

PLANNING COMMISSION MINUTES
May 15, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0138

Request: Change in zoning from R-5 Single-Family Residential to C-1 Commercial with associated waiver(s) conditional use permit, detailed district development plan, and binding elements.

Project Name: Louisville Occupational and General Health Services Clinic.

Location: 4201 Taylor Blvd and 1056 Bluegrass Avenue

Applicant: Louisville Occupational and General Health Services, LLC

Representative: Wyatt, Tarrant, & Combs LLP

Jurisdiction: Louisville Metro

Council District: 21 – Betsy Ruhe

Case Manager: Amy Brooks, Planning Supervisor

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

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

Agency Testimony:

00:14:40 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

Jon Baker, 400 W Market Street, Suite 400, Louisville, KY 40202

Maureen Welch, 7101 Venetian Way, Louisville, KY 40214

Summary of testimony of those in favor:

00:19:40 Jon Baker provided an overview of the request and presented a PowerPoint presentation. Baker outlined the services provided at the medical facility, development plan, available public transportation, parking, and access. Baker responded to questions from Commissioners. (See recording for details).

00:36:20 Maureen Welch expressed appreciation for the applicant's efforts to repurpose the property for community and economic development. Welch highlighted the proposal to establish an occupational medicine service as a valuable addition to neighborhood healthcare, especially with existing TARC transportation services and nearby commercial facilities enhancing accessibility. The clinic will be open to all

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residents, including an educational component for training medical professionals. Welch responded to questions from Commissioners. (See recording for details).

The following spoke in opposition of this request:

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

Summary of testimony of those in opposition:

00:40:20 Ann Ramser spoke in opposition and raised concern about the proximity of houses and potential future zoning changes. Ramser emphasized that the existing residential structure should remain designated for residential use. Ramser responded to questions from Commissioners. (See video for details).

Rebuttal:

00:46:40 John Baker agreed to add a binding element ensuring existing residential structure remains designated for residential use. Baker responded to questions from Commissioners. (See video for details).

Deliberation:

00:47:00 Planning Commission deliberation.

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

Change in zoning from R-5 Single-Family residential to C-1 Commercial

00:48:00 On a motion by Commissioner Mims, 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 subject property is located along a major arterial roadway, which provides access to goods, services, and employment centers. The development sites directly south and west of this proposal have recently been rezoned to allow higher-intensity commercial uses. As part of this proposal, the applicant has dedicated right of way along the Taylor Boulevard frontage that would align with future KYTC plans to improve this specific portion of the commercial corridor. Hence, both demand and adequate infrastructure would support the proposed zoning district. The area encourages a mixture of compatible and integrated land uses that are easily accessible by bicycle, car, transit, pedestrians, and people with disabilities. There will be improved sidewalks provided along all public street frontages that will heighten accessibility and

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connectivity from this site to adjacent uses, public transit, and the neighborhood-at-large, and

WHEREAS, the Planning Commission finds the site would not appear to contain wet or highly permeable soils, severe, steep, or unstable slopes where the potential for severe erosion problems exists. Tree canopy will be provided in accordance with Ch. 10, Part 2 of the LDC to minimize property damage and environmental degradation resulting from any disturbance of natural systems that may occur, and

WHEREAS, the Planning Commission finds the proposed district supports and promotes housing options and environments that support aging in place as the district allows for alternative housing options and arrangements near goods, services, and amenities. It encourages inter-generational and mixed income development in support of fair and affordable housing by allowing for a variety of ownership options and unit costs throughout Louisville Metro. Lastly, the proposed district creates housing opportunities and choice at a location capable of supporting higher densities of development; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the requested Change in zoning from R-5 Single-Family residential to C-1 Commercial.

The vote was as follows:

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

ABSENT: Commissioner Bond

Conditional Use Permit for a medical clinic with relief from item 'B' (Land Development Code (LDC) 4.2.29).

00:48:40 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 is consistent with applicable policies of the Comprehensive Plan, Plan 2040. The proposed use advances the equitable distribution of community services and promotes neighborhoods that have access to the resources necessary to maintain health and well-being, including medical care, and

WHEREAS, the Planning Commission finds the proposal is compatible with surrounding land uses and the general character of the area including factors such as height, bulk,

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scale, intensity, traffic, noise, odor, drainage, dust, lighting, and appearance. In fact, the addition of a medical clinic within this area would be well suited because of the site's proximity to the Mary & Elizabeth Hospital medical campus which is located west of Taylor Boulevard along Bluegrass Avenue, and

WHEREAS, the Planning Commission finds all necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation are adequate to serve the proposed use, and

WHEREAS, the Planning Commission finds the applicant has demonstrated or will be required to provide compliance with each of the lettered standards of the conditional use permit, except where relief is requested from item 'B' of the CUP standards. The principal structure and single-family home on the site are both located closer than 30 feet to the abutting properties; however, this is an existing site condition, and the applicant is not proposing any new construction. The site is located Taylor Boulevard, a major arterial roadway, that would support any increased traffic that may be generated by a medical clinic. The existing parking lot contains 79 spaces that will serve both the medical office and clinic. The existing principal buildings on the contain more than 37, 000 square feet of space to accommodate the proposed use where medical observation and recovery is essential to any patient receiving services by performed by licensed medical providers: now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Conditional Use Permit for a medical clinic with relief from item 'B' (Land Development Code (LDC) 4.2.29).

The vote was as follows:

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

ABSENT: Commissioner Bond

1. Waiver of LDC, Section 10.2.4 to reduce the required landscape buffer area (LBA) on the eastern property line (24-WAIVER-0182).

00:49:18 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 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 home already located within the buffer

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and near the property line. Furthermore, the applicant is proposing to provide all required screening and plantings along the property perimeter to shield the neighboring residences from the on-site parking and intensity of the use, 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. There will be privacy screening provided on the eastern property line that will mitigate a more intensive commercial use on residential uses, 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 existing single-family home on the site that encroaches into the required landscape buffer area on the eastern property line; and

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver **(1)** of LDC, Section 10.2.4 to reduce the required landscape buffer area (LBA) on the eastern property line **(24-WAIVER-0182)**.

The vote was as follows:

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

ABSENT: Commissioner Bond

2. Waiver of LDC, Section 10.2.4 to omit the required vehicular use area (VUA) LBA on the northern and southern property lines (24-WAIVER-0181).

00:49:55 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 waiver will not adversely affect adjacent property owners as the elimination of the vehicular use area landscape buffer along the

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northern and southern property lines is consistent with current site conditions where the existing parking lot encroaches into these required landscape buffer areas. Where practical, the applicant will be providing street trees along the existing public roadway frontages to help screen the parking and capture run-off from impervious surfaces, 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. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. The area of the VUA LBA on the alley is the appropriate location for parking/access in traditional neighborhoods. No buffer appears necessary for an alley because of its use and function providing access to the subject site, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because 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 request does not violate Plan 2040 or adversely impact adjacent property owners; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver **(2)** of LDC, Section 10.2.4 to omit the required vehicular use area (VUA) LBA on the northern and southern property lines **(24-WAIVER-0181)**.

The vote was as follows:

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

ABSENT: Commissioner Bond

Detailed District Development Plan with Binding Elements

00:50:25 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 conservation of natural resources on the property proposed for development, including trees and other living vegetation, steep

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slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be not conserved as the site does not appear to contain any natural resources, and

WHEREAS, the Planning Commission finds the 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 both commercial and residential properties, 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 waivers, which have been adequately justified and meet the standard of review. The site plan complies with the policies and guidelines of the Comprehensive Plan. The proposed site design would put an under-utilized space into productive use; now, therefore be it.

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

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain

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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. Encroachment permits shall be obtained from the Kentucky Transportation Cabinet for any work in the Taylor Boulevard 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.
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. Unless first approved by the Louisville Metro Planning Commission, the property owner shall prohibit the following land uses from locating and operating on the Property: Package Liquor Stores, Smoking Retail Stores, Game Rooms, Tattoo, Body Art, and Piercing Parlors, and Marijuana Dispensaries.
7. The existing residential structure along Bluegrass Avenue shall only be used for residential purposes.

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The vote was as follows:

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

ABSENT: Commissioner Bond