

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
JANUARY 16, 2025**

A meeting of the Louisville Metro Planning Commission was held on Thursday, January 16, 2025, at 12:30 p.m. at the Old Jail Auditorium, 514 W. Liberty Street, Louisville, KY.

**Commission members present:**

Te'Andre Sistrunk, Chair  
Sharon Bond  
Suzanne Cheek  
Bill Fischer, Vice Chair  
Jennifer Kern (left at 3:05pm)  
David Steff  
Russ Lohan  
Jim Mims

**Commission members absent:**

Steve Lannert  
Mark Benitez

**Staff Members present:**

Brian Davis, Planning Director  
Joe Haberman, Planning Manager  
Jay Luckett, Planning Supervisor  
Laura Ferguson, Assistant County Attorney  
Dante St. Germain, Senior Planner  
Molly Clark, Planner II  
Ethan Lett, Planner I  
Zach Schwager, Planner I  
Ramonía Brents, Management Assistant

The following matters were considered:

## **PLANNING COMMISSION MINUTES**

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### **ANNUAL MEETING**

#### **ELECTION OF OFFICERS**

00:3:45        Commissioner Cheek nominated Te'Andre Sistrunk for Chair, seconded by Commissioner Steff. Commissioner Te'Andre Sistrunk was nominated for Chair of the Planning Commission. The motion was approved by roll call.

**The vote was as follows:**

**YES: Commissioners Mims, Kern, Fisher, Steff, Bond, Cheek, and Lohan**

**ABSTAIN: Commissioner Sistrunk**

**ABSENT: Commissioners Lannert and Benitez**

00:04:34        Commissioner Kern nominated Bill Fischer for Vice Chair, seconded by Commissioner Sistrunk. Commissioner Bill Fischer was nominated for Vice Chair of the Planning Commission. The motion was approved by roll call.

**The vote was as follows:**

**YES: Commissioners Mims, Kern, Fisher, Steff, Bond, Cheek, Lohan, and Sistrunk**

**ABSENT: Commissioners Lannert and Benitez**

## **PLANNING COMMISSION MINUTES**

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### **APPROVAL OF MINUTES**

#### **DECEMBER 19, 2024, PLANNING COMMISSION MEETING MINUTES**

00:05:44 On a motion by Commissioner Fischer, seconded by Commissioner Cheek, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Minutes of its meeting conducted on December 19, 2024.

**The vote was as follows:**

**YES: Commissioners Kern, Fisher, Steff, Bond, Cheek, Lohan and Sistrunk**

**ABSTAIN: Commissioner Mims**

**ABSENT: Commissioners Lannert, and Benitez**

#### **JANUARY 9, 2025, LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES FOR 24-DDP-0074**

00:07:31 On a motion by Commissioner Mims, seconded by Commissioner Lohan, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of the LD&T meeting for 24-DDP-0074 conducted on January 9, 2025.

**The vote was as follows:**

**YES: Commissioners Mims, Cheek, and Lohan**

**ABSTAIN: Commissioners Fisher, Kern, Bond, Steff, and Sistrunk**

**ABSENT: Commissioners Lannert, and Benitez**

## **PLANNING COMMISSION MINUTES**

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### **2024 ANNUAL REPORT**

00:08:39 Brian Davis, Office of Planning, presented the 2024 Annual Report (see recording for detailed presentation.) Topics included, but were not limited to:

- Land Development Code Amendments
- Landmarks and Planning Staff Accomplishments
- PDS staff hosting workshops in neighborhoods around the Metro area
- Office of Planning Staffing Reorganization

00:14:42 Davis presented data regarding application types and numbers of applications presented in 2024; fees accepted; average meeting times; docketed items; number of dwelling units approved for creation (see recording for detailed presentation)

00:27:35 Davis described planned projects for 2025 (see recording for details)

- a. Re-envisioning Long-Range Planning Efforts
- b. Development Review Process Improvements
- c. Interagency Coordination
- d. Local Official and Community Engagement
- e. Land Development Code Update

00:30:23 Davis announced the HUD grant awarded to Louisville Metro Government with \$7 million supporting the PRO Housing funds.

00:31:35 Davis responded to questions from Commission Members (see recording for details).

## PLANNING COMMISSION MINUTES

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### CONSENT AGENDA

#### CASE NO. 24-STRCLOSURE-0026

Request: Closure of Public Right-of-Way  
Project Name: LG&E Shipley Lane Closure  
Location: 7112 & 7204 Shipley Lane; 14660 Dixie Hwy  
Applicant: Louisville Gas & Electric (LG&E)  
Representative: Qk4  
Jurisdiction: Louisville  
Council District: 14 – Crystal Bast  
Case Manager: Mark Pinto, Planner II

#### CASE NO. 24-STRCLOSURE-0031

Request: Closure of Public Right-of-Way  
Project Name: S. Floyd Street Alley Closure  
Location: 224 E Broadway  
Applicant: Norton Properties, Inc.  
Representative: Dinsmore & Shohl  
Jurisdiction: Louisville Metro  
Council District: 4 – Ken Herndon  
Case Manager: Ethan Lett, AICP, Planner I

#### Deliberation:

00:41:03 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.**

#### Closure of Public Right-of-Way

00:41:20 On a motion by Commissioner Mims, seconded by Commissioner Kern, the following resolution, was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the requested Closure of Public Right-of-Way for the Consent Agenda.

#### The vote was as follows:

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

## **PLANNING COMMISSION MINUTES**

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### **PUBLIC HEARING**

#### **CASE NO. 24-DDP-0079**

Request:	Revised Detailed District Development Plan
Project Name:	Tran Bakery
Location:	5024 S. 3 <sup>rd</sup> Street
Applicant:	Di Tran Properties, LLC
Representative:	Jeff Rawlins – Architectural Artisans
Jurisdiction:	Louisville Metro
Council District:	21 – Betsy Ruhe
Case Manager:	Zach Schwager, Planner I

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:**

00:44:07 Zach Schwager provided an overview of the request and presented a PowerPoint presentation. Schwager responded to questions from Commission Members (see recording for details).

#### **The following spoke in favor of this request:**

Jeff Rawlins, 1403 Tyler Park Drive, Louisville, KY 40204

Ann Ramser, PO Box 14243, Louisville, KY 40214

#### **Summary of testimony of those in favor:**

00:47:28 Jeff Rawlins spoke in support of the request. Rawlins clarified that the footprint of the bakery will be smaller, and he plans on keeping the interior space of the existing building as residential. Rawlins also stated that they plan on adding more trees to the front yard. Rawlins responded to questions from Commission Members (see recording for details).

00:49:07 Ann Ramser spoke in support of the request. Ramser stated that she is in support of the revised plan (see recording for details).

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### PUBLIC HEARING

**CASE NO. 24-DDP-0079**

#### **Deliberation:**

00:49:56 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.**

#### **Revised Detailed District Development Plan**

00:50:46 On a motion by Commissioner Mims, 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 site is developed and will not be altered from the plan approved under 23-ZONE0065 other than a minor increase in area for the bakery and minor decrease in area for the patio. A landscape plan has been submitted to the Office of Planning under case 24- LANDSCAPE-0161. There are no other natural resources on the property, and

**WHEREAS**, the Planning Commission finds 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 development does not require the open space provisions of 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, 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 the requirements of the Land Development Code; now, therefore be it

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### PUBLIC HEARING

#### CASE NO. 24-DDP-0079

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Revised 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 requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A reciprocal access and crossover easement and shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations/renderings presented at the Planning Commission public hearing on September 21, 2023. A copy of the approved rendering shall be available



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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. At such a time that the property to the north redevelops for a non-residential use, a reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and 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.
7. The following uses, while ordinarily permitted within the C-1 zoning district shall not be permitted on the subject site:
  - Automobile rental agencies with no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel
  - Automobile parking areas, public and private
  - Automobile service stations with service bays for repair of no more than two vehicles
  - Package liquor stores (no on-site alcohol consumption allowed)
  - Pawn Shop
  - Smoking Retail Store
8. Owner/developer shall use commercially reasonable efforts to pursue a parking agreement for at least 5 spaces with adjacent and area commercial properties.
9. Any significant increases to the proposed structures (e.g. increases in building height, number of units, number of buildings), any increase in density on the property,

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#### **CASE NO. 24-DDP-0079**

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 binding elements that merely update the public hearing date, or (iii) updating a previous version of this binding element to reflect the current language, shall be reviewed before the Planning Commission with final action to be determined by Metro Council.

**The vote was as follows:**

**YES: Commissioners Cheek, Fischer, Mims, Kern, Steff, Bond, Lohan, and Sistrunk**

**ABSENT: Commissioners Lannert, and Benitez**

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0117

Request: Change in zoning from R-5 to C-2, with Detailed District Development Plan and Binding Elements, and Waiver  
Project Name: Automotive Specialist  
Location: 4217 Taylor Boulevard, 1059, 1057 R & 1061 Lynnhurst Avenue  
Applicant: William and Caroline Trowbridge  
Representative: Bowman Consulting Group, Ltd.  
Jurisdiction: Louisville Metro  
Council District: 21 – Betsy Ruhe  
Case Manager: Molly Clark, Planner II

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

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

#### Agency Testimony:

00:53:03 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark explained that the case was originally heard at the December 5, 2024, Planning Commission. Clark responded to questions from Commission Members (see recording for details).

00:55:12 Jay Luckett provided further information on the case being re-heard stating that notices were sent to the Taylor Boulevard address but were not sent to the two parcels. This is just a clean-up of the notice issue with no changes to the plan (see recording for details).

00:56:47 Laura Ferguson added that the applicant justification referred to all of the parcels, but the agenda, notices and staff report from December 5, 2024, didn't list all of the addresses (see recording for details).

#### The following spoke in favor of this request:

Doug Sellers, Bowman Consulting, 3001 Taylor Springs Drive, Louisville, KY 40220

Michelle Trowbridge, 4217 Taylor Boulevard, Louisville, KY 40215

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### **PUBLIC HEARING**

#### **CASE NO. 24-ZONE-0117**

#### **Summary of testimony of those in favor:**

01:10:28 Doug Sellers spoke in support of the request. Sellers agreed to adding a binding element for landscaping. Sellers stated that the applicant is exploring selling residence and has no time-limit at this time for sub-dividing the property on Lynnhurst and any other potential use, such as financial institutions, would require coming before the Planning Commission. Sellers did not agree to adding a binding element on binding those out. Sellers responded to questions from Commission Members (see recording for detailed presentation)

01:20:48 Michelle Trowbridge spoke in support of the request. Trowbridge stated that the property will not be re-zoned but will need to be repaired. Due to the expenses involved Trowbridge agreed to a 3-year time limit to sub-divide the property. Trowbridge responded to questions from Commission Members (see recording for detailed presentation).

01:27:17 Laura Ferguson read the added Binding Elements into the record.

#### **The following spoke in opposition of this request:**

Ann Ramser, PO Box 14243, Louisville, KY 40214

#### **Summary of testimony of those in opposition:**

00:58:33 Ann Ramser asked about the process of sending the case again to Metro Council. Ramser requested adding Binding Elements for landscaping in front of parking area, a specific time for applicant to sub-divide the property at 1059 Lynnhurst, 9 bays limited to all 3 parcels of land, and binding out liquor stores and financial institutions. Ramser responded to questions from Commission Members (see recording for details).

#### **Deliberation:**

01:29:45 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.**

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0117

#### Change in zoning from R-5 single family residential to C2 commercial

01:39:14 On a motion by Commissioner Cheek, seconded by Commissioner Mims, 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 zoning change would represent a minor expansion of non-residential use into a residential area. There are a variety of commercial uses along the Taylor Blvd corridor in the area. The proposed rezoning will not cause any adverse impacts on adjacent residential uses. There is an existing fence between the subject site and adjacent residential uses as well as the backs of buildings facing adjacent residential uses. Taylor Blvd is a major arterial roadway adjacent to the site. Transit service is available across the street from the site along Taylor Blvd. The proposed zoning would not permit industrial development or other hazardous uses. The site will be subject to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the site is adjacent to an existing commercial activity center along Taylor Blvd and Bluegrass Ave. Appropriate access and connectivity exists to allow the development within the context of the Traditional Neighborhood form district. The proposed zoning would permit a variety of neighborhood serving uses in an area with adequate population to support them. The proposed zoning district will result in a compact development pattern and efficient mix land uses that utilizes existing infrastructure. The proposed zoning district would allow a variety of land uses that encourage walkability and alternative modes of travel, and the site is served by transit, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 2 because the site fits within the context of the traditional neighborhood. The site is in proximity to a variety of commercial uses and employment opportunities. The proposed zoning district supports transit-oriented development patterns, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled, 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 the subject site is not in the flood plain, and

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0117

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support mixed income households and residents would not be displaced by the proposal; 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 single family residential to C2 commercial.

**The vote was as follows:**

**YES: Commissioners Cheek, Fischer, Mims, Kern, Steff, Bond, Lohan, and Sistrunk**

**ABSENT: Commissioners Lannert and Benitez**

#### **Waiver from section 10.2.4 of the Land Development Code to omit the required property perimeter landscape buffer planting requirements (24-WAIVER-0162)**

01:40:20 On a motion by Commissioner Cheek, seconded by Commissioner Mims, 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 will not adversely affect adjacent property owners as the request to eliminate the landscape buffer area (LBA) is consistent with existing site conditions. There is an existing impervious surface area and structures already located within the buffer and up to the property line, and

**WHEREAS**, the Planning Commission finds the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks 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 reduced buffer is consistent with existing conditions, 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 the subject property would not be able to be developed for the proposed use without relief from this landscape buffer because of existing site conditions, and

**WHEREAS**, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the reduced buffer request is consistent with the current site conditions. There is an impervious area and

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existing structures that encroach into the required landscape buffer areas; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from section 10.2.4 of the Land Development Code to omit the required property perimeter landscape buffer planting requirements (24-WAIVER-0162)

**The vote was as follows:**

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

#### Detailed District Development plan with Binding Elements

01:41:30 On a motion by Commissioner Cheek, seconded by Commissioner Mims, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, and landscaping and timing of the subdivision as read into the record was adopted:

**WHEREAS**, the Planning Commission finds the site is previously developed and does not contain any historic sites or environmentally sensitive features, and

**WHEREAS**, the Planning Commission finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided by existing infrastructure within the public right-of-way, and

**WHEREAS**, the Planning Commission finds the provision of sufficient open space is not pertinent to the request. No open space provisions are pertinent to the request, 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. This request is adjacent to residential and non-residential properties. The applicant has proposed to only access this parcel from the existing alleyway which is conformance with the Traditional neighborhood site design pattern, and

**WHEREAS**, the Planning Commission finds the development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the

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requested waiver, which has been adequately justified and meets the standard of review. The site plan complies with the policies and guidelines of the Comprehensive Plan; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the proposed 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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) 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. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - d. 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.



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### **PUBLIC HEARING**

#### **CASE NO. 24-ZONE-0117**

- e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 5, 2024, 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. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. The hours of operation shall be from 7 AM to 6 PM
9. The number of bays shall not exceed the existing 9 bays currently on the subject property
10. The plan would be revised to show the landscaping along the parking space closest to Taylor Boulevard during the next planting season.
11. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the Development Plan within 3 years of Louisville Metro Council approval of rezoning. A copy of the recording instrument shall be submitted to the Office of Planning.

**The vote was as follows:**

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

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0080

Request: Change in zoning from M-2 to M-2 and CM, with Detailed District Development Plan and Binding Elements, and Waiver  
Project Name: Dean's Classic Auto Sales  
Location: 1300 Belmar Drive  
Applicant: Joseph Dean  
Representative: Joseph Dean  
Jurisdiction: Louisville Metro  
Council District: 10 – Josie Raymond  
Case Manager: Molly Clark, Planner II

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

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

#### Agency Testimony:

01:42:58 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Commission Members (see video for details).

#### The following spoke in favor of this request:

Joseph Dean, 4604 Idle Hour Drive, Louisville, KY 40216

#### Summary of testimony of those in favor:

01:46:10 Joseph Dean spoke in support of the request. Dean was available to answer questions (see recording for details).

#### Deliberation:

01:47:25 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.**

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0080

#### **Change in zoning from M-2 manufacturing to M2 manufacturing & CM commercial manufacturing**

01:47:55 On a motion by Commissioner Steff, seconded by Commissioner Cheek, the following resolution, based on the applicant's justification and testimony heard today, was adopted:

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would not represent an unreasonable expansion of on nonresidential use into a residential area. The site is zoned for industrial use, and there are a variety of commercial and industrial sites along Belmar Dr north of the railroad tracks. The proposal would permit commercial use while still allowing light industrial uses on site. The site is located along Belmar Dr, a primary collector and within an established commercial and industrial activity area, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the site is adjacent to an existing mixed use activity center along Belmar Dr and is served by existing infrastructure. Adequate population exists in the area to utilize a wide variety of professional services and commercial uses. The proposed zoning district will result in a compact development pattern and efficient land use that utilizes existing infrastructure, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 3 because the site is previously developed and does not contain distinctive natural features. It also does not have potential hydric soils or erosion concerns, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 1 because the site is within a neighborhood scale mixed-use area and is well served by existing transportation networks, and

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

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning would allow a mix of residential development options and densities near an established commercial activity area, which encourages alternative forms of travel such as walking and biking, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the proposed plan is served by existing transportation networks and

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#### CASE NO. 24-ZONE-0080

existing utilities. The proposed plan has received preliminary approval from Public Works and MSD. The proposed plan is served by existing Louisville Water facilities, and

**WHEREAS**, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the subject site is located within an industrial and commercial corridor established next to an existing railroad. The subject site is served by existing transportation infrastructure and existing utilities. The proposal is unlikely to add significant additional traffic to the area, 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. The subject site is not within the floodplain, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place. The site is served by transit, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 2 because the subject site is within an established neighborhood scale mixed use area and served by transit. The site is near a wide variety of services, amenities, and employment opportunities, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 3 because residents would not be displaced by the proposal. 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 M-2 manufacturing to M2 manufacturing & CM commercial manufacturing.

**The vote was as follows:**

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

**Waiver from section 10.2.4 of the Land Development Code to omit the required property perimeter landscape buffer planting requirements (24-WAIVER-0162)**

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#### CASE NO. 24-ZONE-0080

01:49:07 On a motion by Commissioner Steff, seconded by Commissioner Cheek, the following resolution, based on the applicant's justification and testimony heard today, was adopted.

**WHEREAS**, the Planning Commission finds the waiver will not adversely affect adjacent property owners as the request to eliminate the landscape buffer area (LBA) is consistent with existing site conditions. There is an existing impervious surface area and structures already located within the buffer and up to the property line, and

**WHEREAS**, the Planning Commission finds the waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks 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 reduced buffer is consistent with existing conditions, 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 the subject property would not be able to be developed for the proposed use without relief from this landscape buffer because of existing site conditions, and

**WHEREAS**, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the reduced buffer request is consistent with the current site conditions. There is an impervious area and existing structures that encroach into the required landscape buffer areas; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from section 10.2.4 of the Land Development Code to omit the required property perimeter landscape buffer planting requirements (24-WAIVER-0162).

**The vote was as follows:**

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

#### Detailed District Development Plan with Binding Elements

01:49:47 On a motion by Commissioner Steff, seconded by Commissioner Cheek, the following resolution, based on the staff report, staff analysis, and testimony heard today, was adopted:

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**WHEREAS**, the Planning Commission finds the site is previously developed and does not contain any historic sites or environmentally sensitive features, and

**WHEREAS**, the Planning Commission finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided by existing infrastructure within the public right-of-way, and

**WHEREAS**, the Planning Commission finds the provision of sufficient open space is not pertinent to the request. No open space provisions are pertinent to the request, 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 proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. This request is adjacent to residential and non-residential properties. The applicant has proposed to only access this parcel from the existing alleyway which is conformance with the Traditional neighborhood site design pattern, and

**WHEREAS**, the Planning Commission finds the development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waiver, which has been adequately justified and meets the standard of review. The site plan complies with the policies and guidelines of the Comprehensive Plan; 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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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) 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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 16, 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. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. No vehicle shall be parked or staged for repairs on the property between the building and the right-of-way of Belmar Drive, except were shown on the development plan or were queued directly to enter the building through an

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overhead door. No vehicles may be parked within the right-of-way along the property frontage.

**The vote was as follows:**

**YES: Commissioners Cheek, Fischer, Mims, Kern, Steff, Bond, Lohan, and Sistrunk**

**ABSENT: Commissioners Lannert and Benitez**



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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0078

Request: Change in zoning from R-4 to OR, with Detailed District Development Plan with Binding Elements  
Project Name: Associates in Plastic Surgery  
Location: 4251 Westport Road  
Applicant: Henry J. Koesters Revocable Trust  
Representative: Ryan Wermeling  
Jurisdiction: City of St. Matthews  
Council District: 7 – Paula McCraney  
Case Manager: Molly Clark, Planner II

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

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

01:50:59 Commissioner Cheek stated that she is working on a case in close proximity to this property but has no involvement to this case (see recording for details).

#### Agency Testimony:

01:51:24 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Commission Members (see recording for details).

#### The following spoke in favor of this request:

John Talbott, 1000 N. Hurstbourne Pkwy, 2<sup>nd</sup> floor, Louisville, KY 40223

Mike Hill, 503 Washburn Ave, Louisville, KY 40222

#### Summary of testimony of those in favor:

01:57:05 John Talbott spoke in favor of the request and presented a PowerPoint presentation. Talbott confirmed that applicant has agreed to an additional binding element to erect a 7ft privacy fence. Talbott responded to questions from Commission Members (see recording for details).

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#### CASE NO. 24-ZONE-0078

02:19:01 Mike Hill spoke in favor of the request. Hill stated that the proposed plan shows a shifted and widened shared entrance with Trilogy Health Services. Hill also stated that KY Transportation Cabinet is aware of the design. Hill responded to questions from Commission Members (see recording for details).

#### Deliberation:

02:23:15 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 OR office residential (in the City of St. Matthews)**

02:24:32 On a motion by Commissioner Fischer, 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 this proposed rezoning would be a minor expansion of non-residential uses into an existing residential area, as the permitted uses will still allow residential uses and neighborhood serving uses. The subject site is also located on Westport Road, which is a minor arterial roadway with a TARC bus stop right along the front of the subject site. There is adequate transportation infrastructure to support the proposed zoning classification and the proposed use, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the proposed rezoning will be approximately 900 feet from a large commercial development with retail and commercial offices. Within that 900 feet is a school (non-residential use) and a densely populated senior living facility. The area is appropriate to support a medical office or other neighborhood serving uses the proposed zoning allows, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 4 because the existing single family home on the subject site does not qualify for the wrecking ordinance. The proposed renderings meet the St. Matthews code. There are no environmental constraints that need to be mitigated. St. Matthews Code does not have tree canopy requirements. The applicant is providing all the required landscaping based on the St. Matthews Code, and

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**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposed zoning district allows for higher density allowing for more residential dwelling units should the site redevelop in the future, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 2 because the access provided will be directly to Westport Road and no commercial traffic will be routed through the adjacent residential neighborhoods, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 3 because the zoning district allows a wide variety of compatible land uses. The subject site is also located along a TARC bus line with a stop along the front property line. If the site were to redevelop, the proposed zoning would allow for higher density in residential units. There are improvements being requested by the City of St Matthews to reduce traffic concerns for Westport Road and to increase vehicular circulation through redevelopment that the applicant has agreed to, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is located in an area with adequate access to utilities to serve the development and future development, and

**WHEREAS**, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the subject site is located on Westport Road which is a minor arterial and is approximately 1,738 feet away from N Hubbards Lane and Westport Road which is an intersection of two minor arterial roads, and

**WHEREAS**, the Planning Commission finds the proposal meets Livability: Goal 1 because there are no environmental constraints on the site. The site will be using existing utility connections and will unlikely affect the groundwater in the area. The site is not located in any regulatory floodplain areas, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 2 because if the site were to redevelop, the proposed zoning would allow for higher density in residential units that would support mixed income and mixed use development, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 3 because there is no displacement taking place with this proposal. If the site were to redevelop, the proposed zoning would allow for higher density in residential units; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews to **APPROVE** the Change in zoning from R-4 single family residential to OR office residential (in the City of St. Matthews)

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The vote was as follows:

**YES:** Commissioners Lohan, Cheek, Fischer, Bond, Mims, Steff, and Sistrunk

**ABSENT:** Commissioners Lannert, Benitez, and Kern

### Detailed District Development plan with Binding Elements

02:25:19 On a motion by Commissioner Fischer, 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 there do not appear to be any environmental constraints or historic resources on the subject site. Adequate screening and buffering will be placed adjacent to residential uses, and

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

**WHEREAS**, the Planning Commission finds there are no open space requirements pertinent to the current proposal. Future multifamily development proposed on the subject site will be required to meet Land Development Code requirements, 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. Buildings and parking lots will meet all required setbacks, and

**WHEREAS**, the Planning Commission finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the St. Matthews Development Code the development plan conforms to applicable requirements of the Land Development Code and Plan 2040; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of St. Matthews to **APPROVE** the proposed Detailed District Development plan **SUBJECT** to the following Binding Elements:

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#### **CASE NO. 24-ZONE-0078**

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 (and to the City of St. Matthews) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
  - 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 private access easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owner at 4247 Westport Road and the subject site and recorded. A copy of the recorded instrument shall be submitted to the Office of Planning prior to obtaining a building permit.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 16, 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.

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#### **CASE NO. 24-ZONE-0078**

5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. Applicant shall provide a private access easement from the curb cut on Westport Road to the south-west corner of the property as shown on the development plan for the creation of the future Perryman Road right-of-way extension.
9. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Westport Road in the amount of 60 feet from the centerline as shown on the approved development plan within 60 days of final action by the legislative body. A copy of the recorded instrument shall be submitted to the Office of Planning prior to obtaining a building permit.
10. Applicant shall erect a 7 ft privacy fence in the location shown on the development plan at the Planning Commission Public Hearing. No trees are required to be removed, so fence may have breaks where trees are on property line.

**The vote was as follows:**

**YES: Commissioners Lohan, Cheek, Fischer, Bond, Mims, Steff, and Sistrunk**

**ABSENT: Commissioners Lannert, Benitez, and Kern**

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### PUBLIC HEARING

#### CASE NO. 23-ZONE-0102

Request: Change in zoning from R-5 to OR with Detailed District Development Plan and Binding Elements, and Waivers  
Project Name: Americus Office  
Location: 4603 E Manslick Road, Parcel ID 079100620000 & 079100640000  
Applicant: Marrero Luis Estrada  
Representative: Bluestone Engineers  
Jurisdiction: Louisville Metro  
Council District: 24 – Ginny Mulvey-Woolridge  
Case Manager: Dante St. Germain, AICP, Senior Planner

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:

02:26:30 Dante St. Germain provided an overview of the request and presented a PowerPoint presentation. St. Germain made modifications to Waiver 1 and recommended that Planning Commissioners review deadline dates in Binding Element #9 and #10. St. Germain responded to questions from Commission Members (see recording for details).

#### The following spoke in favor of this request:

Chris Crumpton, Bluestone Engineers, 4350 Brownsboro Road, Ste 110, Louisville, KY 40207

#### Summary of testimony of those in favor:

02:34:32 Chris Crumpton spoke in favor of the request. Crumpton gave an overview of the proposed plan. Crumpton responded to questions from Commission Members (see recording for details).

#### Deliberation:

02:38:02 Planning Commission deliberation.

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#### CASE NO. 23-ZONE-0102

**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 Single Family Residential to OR Office Residential**

02:41:13 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 proposal meets Plan 2040 Community Form: Goal 1 because the proposal would not constitute a non-residential expansion into an existing residential area. The site is located at an intersection with a higher-intensity zoning district across E Manslick Road. The proposal is for lower-intensity office zoning. The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC restrictions. The proposed zoning district would not permit noxious odors, particulates, or emissions. Access to the site is from E Manslick Road, a minor arterial at this location. The proposed zoning district would permit lower-intensity office uses. Adverse impacts from noise are unlikely from uses allowed in the proposed district, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the site is an appropriate area for office zoning. The site is located at the intersection of a major arterial and minor arterial street, and commercial zoning is located in the same center. The site has appropriate access and connectivity. The proposed zoning district would permit a more compact pattern of development. The proposed zoning district would permit a mixture of compatible land uses. The proposed zoning district would permit residential uses above offices. The proposal would provide new development providing office or residential uses. No underutilized parking lots are evident in the proposal. The proposed zoning district would permit an appropriate design and scale in the Neighborhood Form District, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 3 because required tree canopy will be preserved on the site, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 1 because the site is located adjacent to an existing activity center, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 2 because access to the site is from E Manslick Road, a minor arterial at this location, and



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**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposal would permit a mix of complementary neighborhood-serving uses. The site is easily accessible by car. Redevelopment of the site will improve access by bicycle, transit, pedestrians and people with disabilities. The proposal would permit neighborhood-serving development in a center that reduces the need for multiple automobile trips. Transportation Planning has approved the proposal, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal, and

**WHEREAS**, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the site is located on E Manslick Road, a minor arterial at this location. The proposal is for lower-intensity office zoning, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning district would support aging in place by permitting office uses in an existing activity center, rather than within the nearby neighborhoods. The proposal would permit aging residents to find goods and services within proximity to their homes, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district would permit inter-generational mixed-income and mixed-use development. The proposal would permit housing to be in proximity to an activity center providing neighborhood goods and services, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 3 because no existing residents will be displaced by the proposal. The proposed zoning district would permit innovative methods of 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-5 Single Family Residential to OR Office Residential

The vote was as follows:

**YES: Commissioners Lohan, Cheek, Fischer, Bond, Mims, Steff, and Sistrunk**

**ABSENT: Commissioners Lannert, Benitez, and Kern**

**(1) Waiver from Land Development Code section 10.2.4.B.1 to allow encroachment into a required property perimeter Landscape Buffer Area on the western property line by parking and a drive aisle (encroachment 12' into 20' LBA) (24-WAIVER-0034)**

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**(2) Waiver from LDC section 10.2.4.B.3 to allow overlap of a required property perimeter Landscape Buffer Area on the northern property line with an easement and to waive the required plantings in the area of overlap (24-WAIVER-0067)**

02:41:58 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:

**(Waiver 1) WHEREAS**, the Planning Commission finds the waiver will not adversely affect adjacent property owners as the required screening can still be provided, and

**WHEREAS**, the Planning Commission finds the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. Required screening can be provided, 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 the drive aisle and parking already exist, and could not be reasonably relocated elsewhere on the lot, and

**WHEREAS**, the Planning Commission finds strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because while the parking and drive aisle cannot be reasonably relocated out of the LBA, the parking could be reduced to reduce the amount of encroachment into the LBA along the northern property line; now, therefore be it

**(Waiver 2) WHEREAS**, the Planning Commission finds the waiver will not adversely affect adjacent property owners as the required screening can still be provided, and

**WHEREAS**, the Planning Commission finds the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. Required screening can be provided, 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 the easement already exists, and is located in such a way that the overlap is unavoidable, and

**WHEREAS**, the Planning Commission finds strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create

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an unnecessary hardship on the applicant because the easement cannot be reasonably relocated; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the proposed Waiver from Land Development Code section 10.2.4.B.1 to allow encroachment into a required property perimeter Landscape Buffer Area on the western property lines by parking and a drive aisle (encroachment 12' into 20' LBA) (24-WAIVER-0034) and the proposed Waiver from LDC section 10.2.4.B.3 to allow overlap of a required property perimeter Landscape Buffer Area on the northern property line with an easement and to waive the required plantings in the area of overlap (24-WAIVER-0067)

**The vote was as follows:**

**YES: Commissioners Lohan, Cheek, Fischer, Bond, Mims, Steff, and Sistrunk**

**ABSENT: Commissioners Lannert, Benitez, and Kern**

#### **Detailed District Development Plan with Binding Elements**

02:43:41 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 no natural resources are evident on the site, and

**WHEREAS**, the Planning Commission finds 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 no open space provisions are pertinent to the request, 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 is in compliance with existing and planned future development in the area. The proposal would permit the re-use of an existing property and structure for low intensity office uses, and

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### PUBLIC HEARING

#### CASE NO. 23-ZONE-0102

**WHEREAS**, the Planning Commission finds the development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waivers. The site plan complies with the policies and guidelines of the Comprehensive Plan; now, therefore be it

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 shall be obtained from the Kentucky Transportation Cabinet for any work in the E Manslick Road 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

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6. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
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. The curb cut on the eastern side of the circular driveway shall be closed and the verge restored, and the western curb cut widened to match the development plan, no later than September 1, 2025.
10. A minor subdivision plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Office of Planning no later than June 30, 2025.

**The vote was as follows:**

**YES: Commissioners Lohan, Cheek, Fischer, Bond, Mims, Steff, and Sistrunk**

**ABSENT: Commissioners Lannert, Benitez, and Kern**

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0071

Request: Change in zoning from R-4 to R-7 with Detailed District Development Plan and Binding Elements, and Major Preliminary Subdivision

Project Name: Mt. Washington Road Apartments Expansion

Location: 11100 Garden Trace Drive

Applicant: Highgates Development

Representative: Bardenwerper, Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 23 – Jeff Hudson

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

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:

02:45:08 Dante St. Germain provided an overview of the request and presented a PowerPoint presentation. St. Germain explained that this case is an extension of an approved plan (21-ZONE-0136). St. Germain responded to questions from Commission Members (see recording for details).

#### The following spoke in favor of this request:

John Talbott, 1000 N. Hurstbourne Parkway, 2<sup>nd</sup> floor, Louisville, KY 40223

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

#### Summary of testimony of those in favor:

02:52:49 John Talbott spoke in favor of the request and presented a PowerPoint presentation. Talbott gave an overview of the proposed plan. Talbott responded to questions from Commission Members (see recording for details).

03:01:59 Diane Zimmerman spoke in favor of the request. Zimmerman gave a summary of the previous Traffic Impact Study of the approved plan. Zimmerman stated

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that the addition of 82 units would have little impact on Garden Trace Drive (see recording for details).

#### Deliberation:

03:08:36 Planning Commission deliberation.

03:09:50 Dante St. Germain suggested adding a time limit to Binding Element #7.

03:11:42 Public Hearing was re-opened to add language about sidewalks to Binding Element #7. John Talbott agreed to adding language that was read into the record by St. Germain (see recording for details).

03:13:03 Public Hearing closed. 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 R-7 Multi-Family Residential**

03:13:40 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 proposal meets Plan 2040 Community Form: Goal 1 because the site connects to a previously approved development which would provide connectivity to an activity center. The proposal would provide appropriate transitions between multi-family and single-family development, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the proposal would permit new development providing residential uses, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 3 because no severe, steep or unstable slopes are evident on the site. Wet or highly permeable soils will be mitigated as per Army Corps of Engineers requirements, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 1 because the proposal is for higher density or intensity zoning. The site is located close to an existing activity corridor along Preston Highway, and

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**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 2 because access to the development is through an area of a previously approved multi-family development, and through existing residential development, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 3 because the site is easily accessible by car and bicycle. Access by pedestrians and people with disabilities will be improved by the development. Access to transit may improve in the future as the corridor develops further. Transportation Planning has approved the proposal, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal, and

**WHEREAS**, the Planning Commission finds the proposal meets Livability: Goal 1 because tree canopy will be provided in compliance with the Land Development Code, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed zoning district would permit a variety of housing types within the neighborhood. The proposal would support aging in place by providing smaller, lower-cost rental units in an established neighborhood, thereby increasing housing choice for persons who may wish to remain in the neighborhood as they age, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district would permit inter-generational mixed-income development. The site is connected to the neighborhood and the surrounding area, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposal would encourage the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in the neighborhood, and within Louisville Metro. No existing residents would be displaced by the proposal. The proposal would permit innovative methods of housing, and

**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 R-7 Multi-Family Residential

**The vote was as follows:**

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



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**CASE NO. 24-ZONE-0071**

#### **Major Preliminary Subdivision**

03:14:47 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, applicant and staff testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Major Preliminary Subdivision

**The vote was as follows:**

**YES: Commissioners Lohan, Cheek, Fischer, Bond, Mims, Steff, and Sistrunk**

**ABSENT: Commissioners Lannert, Benitez, and Kern**

#### **Detailed District Development Plan with Binding Elements**

03:15:29 On a motion by Commissioner Mims, seconded by Commissioner Fischer, the following resolution, based on the staff report with the addition of Binding Element 7 as read into the record by staff, applicant and staff testimony heard today and staff analysis, was adopted:

**WHEREAS**, the Planning Commission finds tree canopy is located on the site. Tree preservation is being provided in compliance with the Land Development Code, and

**WHEREAS**, the Planning Commission finds 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 open space is being provided in compliance with the requirements of the Land Development Code, on the principal site which was rezoned under 21-ZONE-0136, 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 is in compliance with existing and planned future development in the area. The proposal would provide an increase in the variety of housing in the neighborhood by permitting higher-density multi-family housing near a developing commercial corridor and major arterial street, and

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**WHEREAS**, the Planning Commission finds the development plan conforms to applicable guidelines and policies of the Land Development Code and Plan 2040; 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 done in the Mt. Washington Road or 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 16, 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.

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5. 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.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and 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.
7. Applicant will extend the sidewalks from its site south down Garden Trace Drive to connect to the sidewalks that exist on the north side of Hasbrook Drive, prior to requesting any Certificate of Occupancy for the third apartment building, provided that adequate right-of-way already exists to do so.

#### **The vote was as follows:**

**YES: Commissioners Lohan, Cheek, Fischer, Bond, Mims, Steff, and Sistrunk**

**ABSENT: Commissioners Lannert, Benitez, and Kern**

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**ADJOURNMENT**

The meeting adjourned at approximately 4:00 p.m.

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**Chair**

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**Planning Director**