District Development Plan with Outdoor Amenity Area
Project Name: Xebec Property
Location: 6330 R Strawberry Lane
Owner/Applicant: Southland Realty, LLC
Representative: Kelli Jones, Sabak Wilson & Lingo
Jurisdiction: Louisville Metro
Council District: 21 – Nicole George

Case Manager: Lacey Gabbard, AICP, Planner I
Presented by: Julia Williams, Planning Supervisor

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:

00:27:38 Julia Williams, presenting on behalf of Lacey Gabbard, showed a Power Point slide show (see staff report and recording for detailed presentation). Julia stated the applicant is requesting flexibility for the parking lot requirements as the completed structures will meet LDC requirements and a fee-in-lieu option on Eiler Avenue. Ms. Williams noted the Staff Report is incorrect and the binding elements are not included with CAT3 Plans.

The following spoke in support of this request:

Kelli Jones, Sabak Wilson and Lingo

Summary of testimony of those in support:

00:30:24 Kelli Jones presented a Power Point slide show detailing the CAT3 development (see recording for detailed presentation.) Ms. Jones noted there are three parcels of land that are included in the site location that will be combined. She stated Jacob Spring and Jeremy Rodgers are available for questions. Kelli detailed the proposed development plan, landscape buffer, amenity area plans, elevations, and the floodplain exhibits.

00:39:06 Commissioner Brown asked for the hours of operations for this site. Kelli Jones replied there are no hours of operation because the applicant has not selected a tenant.

00:39:32 Commissioner Mims asked for clarification for the fee-in-lieu on Eiler Avenue. Kelli Jones replied there is a request for fee-in-lieu for sidewalks along Eiler Avenue as there are no sidewalks in the area and the road is a dead end. Commissioner Brown agreed with this option since the fee would provide for other sidewalks in the district.

00:40:21 Commissioner Lewis asked if the final parking count would be determined once the tenant is known. Kelli Jones stated the Land Development Code requirements for

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warehouses are based on the number of employees. Ms. Jones noted this site buildings are speculative and do not have a current tenant. The number of parking spaces shown on the plan covers the required the parking needs of a future tenant. Commissioner Lewis asked if parking is based on the tenant where would parking be located if there are more employees than what the proposed parking lot can accommodate. Kelli Jones replied the site plan can be modified to fit the tenants need for parking spaces or more land can be bought for parking.

00:42:39 Commissioner Mims asked if parking is based on the amount of office space in the buildings. Kelli Jones replied the parking requirements are based off the number of employees.

00:44:12 Commissioner Jarboe and Kelli Jones discussed the detention basin and lighting on the site (see recording for detailed presentation.)

00:46:36 Julia Williams asked the Commissioner that the motion state on condition that the applicant plants 123 evergreen trees within the 150 foot LBA.

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.

Commissioner Deliberation:

00:50:30 Commissioners' discussion (see recording for detailed presentation.)

00:53:14 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the Category 3 Development Plan and the Outdoor Amenity Area **ON CONDITION** the applicant plants 123 evergreen trees within the 150 foot LBA.

YES: Commissioners Brown, Carlson, Brown, Carlson, Howard, Mims, Lewis, Peterson, Seitz, and Jarboe.

PRESENT AND NOT VOTING: Commissioners Daniels.

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CASE NO. 20-CAT3-0003

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PUBLIC HEARING

CASE NO. 20-DDP-0007

Request: Revised Detailed District Development Plan with amendments to binding elements
Project Name: Westport Plaza
Location: 2927 Goose Creek Rd
Owner/Applicant: Goose Creek Properties
Representative: BTM Engineering
Jurisdiction: Louisville Metro
Council District: 17 – Markus Winkler

Case Manager: Jay Lockett, AICP, Planner I
Presented by: Julia Williams, 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:

00:54:47 Julia Williams, presenting on behalf of Jay Lockett showed a Power Point slide show (see staff report and recording for detailed presentation.) Ms. Williams noted the portions of the site were rezoned previously to C2 to allow outdoor alcohol sales.

00:58:03 Commissioner Jarboe asked why the binding element for dumpster screening is absent in the proposed binding elements. Julia Williams replied dumpsters are required to be screened per Chapter 10 of the LDC and it would be redundant to place a binding element for screening dumpsters on this site.

The following spoke in support of this request:

Chris Brown, 3001 Taylor Springs Drive, Louisville, Kentucky, 40220

Summary of testimony of those in support:

00:59:00 Chris Brown, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Brown detailed the existing site aerial view, future tenants for the site, landscaping, full development plan.

01:05:31 Commissioner Carlson asked if the police department would need a screened area for their vehicles. Chris Brown replied they requested sally port on the back of the building to allow vehicles to be brought into the building itself.

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The following spoke in opposition to this request:
No one spoke.

Commissioner Deliberation:

01:07:15 Commissioners' discussion (see recording for detailed presentation.

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

01:09:19 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds 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 the 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 there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Commission further finds 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 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 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

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CASE NO. 20-DDP-0007

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the revised detailed district development with the replacement of the existing binding elements for the proposed binding elements.

All binding elements from the approved revised Detailed District Development Plan are applicable to this site, in addition to the following:

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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. Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be maintained 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
- f. Any use requiring a Conditional Use Permit shall be approved by the Board of Zoning Adjustment.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

The vote was as follows:

YES: Commissioners Brown, Carlson, Brown, Carlson, Howard, Mims, Lewis, Peterson, Seitz, and Jarboe.

PRESENT AND NOT VOTING: Commissioners Daniels.

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PUBLIC HEARING

CASE NO. 20-WAIVER-0026

Request: Waiver of 10.2.4.A to allow a dumpster to encroach into a property perimeter LBA and not provide 8' continuous screen
Project Name: Beacon Community Credit Union
Location: 5344 Dixie Hwy
Owner/Applicant: Beacon Community Credit Union
Representative: LJB, Inc.
Jurisdiction: Louisville Metro
Council District: 12 – Rick Blackwell

Case Manager: Jay Lockett, AICP, Planner I
Presented by: Julia Williams, 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:

01:11:20 Julia Williams, presenting on behalf of Jay Lockett, showed a Power Point slide show (see staff report and recording for detailed presentation.) Ms. Williams detailed the request to allow a dumpster enclosure to encroach into the Property Perimeter LBA and to not provide the 8-foot continuous screen. The applicant has agreed to increase the tree density on the site to compensate for the dumpster area.

The following spoke in support of this request:

Karl Lentz, LJB Inc., 4010 Dupont Circle Ste. 478, 40207

Summary of testimony of those in support:

00:00:00 Karl Lentz, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Lentz detailed the development plan, landscape plan, and the increase of the tree density due to the lack of screening on the LBA.

The following spoke in opposition to this request:

No one spoke.

Commissioner Deliberation:

01:20:34 Commissioners' deliberation (see recording for detailed presentation.)

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PUBLIC HEARING

CASE NO. 20-WAIVER-0026

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.

01:22:25 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and testimony heard today was adopted:

WHEREAS, the Louisville Metro Planning Commission finds the will not adversely affect adjacent property owners, as all required landscaping and screening will still be provided on the subject site; and

WHEREAS, the Commission further finds the waiver will not violate the comprehensive plan, as it will allow for development of an existing commercial site within an established activity center. All required plantings will be provided on the subject site; and

WHEREAS, the Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The dumpster location is limited by the position of an existing access easement along the northern portion of the subject site; and

WHEREAS, the Commission further finds the applicant is proposing to plant all required trees in the buffer at 1.5x the planting density required in order to compensate for the encroachment; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of 10.2.4.A to allow a dumpster enclosure to encroach into the 20' property perimeter landscape buffer area and to not provide the 8-foot continuous screen. **ON CONDITION** that the applicant increase density multiplier for trees in the area of the waiver to 1.5 and that the dumpster be screen as required by the development code.

The vote was as follows:

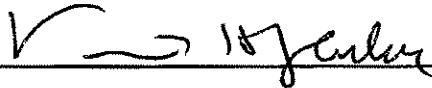
YES: Commissioners Brown, Carlson, Brown, Carlson, Howard, Mims, Lewis, Peterson, Seitz, and Jarboe.

PRESENT AND NOT VOTING: Commissioners Daniels.


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ADJOURNMENT

The meeting adjourned at approximately 2:30 p.m.



Chairman



Division Director