

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
June 29, 2023**

A meeting of the Louisville Metro Planning Commission was held on June 29, 2023 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Marilyn Lewis, Chair  
Rich Carlson  
Patricia Clare  
Jim Mims  
Suzanne Cheek  
Michelle Pennix  
William Fischer

**Commission members absent:**

Lula Howard, Vice Chair  
Te'Andre Sistrunk  
Jennifer Kern

**Staff Members present:**

Brian Davis, Planning and Design Assistant Director  
Joel Dock, Planning and Design Supervisor  
John Michael Lawler, Planner I  
Laura Ferguson, Assistant County Attorney

The following matters were considered:

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### **APPROVAL OF MINUTES**

#### **JUNE 15, 2023 PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on June 15, 2023.

**The vote was as follows:**

**YES: Commissioners Carlson, Clare, Mims, Fischer and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Cheek, Howard, Kern and Sistrunk**

**ABSTAINING: Commissioner Pennix**

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**CONSENT AGENDA**

**CASE NO. 23-STRCLOSURE-0009**

Request:	Closure of Public Right-of-Way
Project Name:	Thompson Ave Partial Alley Closure
Location:	15' Portion of Alley Adjacent to 3629 Warner Ave
Owner:	David & Maria Marchal
Applicant:	David & Maria Marchal
Representative:	Mark Patterson, Pod Grp
Jurisdiction:	City of St. Matthews
Council District:	9 – Andrew Owen
Case Manager:	John Michael Lawler, Planner I

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

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

**No Discussion**

**Deliberation**

00:05:02      Planning Commission deliberation.

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

**Closure of Public Right-of-Way**

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on the recommendations of the Land Development and Transportation committee was adopted.

**WHEREAS**, adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities

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#### CASE NO. 23-STRCLOSURE-0009

or services or be dispossessed of public access to their property. The applicant will provide necessary easements or relocation of equipment per utility agency requirements; and

**WHEREAS**, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent

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lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

**WHEREAS**, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews the Consent Agenda item, a closure of public right-of-way on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Carlson, Cheek, Clare, Fischer, Mims, Pennix and Lewis**  
**NOT PRESENT AND NOT VOTING: Commissioners Howard, Kern and Sistrunk**

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### PUBLIC HEARING

#### CASE NO. 22-ZONE-0157

Request: Change in zoning from OR-3 Office/Residential to C-1 Commercial with Revised Detailed District Development Plan and Binding Elements and Waivers – **TO BE CONTINUED TO THE JULY 20, 2023 PC MEETING**

Project Name: Prospect Retail  
Location: 8907 ½ US Hwy 42  
Owner: Gustavo Reyes Torres  
Applicant: Encompass DDC  
Jurisdiction: Prospect  
Council District: 16 – Scott Reed  
Case Manager: Jay Lockett, AICP, Planner II  
Presented By: Joel Dock, Planning Supervisor

#### Agency Testimony:

00:05:57 Joel Dock stated the case is being continued to the July 20, 2023 Planning Commission meeting because staff failed to post the required public notice sign on the property in time for this hearing (see recording for detailed presentation).

#### Deliberation

00:06:24 Planning Commission deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution based on staff recommendation was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 20, 2023 Planning Commission meeting.

#### The vote was as follows:

**YES: Commissioners Carlson, Cheek, Clare, Fischer, Mims, Pennix and Lewis**  
**NOT PRESENT AND NOT VOTING: Commissioners Howard, Kern and Sistrunk**

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### PUBLIC HEARING

#### CASE NO. 23-ZONE-0041

Request: Change in zoning from R-4 Single Family to R-6 Multi-family with District Development Plan and Binding Elements – **TO BE CONTINUED TO THE JULY 20, 2023 PC MEETING**

Project Name: 5323 New Cut Rd  
Location: 5323 New Cut Rd  
Owner: Andre Management, LLC.  
Applicant: Andre Management, LLC.  
Jurisdiction: Louisville Metro  
Council District: 21 – Betsy Ruhe  
Case Manager: Jay Luckett, AICP, Planner II  
Presented By: Joel Dock, Planning Supervisor

#### Agency Testimony:

00:07:11 Joel Dock stated the case is being continued to the July 20, 2023 Planning Commission meeting because proper notice was not provided as signs were not posted on the subject site (see recording for detailed presentation).

#### Deliberation

00:07:43 Planning Commission deliberation.

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

On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on staff recommendation was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 20, 2023 Planning Commission meeting.

#### The vote was as follows:

**YES: Commissioners Carlson, Cheek, Clare, Fischer, Mims, Pennix and Lewis**  
**NOT PRESENT AND NOT VOTING: Commissioners Howard, Kern and Sistrunk**

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### PUBLIC HEARING

#### CASE NO. 22-ZONE-0169

Request: Change in zoning from R-5 Single Family to R-6 Multi-family with District Development Plan and Binding Elements – **TO BE CONTINUED TO THE JULY 20, 2023 PC MEETING**

Project Name: Bradford Multifamily

Location: 2221 Bradford Dr

Owner: Camileo, LLC.

Applicant: Camileo, LLC.

Jurisdiction: Louisville Metro

Council District: 10 – Pat Mulvihill

Case Manager: Jay Lockett, AICP, Planner II

#### Agency Testimony:

00:08:32 Joel Dock stated the case is being continued to the July 20, 2023 Planning Commission meeting because proper notice was not provided as signs were not posted on the subject site (see recording for detailed presentation).

#### Deliberation

00:11:37 Planning Commission deliberation.

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On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution based on staff request and recommendation was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 20, 2023 Planning Commission meeting.

#### The vote was as follows:

**YES: Commissioners Carlson, Cheek, Clare, Fischer, Mims, Pennix and Lewis**  
**NOT PRESENT AND NOT VOTING: Commissioners Howard, Kern and Sistrunk**



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### **Planning Commission Training**

00:12:15 Brian Davis reminded the commissioners that there is no DRC or Planning Commission meeting next week (see recording for detailed presentation).

00:12:44 Brian Davis mentioned there is a new training program APA specifically for Planning Commission and Board of Zoning Adjustment members. The commissioners watched the video, 'Legal Decision Making for Planning Commissioners' (see recording for detailed presentation).

00:46:56 Laura Ferguson explained a motion to deny and the basis of denial evidenced with finding of facts (see recording for detailed presentation).

00:48:49 Commissioner Cheek asked if some variances may set a precedence. Brian Davis answered, no because each application stands on its own merit (see recording for detailed presentation).

00:53:17 Commissioner Mims stated he's concerned about the use of binding elements and whether some may be on shaky legal ground. Laura Ferguson answered, the Planning Commission can set binding elements and go to court to enforce them if necessary (see recording for detailed presentation).

01:03:11 Commissioner Fisher mentioned the scenario of being a new commissioner and being influenced by other commissioners in general or specific discussions. Also, what would a new commissioner do regarding past information on cases that may precede her/his time on the Board. Laura Ferguson said the new commissioner can always reach out to staff or legal counsel (see recording for detailed presentation).

01:17:20 Commissioner Carlson discussed lengthy meetings and whether a decision should be made at that time or a later date. Chair Lewis stated there is also the public side to consider. A person may come to speak at a meeting but have to leave because the meeting is too long or have to wait several hours before her/his case is even heard (see recording for detailed presentation).

01:28:50 Chair Lewis stated she would like to have the applicant in a separate category than 'support'. If other supporters show up for meetings, the applicant may have to give up some of their time for presenting their case (see recording for detailed presentation).

01:29:37 Commissioner Cheek asked what the obligations are for yearly training as well as other opportunities. Brian Davis said the requirement is 8 hours every 2 years (see recording for detailed presentation).

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**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

No report given.

**Policy and Procedures Committee**

No report given.

**CHAIRPERSON/DIRECTOR'S REPORT**

No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 2:33 p.m.

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**Chair**

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**Planning Director**