

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

Request: Change in zoning from R-4 single family residential to R-6 multi-family residential and C-1 commercial with a Variance, Parking Waiver, Waiver, General District Development Plan/Major Preliminary Subdivision, and a Detailed District Development Plan and binding elements.

Project Name: Billtown Road Mixed Use Development

Location: 6422 and 6808 Billtown Road

Applicant: Billtown Road Development LLC

Representative: Bardenwerper, Talbott and Roberts, PLLC

Jurisdiction: Louisville Metro

Council District: 22 – Kevin Bratcher

Case Manager: Amy Brooks, Planning Supervisor

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

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

Agency Testimony:

04:01:40 Jay Lockett presented the case on behalf of Amy Brooks. Jay Lockett provided an overview of the request and presented a PowerPoint presentation. Lockett outlined the development plan, elevations, and road improvements. Lockett responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

Bill Bardenwerper, 1000 N. Hurstbourne Parkway, Louisville, KY 40223

Kevin Young, 503 Washburn Avenue, Suite 101, Louisville, KY 40223

Diane Zimmerman, 12803 High meadows Pike, Prospect, KY 40059

Samuel Smith, 3013 Hawks Landing Drive, Charlestown, IN 47111

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

Summary of testimony of those in favor:

04:07:00 Bill Bardenwerper provided an overview of the request and presented a PowerPoint presentation. Bardenwerper talked about the proposed plan, parking, elevations, and landscaping. Bardenwerper responded to questions from Commissioners. (See recording for details).

04:15:00 Kevin Young spoke about access and landscaping. Young stated that 8-foot wooden privacy fence and landscaping will separate residential and commercial sections. Young responded to questions from Commissioners. (See recording for details).

04:21:50 Diane Zimmerman stated that both access points on Billtown Road require a southbound right turn lane. The Gellhaus Lane intersection will require a northbound left turn lane. Zimmerman responded to questions from Commissioners. (See recording for details).

04:26:40 Samuel Smith stated that spandrel panels will be installed on the front and right-side elevation. Smith responded to questions from Commissioners. (See recording for details).

The following spoke in opposition of this request:

None

Deliberation:

04:30:50 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 R4 single-family residential to R-6 multi-family and C-1 Commercial

04:32:00 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 proposed zoning district would not represent an expansion of nonresidential uses into residential areas. The site is adjacent to an existing commercial zoning district at the corner of Billtown Road and Gelhaus Lane. The proposal will mitigate

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

any impacts of its use from any lower intensity uses nearby, including landscape screening, increased tree canopy, location of loading and refuse, as well as traffic patterns for heavy trucks that may be delivering goods to the site, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because the location is adjacent to a planned activity center. There are a variety of commercial uses and residential development types planned immediately adjacent to the site, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because there are no natural features or environmental constraints on the site. The site does not appear to contain wet or highly permeable soils, severe, steep, or unstable slopes, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because the development site will preserve existing mature trees wherever possible around the subject site. The site does not contain historic features, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposed zoning district allows for higher density and intensity to be located within a growing activity center. Billtown Road connects the site to population and employment centers, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because the site is accessed via existing public roadways and would not create access through areas of lower intensity, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning would permit a mix of uses that allow for reduced vehicular trips. Pedestrian connectivity is provided around and through the site, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because all necessary utilities are available at the subject site. Utility service will be coordinated with all appropriate agencies, and

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because the site does not have potential for erosion or other environmental concerns, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposal zoning district would permit a variety of housing options in an area with access to services, amenities, and employment opportunities, and

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because residents would not be displaced by the proposal, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposed zoning allows 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 R4 single-family residential to R-6 multi-family and C-1 Commercial.

The vote was as follows:

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

ABSENT: Commissioner Lohan, Benitez, and Kern

Parking Waiver from Land Development Code (LDC), Section 9.1.2 to exceed the number of required parking spaces (24-PARKWAIVER-0014).

04:32:40 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site-by-site basis. On-site parking standards should reflect the availability of on street and public parking. The level of parking proposed is consistent with similar scale developments of this type in the neighborhood form district, and

WHEREAS, the Planning Commission finds the applicant has provided parking spaces thought to be necessary to serve the use based on the parking demand, and

WHEREAS, the Planning Commission finds the applicant has provided a parking study indicating that the permitted maximums of the Land Development Code are inadequate to accommodate the proposed use, and

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

WHEREAS, the Planning Commission finds the requested increase is the minimum necessary to accommodate the use; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Parking Waiver from Land Development Code (LDC), Section 9.1.2 to exceed the number of required parking spaces (24-PARKWAIVER-0014).

The vote was as follows:

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

ABSENT: Commissioner Lohan, Benitez, and Kern

Variances from Land Development Code (LDC), Section 5.3.1, Table 5.3.2 to allow the proposed non-residential building on to exceed the maximum front and street side setbacks on Lot 1 as shown on the proposed development plan (24-VARIANCE-0156).

Front Yard Setback-Variance 1 (Required:80', Requested: 83', Variance: 3')
Street side Setback (Required:80', Requested: 192', Variance: 112')

04:33:15 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 variances will not adversely affect the public health, safety, or welfare as the encroachment into the front and street side yard setbacks does not affect the existing sightlines nor established traffic patterns for vehicles traveling along either Billtown Road or the expanded Veteran's Drive. Furthermore, safe, and efficient pedestrian movement within the development site will be provided. The applicant is proposing new pedestrian walkways that will connect from the public sidewalk to the building, and

WHEREAS, the Planning Commission finds the requested variances will neither alter the essential character of the general vicinity nor allow an unreasonable circumvention of the requirements of the zoning regulations because the location of the proposed convenience store beyond the established maximum setback lines is commonplace in this area. This is an area where non-residential buildings are well setback from established property lines, and

WHEREAS, the Planning Commission finds the variance arises from special circumstances, which do not generally apply to land in the general vicinity because of

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

specific site design choices that are common for convenience stores that provide EV-charging stations and fueling options. The application has chosen to place the fueling canopy with underground storage tanks, vehicular maneuvering areas, and charging stations away from more sensitive residential areas to the west of the site thus necessitating the need for a maximum setback variance for the building itself, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land. The applicant could scale down the size of the proposal, thereby eliminating the need for variances, and

WHEREAS, the Planning Commission finds the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as construction on the parking lot has not started; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variances from Land Development Code (LDC), Section 5.3.1, Table 5.3.2 to allow the proposed non-residential building on to exceed the maximum front and street side setbacks on Lot 1 as shown on the proposed development plan (**24-VARIANCE-0156**). Front Yard Setback-Variance 1 (Required:80', Requested: 83', Variance: 3') and Street side Setback (Required:80', Requested: 192', Variance: 112')

The vote was as follows:

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

ABSENT: Commissioner Lohan, Benitez, and Kern

Waiver from LDC, Section 5.6.1.C.1 to have less than 50% of the facades facing public streets be clear glass windows

04:33:40 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 waiver will not adversely affect adjacent property owners. The proposed elevations are consistent with similar development in the neighborhood form district throughout the community. The proposed installation of an opaque spandrel glass will provide a good color match with the rest of the building creating a uniform appearance, and

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

WHEREAS, the Planning Commission finds the Community Form Goal 1, Policy 4 calls for the 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. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design, and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. The applicant will install spandrel glass in certain areas to provide a consistent appearance that will screen utility equipment and merchandise within the structure, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because all other building design requirements mandated by the Land Development code are being provided, and

WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would require clear glass with views into coolers, equipment areas and storage areas of the business that may make development difficult; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from LDC, Section 5.6.1.C.1 to have less than 50% of the facades facing public streets be clear glass windows on front and right elevations.

The vote was as follows:

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

ABSENT: Commissioner Lohan, Benitez, and Kern

General District Development plan / Major Preliminary Subdivision Plan with Binding Elements

04:34:30 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 property proposed for development, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided, and

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

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 Metro Public Works has approved the preliminary development plan, and

WHEREAS, the Planning Commission finds the applicant is providing required amenity areas for the development as required by the Land Development Code. The details of open spaces around the site associated with multifamily developments will be reviewed and approved with each phase of development, 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 the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances and waivers have been requested, 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; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the General District Development Plan / Major Preliminary Subdivision **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.

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

3. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - 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 and will be consistent with the Tree Canopy Preservation Exhibit on file with the Louisville Metro Office of Planning.
 - f. The materials and design of proposed structures shall be consistent with the renderings as presented at the April 24, 2025, Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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.

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

6. Tree clearing and site grading for individual lots in the development shall be permitted only in accordance with approved Detailed District Development Plans for each tract of the development, except for as needed to install roadways and utility equipment.
7. At such a time that the intersection at Gellhaus Lane / Billtown Road / proposed Veteran's Drive extension meets warrants for signalization per KYTC standards, the applicant/developer or their assignees shall install a signal at their expense.
8. A building permit shall not be issued for more than 199 residential units until construction plans are approved for road improvements connecting the development to the Snyder Freeway frontage road.

The vote was as follows:

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

ABSENT: Commissioner Lohan, Benitez, and Kern

Detailed District Development Plan with Binding Elements

04:35:20 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 property proposed for development, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be provided, 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 Metro Public Works has approved the preliminary development plan, and

WHEREAS, the Planning Commission finds the applicant is providing required amenity areas for the development as required by the Land Development Code. The details of open spaces around the site associated with multifamily developments will be reviewed and approved with each phase of development, and

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

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 the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances and waivers have been requested, 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; 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:
 - 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

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

- c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations shown at the Planning Commission public hearing on April 24, 2025. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 - 5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 - 6. Prior to requesting a certificate of occupancy for the site, all required roadway improvements shall be completed in accordance with Louisville Metro Public Works and Kentucky Transportation Cabinet requirements.
 - 7. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
 - 8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0137

9. A building permit shall not be issued for more than 199 residential units until construction plans are approved for road improvements connecting the development to the Snyder Freeway frontage road.

The vote was as follows:

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

ABSENT: Commissioner Lohan, Benitez, and Kern