

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

Request: Change in zoning from C-1 Commercial to C-2 Commercial with associated waiver(s) and detailed district development plan with binding elements.

Project Name: Strawberry Lane Auto Body Shop

Location: 6700 Strawberry Lane

Applicant: Kawther Abdulkarim Ali

Representative: Blomquist Design Group

Jurisdiction: Louisville Metro

Council District: 25 – Khalil Batshon

Case Manager: Amy Brooks, Planning Supervisor

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

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

Agency Testimony:

00:45:00 Amy Brooks provided an overview of the request and presented a PowerPoint presentation. Brooks outlined the development plan, elevations, parking, and access. Brooks responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

Marv Blomquist, 10529 Timber wood Circle, Louisville, KY 40223

Summary of testimony of those in favor:

00:54:00 Marv Blomquist provided an overview of the request and presented a PowerPoint presentation. Blomquist outlined proposed development plan, parking, elevations, and access. Blomquist proposed adjustments to the existing fence at the dumpster enclosure between the properties to improve maneuverability for pedestrians and vehicles. Blomquist 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

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

Summary of testimony of those in opposition:

01:07:00 Ann Ramser spoke in opposition and raised concerns about traffic and connectivity. Ramser also was concerned about notification issues citing tenants unaware of changes affecting them. Ramser proposed restricted uses on the site and enquired about work hours. Ramser responded to questions from Commissioners. (See recording for details).

Rebuttal:

01:11:30 Marv Blomquist stated that working hours will be 07:00 am to 8:00 pm. Blomquist stated that the property is used for auto sales. Blomquist agreed to a cross over access agreement between the properties. Blomquist responded to questions from Commissioners. (See recording for details).

Deliberation:

01:14:40 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 C-1 Commercial to C-2 Commercial

01:17:10 On a motion by Commissioner Cheek, seconded by Commissioner Benitez, 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 zoning change would not represent an expansion of non-residential use into a residential area. The site has historically been used commercially. The site is within an established commercial activity area. No adverse traffic impacts appear to result from the proposed district or access location. The subject site is at the intersection Strawberry Lane, a primary collector and Estelle Ave, a local road. The site can be accessed via Southside Drive, a minor arterial roadway by crossing the adjacent parking lot. Additionally, several of the more intensive uses that would be allowed under the proposed zoning district would likely be limited on a lot with such existing size constraints, 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

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

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 that is connected to the neighborhood as sidewalks are available and services and amenities are within close proximity. Lastly, the proposed district creates housing opportunities and choice at a location capable of supporting higher densities of development, and

WHEREAS, the Planning Commission finds the proposed zoning district is in compliance with Plan 2040; 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 C-1 Commercial to C-2 Commercial.

The vote was as follows:

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

ABSENT: Commissioner Mims

1. Waiver of Land Development Code (LDC), Section 5.5.1.A.3.d to omit the required vehicular and pedestrian connection. (25-WAIVER-0016).

01:18:00 On a motion by Commissioner Cheek, seconded by Commissioner Benitez, the following resolution, based on the applicant justification and changes proposed to development plan on May 29, 2025, Planning Commission, applicant and staff testimony heard today, was adopted:

WHEREAS, the Planning Commission finds the proposed property to the West is the back of an existing Pic Pac Grocery Store and the primary (customer) entrance is on the opposite (front) side of the building. The area adjacent to proposed site is a truck loading area. In addition, security of proposed site and customers' vehicles requires a perimeter fence making connection from proposed site not feasible and would breach security of proposed site, and

WHEREAS, the Planning Commission finds that there remains access along the public road sidewalks that lead around the site and allow eventual access to the front of the Pic Pac store. The proposed buildings, parking, and overall site plan conform to the size and scale of the area and utilize existing paved areas for the proposed parking and maneuvering areas. Other than the requested Waiver, the Plan meets all land use, development, and landscape requirements, and

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

WHEREAS, the Planning Commission finds the proposed buildings will replace the older existing building with new more architecturally pleasing buildings placed on the property in adherence with the current Land Development Code. The existing pavement adjacent to the residential west of the site will be maintained and supplemented if needed to provide the required trees and screening. The requested Waiver is only for not providing connection to the adjacent Pic Pac site, and

WHEREAS, the Planning Commission finds the strict application of the Code to require a pedestrian/vehicular connection would create a security issue for the patrons of the proposed business. Opening the proposed perimeter security fence would eliminate a safe/secure site for the proposed business. The proposed site plan also eliminates some of the existing paved areas that have existed for years and will now be LBA areas that have previously not existed; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver **(1)** of Land Development Code (LDC), Section 5.5.1.A.3.d to omit the required vehicular and pedestrian connection and by altering the fence line to widen the area by minimum of additional 5-feet. **(25-WAIVER-0016)**

The vote was as follows:

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

ABSENT: Commissioner Mims

2. Waiver of LDC, Section 5.6.1.C to provide less than 50% of the facades facing public streets be clear glass windows. (25-WAIVER-0015).

01:19:00 On a motion by Commissioner Cheek, seconded by Commissioner Benitez, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted.

WHEREAS, the Planning Commission finds the requested waiver will not adversely affect adjacent property owners as the reduction of windows and animating features along the proposed building's walls will be mitigated by the buffering of new and existing landscaping, and

WHEREAS, the Planning Commission finds the Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality de-sign and building materials should be

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

promoted to enhance compatibility of development and redevelopment projects. This is an older commercial area where it is not uncommon for buildings to have limited windows and animating features. However, the proposed building will provide some visual interest facing the public street to mitigate the reduced articulation in its overall design features, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The applicant will be providing street streets adjacent to the subject site that will soften the appearance of the building's façade, and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver **(2)** of LDC, Section 5.6.1.C to provide less than 50% of the facades facing public streets be clear glass windows. **(25-WAIVER-0015)**.

The vote was as follows:

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

ABSENT: Commissioner Mims

Detailed District Development plan with binding elements

01:19:35 On a motion by Commissioner Cheek, seconded by Commissioner Benitez, the following resolution, based on the applicant justification, applicant and staff testimony heard today and staff analysis, was adopted.

WHEREAS, the Planning Commission finds the subject property at 6700 Strawberry Lane is currently Zoned C-1 in the Traditional Neighborhood Form District in southern Jefferson County. The overall area west of this site is commercially zoned and is occupied by a grocery store, a retail center, and outlets developed for retail/commercial uses. A fuel center gas station is located southwest of the site at the intersection of Strawberry Lane and Southside Drive. Properties across Strawberry Lane to the southeast are retail center zoned C-1 and a storage facility zoned C-2. Across Estelle Avenue to the northeast are residential duplexes zoned R-6. The overall area northeast of the site along Strawberry Lane is primarily R-6 residential with a mix of single family, duplexes, and some apartment buildings. The proposed site is located such that the proposed building and use would be

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

a good use for the already commercial uses along Strawberry Lane and Southside Drive and not extend into the residential uses to the northeast. The facades of the buildings facing Estelle Avenue and Strawberry Lane will not have garage doors with only a single door and windows along those frontages. The garage doors and parking area will be behind the proposed buildings and shielded from the residential duplexes across Estelle Avenue., and

WHEREAS, the Planning Commission finds the proposed site has predominately, if not always, been a small tract of land used as some type of small commercial business. Now this site is surrounded by a larger grocery store and retail center and across the street from other retail centers and a storage facility. Over time, the overall area around this property has been developed and/or rebuilt as commercial uses while this tract remained as is due in part to its limited size/shape and the adjacent uses. These changes lend justification to the proposed site being rezoned from C-1 to C-2 for the proposed Auto Body/Repair Facility, and

WHEREAS, the Planning Commission finds the site is currently an existing building and pavement areas and is fully developed as an existing grocery store and there are no natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites, and

WHEREAS, the Planning Commission finds the proposed layout is for a single entry/exit point with appropriate size parking spaces and aisle width for parking and maneuvering, and

WHEREAS, the Planning Commission finds the site is currently approximately 90% impervious surfaces and the proposed layout will decrease the impervious area by approximately 10%. Existing drainage patterns will be maintained by the proposed layout, and

WHEREAS, the Planning Commission finds the adjacent site is an existing large box grocery store and in the general vicinity is a mix of auto gas stations, restaurants, retail stores/center, storage facilities and a mix of duplex residential across Estelle Avenue from the proposed site, 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 Traditional Neighborhood is supportive of mixed uses for Retail, Commercial establishments and residential, and

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

WHEREAS, the Planning Commission finds 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 **APPROVE** the requested Detailed District Development plan on **CONDITION** that the development plan should be modified to show the change in the fence as described at the May 29, 2025, Planning Commission public hearing and 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. Encroachment permits shall be obtained from the Louisville Metro Public Works for any work in either the Estelle Avenue or Strawberry Lane 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. The materials and design of proposed structures shall be consistent with renderings as presented at the May 29, 2025, Planning Commission

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0126

meeting. A copy of the approved rendering is 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. There shall be no outdoor automobile repairs performed on site.
7. The following C-2 uses shall not be permitted on the site.
 - a. Package liquor stores
 - b. Smoking Retail stores
 - c. Game rooms
 - d. Tattoo, Body art and Piercing Parlors
8. The regular business hours shall be 7:00 am to 8:00 pm.
9. A reciprocal access in cross over easement 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 Office of Planning.

The vote was as follows:

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

ABSENT: Commissioner Mims