

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
June 20, 2024**

A meeting of the Louisville Metro Planning Commission was held on Thursday, June 20, 2024, at 1:00 p.m. at the Old Jail Auditorium, 514 W. Liberty Street, Louisville, KY.

**Commission members present:**

Lula Howard, Chair  
Te'Andre Sistrunk, Vice Chair  
Rich Carlson  
Bill Fischer  
Jennifer Kern  
Jim Mims  
Russ Lohan  
Suzanne Cheek  
Mark Benitez

**Commission members absent:**

**Staff Members present:**

Brian Davis, Interim Director  
Jay Lockett, Planning Supervisor  
Dante St. Germain, Senior Planner  
Ethan Lett, Planner I  
Laura Ferguson, Assistant County Attorney  
Travis Fiechter, Assistant County Attorney  
Beth Stuber, Transportation Supervisor  
Ramonía Brents, Management Assistant

The following matters were considered:

00:05:50      Laura Ferguson swore in newly appointed commissioners, Mark Benitez and Russ Lohan

**PLANNING COMMISSION  
MINUTES  
June 20, 2024**

**APPROVAL OF MINUTES**

**JUNE 5, 2024, DEVELOPMENT REVIEW COMMITTEE MINUTES**

00:07:15 On a motion by Commissioner Kern, seconded by Commissioner Fischer, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Minutes of the DRC meeting conducted on June 5, 2024

**The vote was as follows:**

**YES: Commissioners Kern, Fischer, Mims, Sistrunk, and Carlson**

**ABSTAIN: Commissioners Cheek, Benitez, Lohan, and Howard**

**JUNE 4, 2024, PLANNING COMMISSION MINUTES**

00:08:40 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Minutes of its meeting conducted on June 4, 2024

**The vote was as follows:**

**YES: Commissioners Kern, Fischer, Mims, Carlson, and Howard**

**ABSTAIN: Commissioners Cheek, Benitez, Sistrunk, and Lohan**

**PLANNING COMMISSION  
MINUTES  
June 20, 2024**

**APPROVAL OF MINUTES**

**JUNE 6, 2024, PLANNING COMMISSION MINUTES**

00:09:40      On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution was adopted.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Minutes of its meeting conducted on June 6, 2024

**The vote was as follows:**

**YES: Commissioners Kern, Fischer, Mims, Sistrunk, Carlson, and Howard**

**ABSTAIN: Commissioners Cheek, Benitez, Lohan**

**PLANNING COMMISSION MINUTES**  
**June 20, 2024**

**BUSINESS SECTION**

**BINDING ELEMENT UPDATE**

Request:	BE UPDATE – 8020 National Turnpike
Project Name:	BE UPDATE – 8020 National Turnpike
Location:	8020 National Turnpike
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
Case Manager:	Laura Ferguson, Assistant County Attorney

**Agency Testimony:**

00:10:40     Laura Ferguson provided an update on the binding element at 8020 National Turnpike. Ferguson stated that the owner was given sixty days to clean up the site by removing junk cars and adding landscaping but had failed to bring the site into compliance. Ferguson responded to Commission Member questions, stating that the next step will be to take the case to Circuit Court and seek an injunction (see recording for details).

## PLANNING COMMISSION MINUTES

June 20, 2024

### PUBLIC HEARING

#### CASE NO. 24-ZONE-0019

Request:	Change in Zoning from R-5 to R-6 with Detailed District Development Plan and Binding Elements, and Variance and Waiver – SET PUBLIC HEARING DATE ONLY
Project Name:	Preston Flats
Location:	7504 Preston Highway
Owner:	Lakshmi LLC
Applicant:	Lakshmi LLC
Representative:	Bardenwerper Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum, Jr.
Case Manager:	Dante St. Germain, AICP, Senior Planner

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 the Office of Planning, 444 S. 5th Street.)

00:13:20 Commissioner Cheek recused herself from this case.

#### Agency Testimony:

00:13:38 Dante St. Germain provided an overview of the request and presented a PowerPoint presentation. St Germain stated that the June 13, 2024, LD&T Committee Meeting lost quorum, as a result the applicant and some of the opposition left and did not hear the case or make comments, so this case has been brought before the Planning Commission to set a public hearing date. St. Germain responded to Commission Member questions (see recording for details).

00:14:49 Travis Fiechter, Assistant County Attorney, stated that one person did stay to testify about traffic concerns at the LD&T meeting. St. Germain gave a summary of the testimony, stating that the opposition to this request was related to increased traffic resulting from the site (see recording for details).

00:26:19 Commissioner Mims asked if the person that testified at LD&T will receive a notice about the Planning Commission hearing. St. Germain responded that anyone that signed up to speak will receive notification of the Planning Commission hearing (see recording for details).

## **PLANNING COMMISSION MINUTES**

**June 20, 2024**

### **PUBLIC HEARING**

#### **CASE NO. 24-ZONE-0019**

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

Nick Pregliasco, 1000 N. Hurstbourne Pkwy, 2<sup>nd</sup> Floor, Louisville, KY 40223

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

00:27:31 Nick Pregliasco spoke in favor of the proposal and presented a PowerPoint presentation. Pregliasco responded to Commission Member questions (see recording for details).

00:34:30 Commissioner Carlson asked about the condition of an apartment complex located on Canal on the east side of Preston. Pregliasco responded that he would speak to the proposed site owner to see if he knows anything about the apartments (see recording for details).

00:35:45 Commissioner Mims asked for clarification on the Reciprocal Blanket Cross Access Agreement with the proposed property and the front commercial property, and an actual defined access easement which would allow access to all the commercial properties in this area (see recording for details).

00:36:24 Pregliasco explained the Reciprocal Blanket Access Agreement provides access rights to all the owners of tracts A-D, but the rights can change with further development. The defined access easement will remain the same (see recording for details).

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

Carolyn Riddle, 1136 Clay Avenue, Louisville, KY 40219

Dariush Banandor, 1146 Clay Avenue, Louisville, KY 40219

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Terry Burnett, 7508 Preston Highway, Louisville, KY 40219

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0019

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

00:38:21 Carolyn Riddle spoke in opposition to the proposal pertaining to the increase in traffic and the location of the apartments being so close to her residence. Riddle also asked the Commissioners to look at the site in person and not just base their decision on viewing the site plan (see recording for details).

00:41:12 Dariush Banandor spoke in opposition to the proposal stating that he will be living next to the entrance of the proposed property and is concerned about an increase in traffic and safety issues to Clay Ave (see recording for details).

00:43:43 Steve Porter, representing Holy Smokes BBQ, spoke in opposition to the proposal. Porter stated that the proposed site has poor access to Clay Ave and to Preston Highway and the Subway Restaurant has a drive-thru window that will stop at the site's entrance, not allowing drivers visibility to turn right onto Preston Highway (see recording for details).

00:48:50 Terry Burnett, owner of Holy Smokes BBQ, spoke in opposition to the proposal pertaining to increased traffic and safety concerns. Burnett also stated when he made an agreement with the Subway Restaurant owners to give up his easement so Subway could have a drive-thru window, he was told the area would be used for parking and not another access point (see recording for details).

00:50:38 Commissioner Howard asked St. Germain to clarify traffic flow from Subway's drive-thru window. St. Germain confirmed that there is a lack of visibility to on-coming traffic when driving between the two buildings. Commissioner Howard suggested that directional signage may be able to help the issue (see recording for details).

00:53:00 Brian Davis, Interim Planning Director, indicated that the public hearing date should be set for July 25, 2024. Commissioner Howard stated that the Chair and Co-Chair would not be available to attend on that date so someone from the committee would need to be assigned to chair the meeting (see recording for details).

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

00:53:25 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution, based on staff recommendation, was adopted:

## **PLANNING COMMISSION MINUTES**

**June 20, 2024**

### **PUBLIC HEARING**

#### **CASE NO. 24-ZONE-0019**

**RESOLVED**, that the Louisville Metro Planning Commission does hereby set a Planning Commission hearing for July 25, 2024, with notification sent to absent speaker.

**The vote was as follows:**

**YES: Commissioners Carlson, Mims, Fischer, Kern, Lohan, Sistrunk, and Howard**

**ABSTAIN: Commissioner Benitez**

**ABSENT: Commissioner Cheek**



## PLANNING COMMISSION MINUTES

June 20, 2024

### PUBLIC HEARING

#### CASE NO. 24-DDP-0026

Request:	Amendment to General Plan Binding Elements and a Detailed District Development Plan with a Waiver
Project Name:	University of Louisville
Location:	Whittington Parkway
Owner:	University of Louisville
Applicant:	University of Louisville
Representative:	Dinsmore & Shohl
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
Case Manager:	Ethan Lett, Planner I

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 the Office of Planning, 444 S. 5th Street.)

#### Agency Testimony:

01:05:47 Ethan Lett provided an overview of the request and presented a PowerPoint presentation. Lett explained the removal of binding element 13 which was required with phase 1 of the proposed plan. Lett responded to Commission Member questions (see recording for details).

01:09:41 Commissioner Carlson asked if the benchmarks for traffic studies were in existence before or after the general plan binding element. Lett responded that the general plan was completed in 2010. Jay Lockett, Office of Planning supervisor, stated that typically the appendix would be in place if the general plan was completed in 2010, although he is not sure of the exact wording (see recording for details).

01:10:49 Commissioner Mims requested clarification on benchmarks for offsite improvements that still need to be completed (see recording for details).

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

Cliff Ashburner, 101 S. 5<sup>th</sup> Street, Suite 2500, Louisville, KY 40202

Matt Ricketts, NTS Development Co., 500 N. Hurstbourne Parkway, Suite 400, Louisville, KY 40222

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### **PUBLIC HEARING**

#### **CASE NO. 24-DDP-0026**

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

01:14:48 Cliff Ashburner spoke in favor of the proposal and presented a PowerPoint presentation. Ashburner explained that there were two different traffic binding elements, one is attached to the general plan and the other was attached to a series of detailed plans for buildings already constructed and both contained some improvements that needed to be completed. Ashburner stated that the improvements have already been completed for this building under Phase 1. Ashburner also stated that there is a clause in the development plan pertaining to changing the use, but since the development plan is not changing the use, the Planning Commission can vote on the development plan and waiver to make a recommendation to Metro Council about eliminating binding element 17 which is associated with the general plan. Ashburner responded to questions from Commission Members (see recording for details).

01:24:04 Commissioner Carlson asked what is driving the desire to eliminate binding element 17. Ashburner responded that the binding element is outdated, also it limits development (see recording for details).

01:27:56 Matt Ricketts spoke in favor of the proposal. Ricketts explained that pertaining to the traffic study, his office has been in constant communication with Metro, KYTC, and Planning to determine what triggers are in place for future development. Ricketts responded to questions from Commission Members (see recording for details).

01:36:01 Commissioner Kern referred to the Traffic Memo and asked if moving forward and traffic studies are a requirement for each detailed plan, how to keep track of the original ideas for overall improvements. Ashburner responded that the binding element Kern is referring to was for office buildings completed or still under construction. Some ideas for incorporating this into an approval for the current proposed office building, could be: (a) Base the decision from the review of the Traffic Memo, and (b) The binding element that was attached to 15DEVPLAN1170 could be added to this site and modified to include 430,000 sq ft instead of 400,000 sq ft. Ashburner concluded that the binding element could be attached to the detailed plan, if that is a concern for the Commission Members (see recording for details).

01:45:39 Commissioner Fischer asked for clarification on the actual square footage. Ricketts responded that the square footage for the last three buildings is 303,000 sq ft and the total square footage with this building included will be 427,000 sq ft. (see recording for details).

01:49:21 Ashburner read the modified binding element and made a request to amend by deletion the general plan binding element that has the 300,000 sq ft cap on it. Ashburner indicated that there is traffic data to support this request, also Phase 1 is

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### **PUBLIC HEARING**

#### **CASE NO. 24-DDP-0026**

coming to an end and there are triggers for additional traffic improvements should further development occur (see recording for details).

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

Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

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

01:53:41 Steve Porter, representing the city of Bellemeade, stated that the city of Bellemeade has no objection to this proposal, but has concerns for Phase 2 (see recording for details).

#### **Deliberation**

01:55:23 Planning Commission deliberated on amending binding element 13 (see recording for details).

02:05:51 Business Session opened. Ashburner proposed eliminating binding element 13 and replacing it with transportation binding element 2 as modified for the general plan, which was read into the record. Ashburner suggested tabling this case until after case 7 on the agenda, to rewrite a modified binding element 13 with cleaner language (see recording for details).

02:10:42 Planning Commission deliberation.

02:10:51 On a motion by Commissioner Carlson, seconded by Commissioner Cheek, Case No. 24-DDP-0026 was tabled until after hearing item no. 7 on the agenda with a

#### **Voice Vote.**

02:37:47 Business Session resumed after a break.

02:38:53 Cliff Ashburner proposed an update to the existing binding element 13 because the description is inaccurate as it stands today. An amended binding element 13 would more accurately define Phase 1. Ashburner preceded to read the amended binding element into the record. Ashburner responded to questions from Commission Members (see recording for details).

02:51:52 Commissioner Kern stated that she supports the development plan but needed more clarity on the continued ask to allow commercial development in the future. Commissioner Cheek agreed and asked that since rezoning hadn't been approved

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#### CASE NO. 24-DDP-0026

wouldn't that be up to the applicant to come back to Planning Commission to file in the future. Commissioner Howard added that since C2 zoning hadn't been approved, the plans would come back before the Planning Commission for review, so no action would be taken on that today (see recording for details).

02:56:24 Cliff Ashburner proposed that instead of amending the general plan, to just include the Traffic Binding Element as part of the detailed plan and leave the general plan completely alone. Ashburner stated that he needs to understand if there is disagreement between the general plan binding element and the detailed plan binding element, that the detailed plan binding element is going to control (see recording for details).

02:58:08 Jay Luckett responded that he is concerned about referencing a zoning case that was withdrawn as a controlling thing to look at in the future. Luckett suggested removing the first part of the existing binding element and say prior to any further development of the site (see recording for details).

03:08:46 After continued discussion on the case pertaining to a traffic study and binding elements, Travis Fiechter proposed waiting to vote on all required actions for the case until an agreement can be reached by all parties involved (see recording for details).

**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.**

03:11:40 On a motion by Commissioner Carlson, seconded by Commissioner Mims, the following resolution, based on testimony heard today, was adopted:

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **CONTINUE** the case to the July 25, 2024, Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Carlson, Mims, Fischer, Kern, Lohan, Benitez, Cheek, and Sistrunk**

**ABSTAIN: Commissioner Howard**

## PLANNING COMMISSION MINUTES

June 6, 2024

### PUBLIC HEARING

#### CASE NO. 24-ZONE-0024

Request: Change in Zoning from OR-2 to C-1 with Detailed District Development Plan with Binding Elements and a Waiver  
Project Name: Logan Street Commercial  
Location: 1113 and 1115 Logan St  
Owner: Jeffrey Wiesner  
Applicant: Raphael Collazo  
Representative: Milestone Design Group  
Jurisdiction: Louisville Metro  
Council District: 6 – Phillip Baker  
Case Manager: Jay Lockett, AICP, 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 the Office of Planning, 444 S. 5th Street.)

#### **Agency Testimony:**

02:11:50 Jay Lockett provided an overview of the request and presented a PowerPoint presentation. Lockett responded to Commission Members questions (see recording for details).

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

Raphael Collazo, 10404 Lark Park Drive, Louisville, KY 40299

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

02:15:45 Raphael Collazo spoke in favor of the proposal. Collazo gave a brief history of the proposed site, stating that the property had been vacant for the last three to four years. The intended use is to have a retail property, or a restaurant and they are now actively communicating with two groups to possibly occupy the space. Collazo responded to questions from Commission Members (see recording for details).

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

None

#### **Deliberation**

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0024

02:19:14 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 OR-2 to C-1**

02:19:30 On a motion by Commissioner Carlson, seconded by Commissioner Cheek, the following resolution, based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the zoning change would not represent an expansion of non-residential use into a residential area. The site has historically been used commercially. There is a wide variety of nonresidential uses and zoning districts in the immediate vicinity. The proposed zoning district is consistent with the Smoketown/Shelby Park neighborhood plan proposal to establish a mixed commercial/residential/industrial district in the area.

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the site is appropriate as a commercial site within the context of the Traditional Neighborhood form district. The site is within an established mixed-use activity center with a variety of office and commercial uses as well as residential development types. The site is served by transit, with multiple routes available within 500 feet of the subject site.

**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 is not within the floodplain or any other environmentally sensitive areas.

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 4 because although the existing structure is proposed to remain.

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 1 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 is well served by existing transit service.

## PLANNING COMMISSION MINUTES

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0024

**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.

**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 walking and biking.

**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.

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

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

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

**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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from OR-2 to C-1

**The vote was as follows:**

**YES: Commissioners Kern, Mims, Fischer, Cheek, Benitez, Sistrunk, Carlson, and Howard**

**ABSTAIN: Commissioner Lohan**

**Waiver of Land Development Code section 10.2.4 to eliminate the required 20' property perimeter buffer along the north and south property lines**

02:20:24 On a motion by Commissioner Carlson, seconded by Commissioner Cheek, the following resolution, based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:

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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0024

**WHEREAS**, the Planning Commission finds The waiver will not adversely affect adjacent property owners. The adjacent homes are used for short-term rentals. The site to the south has submitted a preliminary application for rezoning to a commercial zoning district, and

**WHEREAS**, the Planning Commission finds Community Form Goal 1, Policy 12 calls to ensure that parking, loading, and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Community Form Goal 2, Policy 7 calls to encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. The waiver will not violate the Comprehensive Plan, as it is common in an infill context within the Traditional Neighborhood to require minimal buffers between uses and existing structures. The waiver allows for a more efficient use of land, and

**WHEREAS**, the Planning Commission finds The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, 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 it would require removal of the existing structures to comply, and greatly decrease the useable area of the lot; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver of Land Development Code section 10.2.4 to eliminate the required 20' property perimeter buffer along the north and south property lines

**The vote was as follows:**

**YES: Commissioners Kern, Mims, Fischer, Cheek, Benitez, Sistrunk, Carlson and Howard**

**ABSTAIN: Commissioner Lohan**

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

02:21:12 On a motion by Commissioner Carlson, seconded by Commissioner Cheek, the following resolution, based on the staff analysis contained in the standard of review in the staff report, and evidence and testimony heard today, was adopted:



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### PUBLIC HEARING

#### CASE NO. 24-ZONE-0024

**WHEREAS**, the Planning Commission finds The site does not have any environmentally sensitive areas. The existing structure is to remain, 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 Transportation Planning has approved the preliminary development plan, and

**WHEREAS**, the Planning Commission finds There are no open space requirements pertinent to the current proposal, 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 design of the project is consistent with existing and future development in the area, and

**WHEREAS**, the Planning Commission The plan is in conformance with the requirements of the Land Development Code, except where relief is specifically requested; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan with revised Binding Elements:

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

## **PLANNING COMMISSION MINUTES**

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### **PUBLIC HEARING**

#### **CASE NO. 24-ZONE-0024**

- 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff for any changes to the front façade of the building. 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, the curb cut on Logan St shall be closed, with curb and verge restored along the street frontage as shown on the approved development plan and in accordance with Public Works requirements.

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

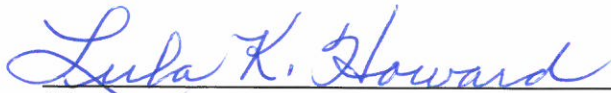
**YES: Commissioners Kern, Mims, Fischer, Cheek, Benitez, Sistrunk, Carlson, and Howard**

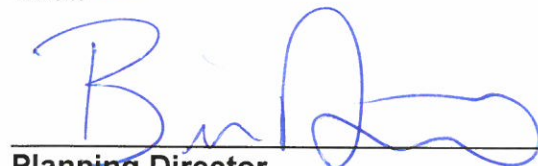
**ABSTAIN: Commissioner Lohan**

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**ADJOURNMENT**

The meeting adjourned at approximately 4:15 p.m.

  
Chair

  
Planning Director