

**PLANNING COMMISSION MINUTES**  
**October 31, 2024**

**PUBLIC HEARING**

**CASE NO. 24-ZONE-0110**

|                   |   |
|-------------------|---|
| Request:          | Change in zoning R-4, OR-2 & C-2 to EZ-1 with a Revised Detailed District Development Plan with proposed Binding Elements |
| Project Name:     | C5 Centerport at SDF  |
| Location:         | 8107-8119 Minor Lane and Shadeswood Ave   |
| Applicant:        | C5 Centerport at SDF, LLC.  |
| Representative:   | Dinsmore & Shohl, LLP   |
| Jurisdiction:     | Louisville Metro  |
| Council District: | 13 – Dan Seum, Jr.  |
| 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 a part of the case file maintained in the Office of Planning, 444 South 5<sup>th</sup> Street.)

**Agency Testimony:**

01:48:24 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 the request:**

Cliff Ashburner, Dinsmore and Shohl, 101 South 5<sup>th</sup> Street Suite #2500 Louisville, KY 40202

Christian Greenwell, 250 Grandview Drive Fort Mitchell, KY 41017

Doug Armbruster, 250 Grandview Drive Fort Mitchell, KY 41017

**Summary of those in favor:**

01:55:12 Cliff Ashburner spoke in favor of the request. Ashburner presented a PowerPoint presentation. Ashburner provided an overview of the request. Ashburner

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stated that truck parking and traffic are being moved away from the existing residential areas. Ashburner stated that notice was adequately given and that many of the residents attended the neighborhood meeting. Ashburner stated that because many residents are bilingual speakers, accommodation was given. Ashburner answered questions from Commission members. (see recording for details)

02:30:11 Christian Greenwell spoke in favor of the request. Greenwell answered questions from Commission members. (see recording for details)

#### **The following spoke in opposition to the request:**

Carol Saddler, 8201 Minors Lane Mobile Home #134 Louisville, KY 40219

Tony Curtis, Metropolitan Housing Coalition, 4810 East Broadway Louisville, KY 40204

Yohana Cabeza, 8201 Minors Lane Mobile Home #4 Louisville, KY 40219

Angelia Matoz, 13314 Tucker Lake Drive Louisville, KY 40299

Yliaza Rodriguez, 8201 Minors Lane Mobile Home #132 Louisville, KY 40219

Alan Mota, 8201 Minors Lane Mobile Home #503 Louisville, KY 40219

Lottie Nichols, 8201 Minors Lane Mobile Home #513 Louisville, KY 40219

Frelin Mantufar, 8201 Minors Lane Mobile Home #13 Louisville, KY 40219

Yoselyn Abrego, 8201 Minors Lane Mobile Home #3 Louisville, KY 40219

Carmen Esparza, 8201 Minors Lane Mobile Home #519 Louisville, KY 40219

Rosa Martinez-Cruz, 8201 Minors Lane Mobile Home #19 Louisville, KY 40219

Yamira Raphael, 8601 Jessica Allen Drive Unit B Louisville, KY 40291

Malynn Hernadez, 8201 Minors Lane Mobile Home #25 Louisville, KY 40291

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

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02:46:55 Carol Saddler spoke in opposition. Saddler stated that she has lived on the property for twenty years. Saddler stated that because of her fixed income, she would struggle with relocation. (see recording for details)

02:48:08 Tony Curtis spoke in opposition. Curtis stated his work with the Metropolitan Housing Coalition. Curtis explained the history of relocation in the area. Curtis stated that the Binding Elements don't go far enough, and that more can be done for the betterment of the displaced citizens. Curtis answered questions from Commission members. (see recording for details)

02:54:41 Yohana Cabeza spoke in opposition. Cabeza stated her concern that the owners of the trailer park aren't present at the hearing. Cabeza explained that a community lives on the subject property, and because of poverty, the residents would end up homeless because of the relocation. Cabeza worries that the applicant hasn't given the Commission the full truth. Cabeza questioned what the applicant will do to help the residents of the trailer park during the relocation. (see recording for details)

03:00:55 Angelia Matoz spoke in opposition. Matoz stated that she lives in the community, even though she works as the interpreter. Matoz shared her thoughts on how the community should be treated if the development is approved. (see recording for details)

03:02:11 Yliaza Rodriguez spoke in opposition. Rodriguez stated that she was told that the zone wouldn't be sold but expanded into more housing. Rodriguez spoke with the owner of the trailer park and was told that she, Ms. Jane, had no idea that the subject property would be changed. Rodriguez explained to the Commission that moving the trailer is difficult and expensive. (see recording for details)

03:07:09 Alan Mota spoke in opposition. Mota explained to the Commission that prices are high and are only getting higher. Mota has no issue with the developers themselves, but he does have issue with his housing being in jeopardy. (see recording for details)

03:15:29 Lottie Nichols spoke in opposition. Nichols explained that there have been meetings about the closure and relocation, but the timeline has continuously changed. Nichols explained what services the applicant was willing to provide. Nichols stated that the moving counselor was biased because she was a long-term employee of the owner. (see recording for details)

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03:20:49 Frelin Mantufar spoke in opposition. Mantufar stated that he had no idea that the land has been sold and that he must move. Mantufar wondered what he would do if he had to move. (see recording for details)

03:23:52 Yoselyn Abrego spoke in opposition. Abrego explained that her home was inherited and that she doesn't have access to the title. (see recording for details)

03:27:59 Carmen Esparza spoke in opposition. Esparza stated that she was kept in the dark about what would happen with her home. Esparza explained that she has lived in the area for 20 years, and she doesn't have the title for the mobile home. Esparza worries about where she will live. (see recording for details)

03:32:36 Rosa Martinez-Cruz spoke in opposition. Cruz explained that because of her age and health issues, she cannot move from her mobile home. Cruz believes that it isn't fair or reasonable to be asked to just move because the owner wants to sell the land. (see recording for details)

03:37:41 Yamira Raphael spoke in opposition of the request. Raphael explained that she works for a non-profit organization and has been helping the residents of the mobile home park. Raphael brought up the point that many of the residents of the mobile home park don't have the proper documentation to obtain the resources that the applicant states that they will be providing. (see recording for details)

03:39:21 Malynn Hernandez spoke in opposition. Hernandez stated that many in the community don't have the resources to move. Hernandez explained that up until August, the residents were told that nothing would happen to their homes. (see recording for details)

#### **Rebuttal:**

03:58:35 Cliff Ashburner spoke in rebuttal. Ashburner addressed the concerns of vacancy. Ashburner reaffirmed the need for the proposed development. Ashburner stated that once legal title is obtained, the concern about what to do with the mobile homes left in the park would be addressed and taken care of. Ashburner discussed the different opportunities and resources available to the displaced residents. Ashburner addressed what would happen to the sidewalks and roads in the subject property. Ashburner asked the Planning Commission to make an informed decision that could be followed by similar cases in the future when relocation needs to occur. Ashburner answered questions from Commission members. (see recording for details)

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04:15:55 Doug Armbruster spoke in favor of the request. Armbruster answered questions from Commission members. (see recording for details)

04:37:41 On a motion by Commissioner Carlson, seconded by Commissioner Fischer, 24-ZONE-110 was tabled until all other cases were heard. (see recording for details)

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

**YES: Commissioners Fischer, Steff, Mims, Lohan, Carlson, Sistrunk, Howard**

**ABSENT: Commissioners Cheek, Kern, Benitez**

05:11:24 On a motion by Commissioner Carlson, seconded by Commissioner Fischer, 24-ZONE-0110 was untabled and rebuttal was continued. (see recording for details)

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

**YES: Commissioners Fischer, Steff, Mims, Lohan, Carlson, Sistrunk, Howard**

**ABSENT: Commissioners Cheek, Kern, Benitez**

05:11:37 Cliff Ashburner spoke in rebuttal. Ashburner explained that he spoke with the owner of the property, his client, and the housing counselor to see if additional resources would be provided. The applicant agreed to provide those resources. Ashburner suggested an amendment to the proposed Binding Elements. Ashburner answered questions from Commission members. Ashburner answered questions from opposition. (see recording for details)

05:24:59 Yohana Cabeza spoke in rebuttal. Cabeza stated that inspections have already been made on the mobile homes, and that it would cost \$10,000 dollars. Cabeza asked what they will do with just \$6,000 dollars. Cabeza requested that the case be continued to a later time. (see recording for details)

#### **Deliberation:**

05:34:35 Planning Commission deliberation

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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, OR-2 & C-2 to EZ-1

05:37:54 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposed district is located in the Suburban Workplace form district in a primarily industrial area. The Suburban Workplace is a form characterized by predominately industrial and office uses. An existing residential community shares a property boundary. All landscaping to provide appropriate transition at this industrial location will be provided, and

**WHEREAS**, the Planning Commission finds, the proposal meets Community Form: Goal 2 because the proposal has been appropriately located in a SW form district which is characterized by predominately industrial and office uses. The proposed district allows for the large-scale agglomeration of multiple uses of varying intensities in an industrial area, and

**WHEREAS**, the Planning Commission finds, the proposal meets Community Form: Goal 3 because mitigation necessary to minimize the impact on natural features on the subject site will be provided. The protected waterway nearest the interstate will be protected and floodplain compensation will be provided with detention as approved by MSD, and

**WHEREAS**, the Planning Commission finds, the proposal meets Community Form: Goal 4 because it would not appear that the site contains features of historic and landscape significance, and

**WHEREAS**, the Planning Commission finds, the proposal meets Mobility: Goal 1 because the proposed district is in an area that supports a wide range of employment opportunities that, in-turn, supports fewer trips and efficient transportation. Public Transit routes are present along national Turnpike and Preston Highway, and

**WHEREAS**, the Planning Commission finds, the proposal meets Mobility: Goal 3 because the area includes a concentration of compatible uses that allow for industrial uses to be

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located near each other and not dispersed in isolated locations. All improvements to the street and sidewalk network required of the development will be provisioned, and

**WHEREAS**, the Planning Commission finds, the proposal meets Community Facilities: Goal 2 because the proposal will be served by existing utilities or capable of being served by public or private utility extensions, and

**WHEREAS**, the Planning Commission finds, the proposal meets Economic Development: Goal 1 because the proposal will support existing and future uses within the workplace form and it is compatible with the scale and intensity of those uses, and

**WHEREAS**, the Planning Commission finds, the proposal meets Livability: Goal 1 because the plan has received MSD preliminary approval and the subject site will have adequate connection to water, and

**WHEREAS**, the Planning Commission finds, the proposal meets Housing: Goal 1 because the plan has received MSD preliminary approval, and

**WHEREAS**, the Planning Commission finds, the proposal meets Housing: Goal 3 because the suburban workplace form district is intended as district to serve a concentration of industrial and offices use. The area concentrates industrial uses as it continues to grow. A plan will be in place in advance of any development activity that will ease the burden of relocation upon residents in this industrial area, now, therefore be it;

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** the Louisville Metro Council **APPROVE** the requested Change-in-Zoning from R-4, OR-2 & C-2 to EZ-1

**The vote was as follows:**

**YES: Commissioners Fischer, Steff, Mims, Lohan, Carlson, Sistrunk, Howard**

**ABSENT: Commissioners Cheek, Kern, Benitez**

#### **Revised Detailed District Development Plan with proposed binding elements**

05:39:23 On a motion by Commissioner Mims, seconded by Commissioner Steff, the following resolution, based on the staff report, staff analysis, and the evidence and testimony heard today, was adopted:



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**WHEREAS**, the Planning Commission finds, required tree canopy will be provided and trees will be preserved elsewhere on the site to compensate for trees being removed in the subject area. There will be the required buffer along all property lines shared with 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 with sidewalks being provided in connection to public streets, and Metro Public Works has approved the preliminary development plan, and

**WHEREAS**, the Planning Commission finds, required open space in terms of amenity areas will be provided as per Land Development Code regulations, 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 form district in which the site is located is intended to concentrate industrial and offices uses, and

**WHEREAS**, the Planning Commission finds, the development plan conforms to applicable requirements of the Land Development Code. The site plan complies with the policies and guidelines of the Comprehensive Plan. The subject site is already zoned suburban workplace which is characterized as a form that is predominately industrial and office uses. The proposed development is consistent with the existing form district. No waivers or variances have been requested, now, therefore be it;

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Revised Detailed District Development Plan with proposed binding elements **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.



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2. 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 Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
  - 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.
3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Prior to permit(s) being issued to carry out the development as shown on the approved plan for any area within the residential community at 8201 Minor Lane (Shadeswood Avenue), including but not limited to building, parking lot, change of use, clearing/grading, site disturbance, alteration permit, or demolition permit:

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- a. The Owner(s) and/or Applicant(s) shall host a meeting with all residents of the property. Notice of this meeting shall be given to all residents 14 days in advance of the meeting. A copy of this notice shall also be provided to the Office of Planning and placed in the case file of record. At this meeting, the Owner(s) and/or Applicant shall state the intent to close the park, identify the earliest date at which closure will begin (minimum of 30 days from the meeting required by this part), and provide contact information for themselves and other persons involved in the closure and relocation.
  - b. A "housing counselor(s)" or other individual(s) with similar experience in local housing services shall be retained to evaluate, document, and provide resources to each occupant (and their families) to assist with relocation. Upon conclusion of this outreach, the counselor shall provide documentation to the Office of Planning and placed in the case file of record which states the time period of the outreach effort, summarizes services and resources provided, and indicates how many, if any, declined counseling. The housing counselor has reimbursement up to \$6,000 for moving expenses to the owner of each owned mobile home (and for those who cannot move their mobile home) and up to \$2,400 for the tenants for each park owned mobile home.
  - c. A direct line to an on-site manager shall also be provided to each resident and the Office of Planning. The on-site manager shall be responsible for ensuring the property is maintained in good condition during relocation and assist the housing counselor(s). The on-site manager, if experienced in local housing services, may serve as the housing counselor.
  - d. Local fire and police districts having jurisdiction shall be notified of the closure prior to the first meeting with residents. A contact with each should be established.
  - e. Units and their associated structures or improvements shall be removed promptly after the occupant(s) vacates the premises. No unoccupied unit shall sit abandoned for more than 6 weeks.
  - f. In addition to the elements cited above, all other requirements of applicable local, state, and federal law shall be met.
7. The closure of the residential community at 8201 Minor Lane (Shadeswood Avenue), including the removal of all units, accessory structures, and other improvements (fences, satellite dishes, decks, etc.) shall be removed within 1-year

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of the meeting required by binding element 6.a, unless an extension is granted by the Planning Commission.

8. The applicant, developer, or property owner shall provide copies of these binding elements to all residents regardless of tenure.

**The vote was as follows:**

**YES: Commissioners Fischer, Steff, Mims, Lohan, Carlson, Sistrunk, Howard**

**ABSENT: Commissioners Cheek, Kern, Benitez**