

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
APRIL 23, 2026**

A meeting of the Louisville Metro Planning Commission was held on Thursday, April 23, 2026, at 1:00 p.m. at the Old Jail Auditorium, 514 W. Liberty Street, Louisville, KY 40202.

Commission Members Present:

Te'Andre Sistrunk
Bill Fischer, Vice Chair
Jim Mims
David Steff (left at 3:05)
Steve Lannert
Sharon Bond
Suzanne Cheek (left at 2:38)
Mark Benitez
Beth Stuber

Commission Members Not Present

Russ Lohan

Staff Members Present:

Brian Davis, Director
Julia Williams, Assistant Director
Laura Ferguson, Assistant County Attorney
Joe Haberman, Planning Manager
Jay Lockett, Planning Supervisor
Mark Pinto, Planner II
Jude Mattingly, Planner II
Zach Jones, Planner II
Mary Willis, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

APPROVAL OF MINUTES

APRIL 2, 2026, PLANNING COMMISSION MEETING MINUTES

00:03:33 On a motion by Commissioner Steff, seconded by Commissioner Mims, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Minutes of its meeting conducted on April 2, 2026.

The vote was as follows:

YES: Commissioners Steff, Lannert, Mims, Fischer, Bond, Benitez, and Stuber

ABSTAIN: Commissioners Cheek and Sistrunk

ABSENT: Commissioner Lohan

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0030

Request: Change in Zoning from M-2 Industrial to C-M Manufacturing
Project Name: 1901 R Payne Street Areawide
Location: 1901 R Payne Street
Applicant: Louisville Metro
Jurisdiction: Louisville Metro
Council District: 9 – Andrew Owen
Case Manager: Brian Davis, AICP, Director

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

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

Agency Testimony:

00:4:17 Brian Davis provided an overview of the request and presented a PowerPoint presentation. Davis responded to questions from Commissioners (see recording for details).

00:14:11 Laura Ferguson responded to questions from Commissioners (see recording for details).

The following spoke in favor of this request:

Pam Vetter, 313 Crescent Spring Dr, Louisville, KY 40206

Mike O’Leary, 1963 Payne St, Louisville, KY 40206

Summary of testimony of those in support of the request:

00:24:54 Pam Vetter spoke in support of the proposal. Vetter noted that changing the zoning from M-2 to CM would be a more appropriate use of the property and would be better for residents. Vetter stated that the zoning change would present a strong opportunity for neighborhood growth, with a less intensive land use that would be more compatible with the Traditional Neighborhood Form District (see recording for details).

00:27:20 Mike O’Leary spoke in support of the proposal. O’Leary noted that changing the zoning from M-2 to CM would increase the number of viable uses and attract more potential buyers. O’Leary mentioned that production reuse under CM zoning would

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0030

generate increased economic activity and tax revenue. He also stated that changing the zoning would benefit not only the surrounding neighborhood, but the city as a whole. O’Leary responded to questions from Commissioners (see recording for details).

00:32:18 Brian Davis responded to additional questions from Commissioners (see recording for details).

**The following spoke in opposition of this request:
None**

Deliberation:

00:34:03 Planning Commission deliberation.

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

Change in zoning from M-2 Industrial to C-M Commercial Manufacturing

00:40:22 On a motion by Commissioner Mims, seconded by Commissioner Fischer, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposed zoning advances Community Form Goal 1, Objectives b., c., and f. of Plan 2040 because the proposed zoning district is compatible with existing characteristics of the neighborhood. The areas surrounding the subject property are located in Traditional Form districts characterized by residential lots and neighborhood serving commercial uses. Future growth and development patterns shall foster health and prosperity for all neighborhoods. The current zoning district permits heavy industrial uses that could adversely affect the health and prosperity of residences who have been disproportionately impacted by industrial expansion. The proposed changes in zoning would promote infill development, revitalization, and adaptive reuse of existing structures and vacant land.

WHEREAS, the Planning Commission finds the proposing zoning advances Community Form Goal 1, Policies 15 and 16 of Plan 2040, which implores considering the impacts of heavy industry such as potentially nuisance uses and uses with air, noise, and light emissions have on human health, quality of life, and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates, and emissions. Special attention should be paid to air and water quality when residences,

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 26-ZONE-0030

schools, parks, or vulnerable populations may be impacted and disadvantaged populations shall not be disproportionately impacted.

WHEREAS, the Planning Commission finds the proposed zoning advances Livability Goal 2 of Plan 2040, which ensures equitable health and safety outcomes for all. The proposed zoning district would remove the potential for more intense industrial redevelopment on properties enveloped by residences. With the change new development would be encouraged that supports compatible uses that do not adversely affect the health and safety outcomes of nearby residences.

WHEREAS, the Planning Commission finds the proposed zoning advances Housing Goals 1 and 2 of Plan 2040, which call for the promotion of housing options and environments that support aging in place and locating housing within proximity to multi-modal transportation corridors and supportive goods and services. The proposed change in zoning would promote development and redevelopment the property for housing within a zoning district that is more compatible with residential used based on surrounding land uses.

WHEREAS, the Planning Commission finds the proposed zoning meets Housing Goal 3, Policy 2 of Plan 2040, which discourages displacement of existing residences from their communities. The proposal would help to ensure the property is not redeveloped for potentially noxious industrial uses that result in adverse impacts to existing residences in the community. The proposed zoning change could promote new residential housing that encourages residences to remain in their communities without the potential expansion of higher intensity land uses that could result in displacement; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the change in zoning from M-2 Industrial to C-M Commercial Manufacturing.

The vote was as follows:

YES: Commissioners Steff, Mims, Fischer, Bond, Benitez, Stuber, Cheek, and Sistrunk

NO: Commissioner Lannert

ABSENT: Commissioner Lohan

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 18PM23355

Request: Appeal of Binding Element Citation
Location: 6405 Chism Rd
Applicant: DJN, LLC
Representative: Barbara Aguirre
Jurisdiction: Louisville Metro
Council District: 14 – Crystal Bast
Case Manager: Laura Ferguson, Assistant County Attorney

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

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

Agency Testimony:

00:42:25 Laura Ferguson provided an overview of the request and presented a PowerPoint presentation. Ferguson mentioned that the case had been continued from February to assess progress on filing a development plan and noted that the property is currently being used as an auto repair shop. Ferguson responded to questions from Commissioners (see recording for details).

The following spoke in favor of this request:

Barbara Aguirre, 11002 Cedar Hill Court, Louisville, KY 40229

Summary of testimony of those in support of the request:

00:43:57 Barbara Aguirre spoke in support of the proposal. Aguirre stated that back at the February meeting she was in the process of purchasing the property but had not finalized the purchase until March. Aguirre noted that she spoke with the Office of Planning about bringing the property into compliance and reached out to the original surveyor to conduct a survey of the property. Aguirre responded to questions from Commissioners (see recording for details).

00:51:43 Jay Lockett and Joe Haberman responded to questions from Commissioners (see recording for details).

The following spoke in opposition of this request:

None

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 18PM23355

Deliberation:

00:59:55 Planning Commission deliberation.

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

00:59:58 On a motion by Commissioner Mims, seconded by Commissioner Fischer, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **UPHOLD** the Zoning Enforcement citation and **CONTINUE** this case to the June 4, 2026, Planning Commission public hearing for a decision on the amount of the fine, if any.

The vote was as follows:

YES: Commissioners Steff, Mims, Fischer, Bond, Benitez, Stuber, Cheek, Lannert, and Sistrunk

ABSENT: Commissioner Lohan

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. ENF-ZON-25-001693

Request: Appeal of Binding Element Citation
Project Name: February 27, 2026, Binding Element Citation
Location: 5323 New Cut Rd
Applicant: Dreamworth Homes LLC
Representative: Joe Worth
Jurisdiction: Louisville Metro
Council District: 21 – Betsy Ruhe
Case Manager: Laura Ferguson, Assistant County Attorney

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

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

Agency Testimony:

01:03:34 Laura Ferguson provided an overview of the request and presented a PowerPoint presentation. Ferguson noted that the case was brought before Planning Commission back in July of 2023 for a zone change from R-4 Family to R-6 Multi Family and that the property was in violation of the development plan as well as binding elements 1 and 3.b. Ferguson mentioned that the parking lot had not been constructed as shown along with the northern entrance drive improvements and that the southern entrance has yet to be removed. Ferguson noted that the curb, verge, and sidewalk has not been reestablished in the right of way. Ferguson responded to questions from Commissioners (see recording for details).

The following spoke in favor of this request:

Joe Worth, 1208 E Breckinridge St, Louisville, KY 40204

Summary of testimony of those in support of the request:

01:08:58 Joe Worth spoke in support of the proposal. Worth stated that he purchased the property off-market in March 2024 and, after receiving the notice of violation, spoke with someone from the Office of Planning. Worth noted that he is working closely with the Office of Planning to establish a revised development plan. Worth responded to questions from Commissioners (see recording for details).

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. ENF-ZON-25-001693

01:11:25 Joe Haberman responded to questions from Commissioners (see recording for details).

The following spoke in opposition of this request:

Ann Ramser, P.O. Box 14243, Louisville, KY 40214

Summary of testimony of those in opposition of the request:

01:14:47 Ann Ramser spoke in opposition to the proposal and presented a PowerPoint presentation. Ramser elaborated on the zone enforcement cases pertaining to the subject property (see recording for details).

Rebuttal:

01:19:38 Joe Worth spoke in rebuttal and reiterated about receiving a letter of violation (see recording for details).

Deliberation:

01:20:12 Planning Commission deliberation.

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

01:25:44 On a motion by Commissioner Mims, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **UPHOLD** the Zoning Enforcement citation and **CONTINUE** this case to the June 4, 2026, Planning Commission public hearing for a decision on the amount of the fine, if any.

The vote was as follows:

YES: Commissioners Steff, Mims, Fischer, Bond, Benitez, Stuber, Cheek, Lannert, and Sistrunk

ABSENT: Commissioner Lohan

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. ENF-ZON-25-001616

Request: Appeal of Binding Element Citation
Project Name: February 18, 2026, Binding Element Citation
Location: 4826 Preston Hwy
Applicant: Rawand Najm
Representative: Rawand Najm
Jurisdiction: Louisville Metro
Council District: 21 – Betsy Ruhe
Case Manager: Laura Ferguson, Assistant County Attorney

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

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

Agency Testimony:

01:26:34 Laura Ferguson provided an overview of the request and presented a PowerPoint presentation. Ferguson noted that the case was brought before Planning Commission back in August of 2004 for a zone change from C-1 Commercial to C-2 Commercial and that the property was in violation of the development plan, the landscape plan, and binding elements #1. Ferguson noted that a revised development plan and a revised landscape plan must be approved before the owner can make any changes or improvements to the property. Ferguson responded to questions from Commissioners. (See recording for details).

01:30:01 Jay Lockett responded to questions from Commissioners (see recording for details).

The following spoke in favor of this request:

Rawand Najm, 307 Gablewood Circle, Louisville, KY 40245

Summary of testimony of those in support of the request:

01:31:22 Rawand Najm spoke in support of the proposal and elaborated on the changes that have been made to the property. Najm responded to questions from Commissioners (see recording for details).

The following spoke in opposition of this request:

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. ENF-ZON-25-001616

None

Deliberation:

01:32:57 Planning Commission deliberation.

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

01:36:01 On a motion by Commissioner Mims, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **UPHOLD** the Zoning Enforcement citation and **CONTINUE** this case to the June 4, 2026, Planning Commission public hearing for a decision on the amount of the fine, if any.

The vote was as follows:

YES: Commissioners Steff, Mims, Fischer, Bond, Benitez, Stuber, Cheek, Lannert, and Sistrunk

ABSENT: Commissioner Lohan

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0025

Request: Change in Zoning from R-5 Residential to R-6 Residential and a Detailed District Development Plan with associated wavier and binding elements.

Project Name: Poplar Tri-plex

Location: 3827 Poplar Level Rd

Applicant: ZNB Properties LLC

Representative: Mike & Nadine Brewer

Jurisdiction: Louisville Metro

Council District: 10 – Josie Raymond

Case Manager: Jude Mattingly, Planner II

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

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

Agency Testimony:

01:48:58 Jude Mattingly provided an overview of the request and presented a PowerPoint presentation. Mattingly responded to questions from Commissioners (see recording for details).

01:55:19 Jay Lockett responded to questions from Commissioners (see recording for details).

The following spoke in favor of this request:

Mike Brewer, 11604 E Osage Rd, Louisville, KY 40223

Summary of testimony of those in support of the request:

01:56:38 Mike Brewer spoke in support of the proposal. Brewer mentioned that when the property was purchased the gravel was already located on the property from the previous owner. Brewer noted that an existing four car carport was established before taking ownership of the property and would like to add an additional dwelling unit. Brewer responded to questions from Commissioners (see recording for details).

The following spoke in opposition of this request:

None

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0025

Deliberation:

01:58:57 Planning Commission deliberation.

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

Change in zoning from R-5 Residential to R-6 Residential

01:59:36 On a motion by Commissioner Steff, seconded by Commissioner Bond, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would not constitute a significantly higher density or intensity than what currently exists in the area. The immediate area contains a variety Multi-Family Residential, Office Residential, and Commercial zoning classifications and uses. The subject site is located in an area where there is a developed network of sidewalks, public transit options, and fronts a major arterial roadway.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because appropriate access and connectivity exist to allow the zoning change within the context of the neighborhood form district.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because no substantial changes to the topography, potential environmental degradation, or disturbance to any natural features has been observed.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because while not in a recognized historic preservation district, overlay district, or national register district, the existing structure will be preserved, habilitated, and renovated.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the subject site is located in an area where there is a developed network of sidewalks, public transit options, and fronts a major arterial roadway.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because the there is no access through areas of significantly lower intensity.

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 26-ZONE-0025

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning would allow for additional dwelling unit that encourage utilization of the existing network of sidewalks and public transit options.

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is served by existing utilities and located in an area where additional resources could be extended.

WHEREAS, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the subject site is located in an area where there is a developed network of sidewalks, public transit options, and major arterial roadway that provides opportunities for residents.

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because no issues with the site being susceptible to severe erosion, impacts on groundwater resources, flow patterns, existing surface drainage, or the floodplain have been observed and MSD has given preliminary approval.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning would allow for housing options that support aging in place with access to transit routes.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning would allow for housing options with access to multi-modal transportation corridors within proximity of amenities providing neighborhood good and services.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because no current residents are identified to be displaced by this request; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from R-5 Residential to R-6 Residential.

The vote was as follows:

YES: Commissioners Steff, Fischer, Bond, Benitez, Stuber, Lannert, and Sistrunk

NO: Commissioner Mims

ABSENT: Commissioner Lohan and Cheek

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0025

Waiver from 10.2.4 to omit the property perimeter landscape buffer required along the northwestern and southeastern property line.

02:00:14 On a motion by Commissioner Steff, seconded by Commissioner Bond, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the waiver is unlikely to adversely affect adjacent property owners. There is no proposed construction with this request. The existing structure and site conditions are compatible with other properties on the same block face, and

WHEREAS, the Planning Commission finds the Community Form Goal 1, Policy 4 calls for a proposal to ensure new development and redevelopment are 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, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as implementing the provision in full would require partial demolition of both existing structures on site, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant. Implementing the provision in full would require partial demolition of both existing structures on site. The property owner has installed plantings and fencing to create some buffer against the remaining R-5 zoned properties; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from 10.2.4 to omit the property perimeter landscape buffer required along the northwestern and southeastern property line.

The vote was as follows:

YES: Commissioners Steff, Fischer, Bond, Benitez, Stuber, Lannert, and Sistrunk

NO: Commissioner Mims

ABSENT: Commissioner Lohan and Cheek

Detailed District Development Plan with proposed binding elements.

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 26-ZONE-0025

02:00:47 On a motion by Commissioner Steff, seconded by Commissioner Bond, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds there do not appear to be any significant environmental constraints or natural resources on the subject site. While not formally recognized as being in a Historic Preservation district or National Register district the single-family structure on site was originally constructed in the mid-1920s according to Jefferson County PVA records. This proposal retains that structure while renovating it for the proposed duplex use, and

WHEREAS, the Planning Commission finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and the Department of Transportation and the KYTC have reviewed and approved the preliminary development plan, and

WHEREAS, the Planning Commission finds there are no open space requirements pertinent to the current proposal. If the property were redeveloped in the future the subject site will be required to meet Land Development Code requirements, and

WHEREAS, the Planning Commission finds that MSD has reviewed and 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 Planning Commission finds the overall site design and land uses are compatible with the existing and future development of the area, and

WHEREAS, the Planning Commission finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code except for where the waiver is requested; now, therefore be it.

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

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

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0025

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) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Steff, Fischer, Bond, Benitez, Stuber, Lannert, and Sistrunk

NO: Commissioner Mims

ABSENT: Commissioner Lohan and Cheek

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

Request: Change in Zoning from R-4 Single-Family Residential to C-2 Commercial, Change in Form District from Neighborhood to Suburban Marketplace Corridor, a Detailed District Development plan with associated waivers, variance(s), and binding elements

Project Name: Preston Highway Retail

Location: 5004, 5100, 5104, 5106, 5108, 5112, 5114 Maple Spring Drive; 10609 & 10613 Preston Hwy

Applicant: Stern Development

Representative: Bardenwerper, Talbott, & Roberts PLLC

Jurisdiction: Louisville Metro

Council District: 23 – Jeff Hudson

Case Manager: Mark Pinto, Planner II

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

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

Agency Testimony:

02:01:47 Mark Pinto provided an overview of the request and presented a PowerPoint presentation. Pinto responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

Nick Pregliasco, Bardenwerper, Talbott, Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

Kent Gootee, Mindel Scott, 5151 Jefferson Blvd, Louisville, KY 40219

Brad Smith, 8910 Two Notch Rd, Ste 500, Columbia, SC 29223

Summary of testimony of those in support of the request:

02:16:06 Brad Smith spoke in support of the proposal and provided a brief history of projects that have been completed by Stern Development group (see recording for details).

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

02:18:22 Nick Pregliasco spoke in support of the proposal and presented a PowerPoint presentation. Pregliasco elaborated on the proposed development plan and the surrounding businesses within the area. Pregliasco noted that the development would have a total of five entrances and that Maple Spring Drive would be widened to 24ft. Pregliasco mentioned that, based on the volume of traffic expected to be generated by the development over the next ten years, there would be an impact on the existing highway network, which would warrant the installation of a traffic signal at the intersection of Preston Highway and Maple Springs Drive. Pregliasco responded to questions from Commissioners (see recording for details).

02:32:24 Kent Gootee responded to questions from the Commissioners regarding the access points for the retail space and the location of semi-truck deliveries (see recording for details).

**The following spoke in opposition of this request:
None**

Deliberation:

02:42:01 Planning Commission deliberation.

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

Change in Zoning from R-4 Single-Family Residential to C-2 Commercial.

02:43:23 On a motion by Commissioner Stuber, seconded by Commissioner Benitez, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would not represent an expansion of nonresidential uses into a residential area as the proposal is an extension of the existing activity center along Preston Highway. A portion of the site is currently zoned C-2 Commercial, which includes properties along Maple Spring Drive. Lower intensity, single-family residential zoning is adjacent to the site along Maple Spring Drive and across the street. Landscaping and screening requirements per Chapter 10 shall be provided. Improvements to Maple Spring Drive and Preston Highway have been proposed and justified to mitigate potential adverse impacts.

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 25-ZONE-0149

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because appropriate access and connectivity exist to allow the proposal within the context of the Neighborhood and Suburban Marketplace Corridor form districts. The site is located along Preston Highway, a major arterial roadway with connectivity to the Gene Snyder, nearby roadways, and supportive services in the area. The proposal includes an internal pedestrian sidewalk network that will connect the proposal to adjacent commercial developments and sidewalks along Preston Highway and Maple Spring Drive.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because the subject site contains mature tree canopy. The proposal shall meet tree canopy and landscaping requirements, including preservation and new plantings in accordance with Chapter 10.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because the site is not located within a historic preservation or overlay district. There are several homes on the subject properties along Maple Spring Drive that are proposed to be removed. The existing homes on-site are over 50 years old and potentially eligible for the National Register of Historic Places as determined by the Historic Preservation and Urban Design team. This site is subject to the requirements of the Wrecking Ordinance Subsection 150.110. The required 30-day joint notice was sent in accordance with LMCO 150.110 which commences the required 30-day hold on the properties.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposal is located along a major arterial roadway near employment centers, parks, and similar services and amenities as permitted in the requested district. Necessary infrastructure exists to support transit-oriented development. However, public transit is not available to and from the subject site at this time. Public transit could be extended to the area in the future.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because the proposal does not include access through areas of significantly lower intensity. The site is accessed via existing public roadways and would not create access through areas of lower intensity. Maple Spring Drive currently serves lower intensity, residential uses. Required roadway improvements shall be made to mitigate potential adverse impacts.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed district allows for complementary neighborhood serving businesses and uses to encourage short trips easily made by walking or bicycling. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is served by existing utilities and located in an area where additional resources can be extended. Utility services shall be coordinated with the appropriate agencies. Sanitary sewage and drainage shall be made available to serve the development.

WHEREAS, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the site is located along Preston Highway, a major arterial roadway that serves a variety of land uses, varying in intensities, in the immediate area. The proposal has connectivity to arterial and collector level roadways, as well as the Gene Snyder Expressway. Roadway improvements specified in the traffic impact study shall be required to help mitigate potential adverse impacts.

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because MSD has reviewed the proposal and given preliminary approval. Sanitary sewage and drainage infrastructure shall be made available to the proposal.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning district would permit a variety of housing types and services that support aging in place. The site is located near employment centers, parks, and similar services and amenities as permitted in the zoning districts. Public transit is not available to the site currently. Transit routes could be extended to the area in the future.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district would permit a variety of housing development that supports intergenerational and mixed-income housing, including mixed-use development. The proposal is located along a transit corridor and provides connectivity to employment centers and amenities along the corridor and throughout Louisville metro. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposed districts allow for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from R-4 Single-Family Residential to C-2 Commercial

The vote was as follows:

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

YES: Commissioners Fischer, Mims, Bond, Benitez, Stuber, Lannert, and Sistrunk

ABSENT: Commissioner Lohan, Steff, and Cheek

Change in Form District from Neighborhood to Suburban Marketplace Corridor (SMC).

02:44:06 On a motion by Commissioner Stuber, seconded by Commissioner Benitez, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would not represent an expansion of nonresidential uses into a residential area as the proposal is an extension of the existing activity center along Preston Highway. A portion of the site is currently zoned C-2 Commercial, which includes properties along Maple Spring Drive. Lower intensity, single-family residential zoning is adjacent to the site along Maple Spring Drive and across the street. Landscaping and screening requirements per Chapter 10 shall be provided. Improvements to Maple Spring Drive and Preston Highway have been proposed and justified to mitigate potential adverse impacts.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because appropriate access and connectivity exist to allow the proposal within the context of the Neighborhood and Suburban Marketplace Corridor form districts. The site is located along Preston Highway, a major arterial roadway with connectivity to the Gene Snyder, nearby roadways, and supportive services in the area. The proposal includes an internal pedestrian sidewalk network that will connect the proposal to adjacent commercial developments and sidewalks along Preston Highway and Maple Spring Drive.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because the subject site contains mature tree canopy. The proposal shall meet tree canopy and landscaping requirements, including preservation and new plantings in accordance with Chapter 10.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because the site is not located within a historic preservation or overlay district. There are several homes on the subject properties along Maple Spring Drive that are proposed to be removed. The existing homes on-site are over 50 years old and potentially eligible for the National Register of Historic Places as determined by the Historic Preservation and Urban Design team. This site is subject to the requirements of the Wrecking

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

Ordinance Subsection 150.110. The required 30-day joint notice was sent in accordance with LMCO 150.110 which commences the required 30-day hold on the properties.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposal is located along a major arterial roadway near employment centers, parks, and similar services and amenities as permitted in the requested district. Necessary infrastructure exists to support transit-oriented development. However, public transit is not available to and from the subject site at this time. Public transit could be extended to the area in the future.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because the proposal does not include access through areas of significantly lower intensity. The site is accessed via existing public roadways and would not create access through areas of lower intensity. Maple Spring Drive currently serves lower intensity, residential uses. Required roadway improvements shall be made to mitigate potential adverse impacts.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed district allows for complementary neighborhood serving businesses and uses to encourage short trips easily made by walking or bicycling. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is served by existing utilities and located in an area where additional resources can be extended. Utility services shall be coordinated with the appropriate agencies. Sanitary sewage and drainage shall be made available to serve the development.

WHEREAS, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the site is located along Preston Highway, a major arterial roadway that serves a variety of land uses, varying in intensities, in the immediate area. The proposal has connectivity to arterial and collector level roadways, as well as the Gene Snyder Expressway. Roadway improvements specified in the traffic impact study shall be required to help mitigate potential adverse impacts.

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because MSD has reviewed the proposal and given preliminary approval. Sanitary sewage and drainage infrastructure shall made available to the proposal.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning district would permit a variety of housing types and services that support aging in place. The site is located near employment centers, parks, and similar

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

services and amenities as permitted in the zoning districts. Public transit is not available to the site currently. Transit routes could be extended to the area in the future.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district would permit a variety of housing development that supports intergenerational and mixed-income housing, including mixed-use development. The proposal is located along a transit corridor and provides connectivity to employment centers and amenities along the corridor and throughout Louisville metro. Access for pedestrian will be made to all public roadways (existing/proposed) to connect to adjacent and nearby development.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposed districts allow for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in form district from Neighborhood to Suburban Marketplace Corridor (SMC).

The vote was as follows:

YES: Commissioners Fischer, Mims, Bond, Benitez, Stuber, Lannert, and Sistrunk
ABSENT: Commissioner Lohan, Steff, and Cheek

Variance from Land Development Code (LDC) 4.8.3.C to allow impervious area to encroach into the middle and outer zones of the protected waterway buffer by 36 ft. (26-VARIANCE-0018).

02:44:41 On a motion by Commissioner Stuber, seconded by Commissioner Benitez, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the requested variance will not adversely affect the public health, safety, or welfare, because the proposed buildings are required by MSD to connect to sewers and have no impact on public health or adjoining properties. MSD has reviewed the proposal and given preliminary approval, and

WHEREAS, the Planning Commission finds the requested variance will not alter the essential character of the general vicinity as there are a collection of single-family homes within neighboring subdivisions that encroach into the protected waterway buffer, and

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 25-ZONE-0149

WHEREAS, the Planning Commission finds the requested variance does not arise from circumstances which do not generally apply to land in the general vicinity, or in the same zone as there are adjacent properties and properties within the area that are encumbered by the protected waterway buffer, and

WHEREAS, the Planning Commission finds the strict application of the provision of the regulation would create an unnecessary hardship on the applicant as the vehicular access drive that encroaches would need to be redesigned which could cause significant changes to the current site design. Public Works and Transportation Planning have reviewed the proposal and given preliminary approval, including the proposed access and vehicular circulation patterns throughout the site, and

WHEREAS, the Planning Commission finds the circumstances are not the result of action of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as work has not begun on the proposed development for which the variance is being requested, and

WHEREAS, the Planning Commission finds the variance is not entirely necessary because the requirements of this section do not represent an extreme hardship such that minimal or no reasonable economic use of the land is available without reducing the width of the required buffer area. The site is not entirely contained by the buffer, and only a minor encroachment is requested. The site could be redesigned to comply with the protected waterway buffer requirements, and

WHEREAS, the Planning Commission finds the size, shape, or topography of the property is not such that it is not possible to construct a single-family detached dwelling without encroaching into the required protected waterway buffer. A single-family home, or other development, could occur on the site without encroaching into the protected waterway buffer, and

WHEREAS, the Planning Commission finds the encroachment is the minimum necessary for the proposed development because only a portion of the vehicular use areas encroach into the buffer. The proposed buildings and off-street parking areas are located outside of the waterway buffer, and

WHEREAS, the Planning Commission finds the applicant will commit to the satisfaction of the County or as requested by the Planning Commission, to mitigation measures that substantially offset any potential adverse impacts of the proposed encroachment during site preparation and installment. The proposal will be required to receive all applicable building permits that includes construction approval from MSD, and

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

WHEREAS, the Planning Commission finds the approval of the variance will not result in a reduction in water quality. MSD has reviewed the proposal and given preliminary approval. There will be no net loss in area of the required protected waterway buffer, additional water quality devices and infrastructure is planned.; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** Variance from Land Development Code (LDC) 4.8.3.C to allow impervious area to encroach into the middle and outer zones of the protected waterway buffer by 36 ft. (26-VARIANCE-0018).

The vote was as follows:

**YES: Commissioners Fischer, Mims, Bond, Benitez, Stuber, Lannert, and Sistrunk
ABSENT: Commissioner Lohan, Steff, and Cheek**

Waiver of LDC 10.2.10 to allow parking spaces and impervious area to encroach into the required 15 ft. vehicular use area landscape buffer area (VUA LBA; 26-WAIVER-0016).

Waiver of LDC 5.5.2.A.1 to not provide clear glazing, windows, and an entrance along the retail building façade adjacent to Maple Spring Drive (26-WAIVER-0040).

Waiver of LDC 5.6.1.B, C, & D to allow less than 60% animating features along the retail building façade, less than 50% clear windows and doors, and to not provide roofline variation for the retail building that exceeds 100 ft in length (26-WAIVER-0040).

02:45:25 On a motion by Commissioner Stuber, seconded by Commissioner Benitez, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

(WAVIER 1) WHEREAS, the Planning Commission finds the waiver will not adversely affect adjacent property owners since a majority of the landscape buffer area is being provided to screen the off-street parking spaces from Maple Spring Drive. The Detailed District Development plan shows a 10 ft. VUA LBA along Maple Spring Drive, and

WHEREAS, the Planning Commission finds the wavier will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The required plantings and screening are being provided on site. The proposal is meeting all required tree canopy, interior landscape areas, and property perimeter landscape buffer areas per Chapter 10 of the LDC. Although there is a reduction of the required 15 ft. VUA LBA, 10 ft. of the required buffer is being provided along Maple Spring Drive, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant. The off-street parking lot area could be reduced in the area where the buffer is required to fully comply with the 15 ft. VUA LBA requirement, and

WHEREAS, the Planning Commission finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived. The site plan shows an increase in interior landscape areas (ILAs) provided on the lot where the VUA LBA waiver is being requested. The total square footage of required ILAs is roughly 15,656 sq ft. The total ILAs provided on Lot #1 is 23,507 sq ft, and

(WAIVER 2&3) WHEREAS, the Planning Commission finds the waivers will not adversely affect adjacent property owners. Landscaping and screening are being provided along Maple Spring Drive to soften the view of the proposed retail building. Also, the proposed building will be required to comply with all applicable building and fire code regulations, and

WHEREAS, the Planning Commission finds the waivers will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The proposed retail building located along Maple Spring Drive is meeting all building setbacks, including from adjacent residential properties and the roadway. The building does not exceed the maximum permitted height and is one-story. Adequate landscaping and screening is being provided along Maple Spring Drive, street trees will also be required to be planted in the right-of-way, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant. The building could be redesigned to include animating features, an entrance, and clear windows and doors along the Maple Spring Drive frontage. The roofline could be altered to provide variation and accommodate the requirements of the regulation, and

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

WHEREAS, the Planning Commission finds the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived. The site plan shows an increase in interior landscape areas (ILAs) provided on the lot where the VUA LBA waiver is being requested. The total square footage of required ILAs is roughly 15,656 sq ft. The total ILAs provided on Lot #1 is 23,507 sq ft. The primary building façade that faces the interior of the development consists of clear windows and doors, variation in materials, and colors to provide architectural interest; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the **(1)** Waiver of LDC 10.2.10 to allow parking spaces and impervious area to encroach into the required 15 ft. vehicular use area landscape buffer area (VUA LBA; 26-WAIVER-0016), **(2)** Waiver of LDC 5.5.2.A.1 to not provide clear glazing, windows, and an entrance along the retail building façade adjacent to Maple Spring Drive (26-WAIVER-0040) and **(3)** Waiver of LDC 5.6.1.B, C, & D to allow less than 60% animating features along the retail building façade, less than 50% clear windows and doors, and to not provide roofline variation for the retail building that exceeds 100 ft in length (26-WAIVER-0040).

The vote was as follows:

YES: Commissioners Fischer, Mims, Bond, Benitez, Stuber, Lannert, and Sistrunk
ABSENT: Commissioner Lohan, Steff, and Cheek

Detailed District Development Plan with binding elements.

02:48:16 On a motion by Commissioner Stuber, seconded by Commissioner Benitez, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the conservation of natural resources on the site proposed for development include tree canopy preservation, new landscape buffers, and interior plantings that meet or exceed the requirements of LDC Chapter 10. There is no development on steep slopes, within floodplains, or on soils that present environmental constraints. A portion of vehicular access is encroaching into the protected waterway buffer. However, there is no net loss in area of the protected waterway buffer and additional water quality devices are being installed, and

WHEREAS, the Planning Commission finds the Provisions for safe and efficient vehicular and pedestrian transportation within, and Public Works have approved the preliminary

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 25-ZONE-0149

development plan. A traffic impact study was performed that concluded the volume warrant was satisfied to install a traffic signal at the intersection of Maple Spring Drive and Preston Highway. Also, the southbound left turn lane on Preston Highway at Maple Spring Drive will need to be extended to support additional vehicle storage, and

WHEREAS, the Planning Commission finds the provision of sufficient open space to meet the needs of the proposed development is being provided. The proposal is meeting all requirements for outdoor amenities which are shown and detailed on the plan as outdoor seating, eating, and picnic areas, and

WHEREAS, the Planning Commission 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 Planning Commission finds the overall site design and land uses are compatible with existing and projected future development in the area. The Preston Highway corridor has been subject to recent development and rezonings to permit similar commercial development. Adjacent to the site along Preston Highway are several commercial outlot developments. Commercial activity is also present across Preston Highway and at the intersection of Preston Highway and Cooper Chapel Road. Adequate population and infrastructure exist in the area to support the proposal. The proposed buildings are meeting all required building setbacks and height requirements to ensure compatibility with nearby residential uses. All landscaping and screening requirements, including tree preservation and new plantings, are meeting Chapter 10 requirements except where relief has been requested, and

WHEREAS, the Planning Commission finds the plan is in conformance with the requirements of the Land Development Code, except where relief has been requested, and the Comprehensive Plan. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. All proposed buildings are meeting required setbacks and height restrictions to promote compatibility with surrounding development. Tree canopy, preservation, landscape plantings, and screening requirements of Chapter 10 are being met or exceeded to ensure an appropriate transition between commercial and residential land uses. The proposal has incorporated outdoor amenities and a network of pedestrian sidewalks that connect adjacent commercial development and sidewalks along the roadways to provide accessible and safe access; now, therefore be it.

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Preston Highway right-of-way.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor subdivision plat or legal instrument creating the lots as shown on the approved district development plan shall be recorded prior to issuance of any building permits. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 25-ZONE-0149

5. Public Works and Transportation Planning shall not review or approve construction plans until written approval from the Kentucky Transportation Cabinet (KYTC) is submitted.
6. All required improvements to Preston Highway and Maple Spring Drive as detailed in the Traffic Impact Study submitted on January 16, 2026, and shown on the approved Detailed District Development plan shall be completed per KYTC and Public Works standards prior to requesting a certificate of occupancy for the site. This includes the traffic signal at Maple Spring Drive and Preston Highway, widening Maple Spring Drive to at least 24 ft, and lengthening the southbound left turn lane on Preston Highway and Maple Spring Drive to allow additional vehicle storage.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
9. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increases in density on the property, any changes in use on the property which directly or indirectly require a public hearing before the Planning Commission or subcommittee thereof, and/or any amendments to the binding elements, other than (i) the addition of new binding elements, (ii) changes to the binding elements that merely update the public hearing date, or (iii) updating a previous version of the binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 25-ZONE-0149

The vote was as follows:

**YES: Commissioners Fischer, Mims, Bond, Benitez, Stuber, Lannert, and Sistrunk
ABSENT: Commissioner Lohan, Steff, and Cheek**

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0018

Request: Change in Zoning from EZ-1 Enterprise Zone to M-3 Industrial, Conditional Use Permit to allow a Scrap Metal Processing Facility, and a Detailed District Development Plan with binding elements.

Project Name: Eiler Ave Scrap Metal Facility
Location: 258 Eiler Avenue
Applicant: Hanna Investment Holdings LLC
Representative: Jon Baker, Attorney.
Jurisdiction: Louisville Metro
Council District: 25 – Khalil Batshon
Case Manager: Zack Jones, Planner II

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

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

Agency Testimony:

02:49:28 Zack Jones provided an overview of the request and presented a PowerPoint presentation. Jones responded to questions from Commissioners (see recording for details).

The following spoke in favor of this request:

Jon Baker, Bricker Graydon & Wyatt, 400 W Market St, Louisville, KY 40202

John Campbell, Heritage Engineering, 642 S 4th Street, Louisville, KY 40202

Brian Donaghy, 8201 Sutherland Farm Rd, Louisville, KY 40059

Summary of testimony of those in support of the request:

02:59:04 Jon Baker spoke in support of the proposal and presented a PowerPoint presentation. Baker noted that the applicant is requesting a change in zoning from EZ-1 Enterprise Zone to M-3 Industrial to allow a scrap metal processing facility. Baker noted that the large building on the site will remain and will receive a new reflective roof as well as new paint. Baker mentioned that the screening requirement would consist of an opaque fence extending to the front of the property, measuring between 8 and 12 feet in

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0018

height, and would comply with both the Land Development Code and the Louisville Metro Code of Ordinances. Baker responded to questions from Commissioners (see recording for details).

03:03:58 John Campbell spoke in support of the proposal. Campbell mentioned that the applicant is proposing a customer and employee parking lot to the right of the entrance off Eiler Avenue, along with an inbound lane to the scale and a separate outbound lane to improve traffic flow. Campbell mentioned that the property would be lined with adequate landscaping and a fence that would fully enclose the recycling operations.

03:15:54 Brian Donaghy responded to questions from the Commissioners regarding the type of machinery that would be on site and how the payment system would operate once the site is fully operational (see recording for details).

**The following spoke in opposition of this request:
None**

Deliberation:

03:21:26 Planning Commission deliberation.

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

Change in Zoning from EZ-1 Enterprise Zone District to M-3 Industrial District

03:22:56 On a motion by Commissioner Benitez, seconded by Commissioner Stuber, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because it does not constitute a non-residential expansion into an existing residential area. While the M-3 zone does permit uses that may constitute a nuisance, the general area of the proposed rezoning is compatible with the surrounding area, which also allows a majority of the same uses.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because it the proposed industrial zoning district will be located adjacent to other commercial/industrial uses. There is existing infrastructure to serve the development. The proposed use and zone are complementary with the existing form district.

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 26-ZONE-0018

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because there are no notable sensitive natural features indicated on the subject site. There is no proposed expansion of the existing uses.

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because no known historic or cultural resources will be affected by the site alterations or outdoor storage. There is no significant new construction and therefore no compatibility concern with height, massing, scale, or architectural style.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposed rezoning will locate higher intensity industrial zoning next to other industrial uses. The subject site appears to be supported by adequate infrastructure at this location.

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because sidewalk improvements were not triggered as part of this proposal, and there is not presently a sidewalk network on Eiler Avenue. Mixed-use development would not be possible with the proposed zoning nor compatible with the surrounding area.

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because it is located in an area that should be served by existing utilities or where it is capable to extend any necessary public or private utilities in coordination with all affected agencies.

WHEREAS, the Planning Commission finds the proposal meets Economic Development: Goal 1 because proposed rezoning will locate industrial uses adjacent to existing industry and will be adequately served by existing infrastructure.

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because the subject site is not located within the floodplain. The development plan has obtained preliminary approval from MSD.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning district does not allow for residential uses.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district does not allow for residential uses.

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because there will not be any displacement of existing residents from their community; now, therefore be it.

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0018

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from EZ-1 Enterprise Zone District to M-3 Industrial District.

The vote was as follows:

YES: Commissioners Fischer, Mims, Bond, Benitez, Stuber, Lannert, and Sistrunk
ABSENT: Commissioner Lohan, Steff, and Cheek

Conditional Use Permit to allow a Scrap Metal Processing Facility (LDC 4.2.47)

03:23:35 On a motion by Commissioner Benitez, seconded by Commissioner Stuber, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds the proposed zone change is adequately justified and approval is recommended, the proposed use could then be deemed consistent with the land use and development policies of Plan 2040. The proposed use would locate existing and proposed industrial facilities in an area of other like facilities and where infrastructure appears adequate to support such development., and

WHEREAS, the Planning Commission finds the proposed zone change is adequately justified and approval is recommended, the proposed use could then be deemed compatible with the surrounding land uses and the general character of the area. The proposal does not appear to adversely impact the general character of the area in relation to scale, intensity, traffic, appearance, and other essential criteria, and

WHEREAS, the Planning Commission finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation should be provided for the proposed development. Utilities and transportation preliminarily approved the proposal for compliance with these criteria, and

WHEREAS, the Planning Commission finds the proposal have been preliminarily approved by MSD, meaning groundwater will not be at risk with the proposed use the proposal has adequately proposed protection of surface and groundwater sources, meaning compliance with standards 'A' and 'B.' Screening, buffering, security, and operating standards should comply with LMCO, and no relief has been requested from these standards for standard 'D.' A condition regarding decommissioning of the facility has been added to help ensure compliance with standard 'C;' now, therefore be it.

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 26-ZONE-0018

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit to allow a Scrap Metal Processing Facility (LDC 4.2.47) **SUBJECT** to the following Conditions of Approval:

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Scrap Metal Processing Facility until further review and approval by the Board.
3. This Conditional Use Permit cannot be exercised unless a zoning map amendment is approved changing the zoning of the site to M-3 Industrial.
4. This approval is for a Scrap Metal Processing Facility as defined by the Land Development Code (LDC) and the Louisville Metro Code of Ordinances (LMCO). No Junkyard or automotive recycling dealer as defined by the LDC or LMCO shall be permitted on site unless first approved by the Board of Zoning Adjustment and other applicable governing administrative bodies with jurisdiction, except that the scrap metal processing facility licensee for the Property may receive automobiles, vehicles, machines, appliances and other similar scrap or salvage materials, scrap copper, brass, batteries, iron, steel or other scrap or ferrous or non-ferrous material on the property. These items shall not be sold by the licensee on the property. Processing of any automobile, vehicle, machine, appliance or other similar scrap or salvage materials received on the Property shall be limited to handling, drainage of fluids and loading for shipment to an off-site location. No more than ten (10) automobiles intended for scrap metal processing may be stored on the Property at any one time and all automobiles stored on the property must be screened from view. Any one automobile, vehicle, machine, appliance, or other similar item intended for scrap metal processing shall be temporarily stored on the property no longer in duration than ten (10) consecutive days.
5. No shredding or crushing of scrap material is permitted on site. This condition does not prohibit the use of powered cutting tools to assist in separating, sorting, and preparing scrap material for shipment.
6. Hours of Operation for the use on the subject site shall be limited to 7am to 8pm, with hours of operation for scrap metal processing from 7:30am to 6pm.

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0018

7. If the site ceases to operate as a Scrap Metal Processing Facility, all scrap material, equipment, and temporary structures related to the use shall be removed within 6 months of the closure of the facility.

The vote was as follows:

YES: Commissioners Fischer, Mims, Bond, Benitez, Stuber, Lannert, and Sistrunk

ABSENT: Commissioner Lohan, Steff, and Cheek

Detailed District Development Plan with binding elements.

03:24:25 On a motion by Commissioner Benitez, seconded by Commissioner Stuber, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

WHEREAS, the Planning Commission finds there are limited natural resources on the property as the site is currently developed with a gravel parking/storage area and nonresidential structures. The proposal involves the demolition of one structure on the site and indicates the removal of trees on the property. However, the applicants are proposing compliance with tree canopy preservation guidelines as well as “green roof technology” to offset those standards. Steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites should not be affected by this proposal, and

WHEREAS, the Planning Commission finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided, and Transportation Planning has approved the preliminary development plan. The property has a single access point that is proposed to be reconstructed with access directly to Eiler Avenue. No additional improvements were requested by KYTC/Public Works as part of this request. Sidewalks were not triggered with this level of development and there is not presently an existing sidewalk network on Eiler Avenue, and

WHEREAS, the Planning Commission finds the proposed development does not have open space requirements according to the Land Development Code, and

WHEREAS, the Planning Commission 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. No new construction of impervious area is proposed beyond the truck scale added to the site, and

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

PUBLIC HEARING

CASE NO. 26-ZONE-0018

WHEREAS, the Planning Commission finds there is no new construction, and the only change to the site is the demolition of the structure on the southeastern end of the property. Therefore, there should not be a reduction in compatibility with the existing site design of the area and land uses with the existing and projected future development of the area. The surrounding immediate area is predominantly industrial uses, though staff does note the presence of an existing neighborhood roughly 800 feet to the southwest of the subject site. The site meets the compatibility standards described in the LDC, and

WHEREAS, the Planning Commission finds the plan is in conformance with the requirements of the Land Development Code and the Comprehensive Plan. There is no significant new construction proposed and one building is proposed to be demolished while the other existing building is to remain on site. Access improvements were not requested by KYTC/Public Works and therefore pedestrian and vehicular transportation for the area is deemed suitable. Community Form Goal 1, Policy 4 calls to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the form district. While the proposal includes demolition of one existing building and clearing of some trees on site, no development is proposed which could reduce compatibility with the scale and site design in the area; now, therefore be it.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

PLANNING COMMISSION MINUTES
APRIL 23, 2026

PUBLIC HEARING

CASE NO. 26-ZONE-0018

- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

**PLANNING COMMISSION MINUTES
APRIL 23, 2026**

ADJOURNMENT

The meeting adjourned at approximately 04:25 p.m.

Chair

Planning Director