

PLANNING COMMISSION MINUTES
June 1, 2023

PUBLIC HEARING

CASE NO. 23-AREA-0001

Request: Approval of the Berrytown Neighborhood Plan and Adoption of the Berrytown Neighborhood Plan Executive Summary as an Amendment to Plan 2040

Project Name: Berrytown Neighborhood Plan

Location: Berrytown Neighborhood

Owner: N/A

Applicant: Louisville Metro

Representative: Louisville Metro

Jurisdiction: Louisville Metro

Council District: 17 – Markus Winkler

Case Manager: Rachel Casey, Urban Planner

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

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

Agency Testimony:

00:09:23 Rachel Casey discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
Marilyn Williams, 1101 Heafer Road, Louisville, Ky. 40223
Kip Eatherly, 601 West Jefferson Street, Louisville, Ky. 40202
Barbara Benjamin Coffield, 1001 Anchorage Woods Circle, Louisville, Ky. 40223

Summary of testimony of those in favor:

00:29:37 Steve Porter thanked Ms. Casey, the consultants and the neighbors. The plan addresses the issues of home ownership and retaining trees which is very important to the neighborhood (see recording for detailed presentation).

00:31:54 Marilyn Williams said the underdeveloped area is 13.2%, which still may not be completely correct for the year 2023. The vacant properties are owned but need renovations. Also, the tree canopy is at 42% but there's concern that if there is future

PLANNING COMMISSION MINUTES
June 1, 2023

PUBLIC HEARING

CASE NO. 23-AREA-0001

development, it will be below the recommendation for the year 2040 (see recording for detailed presentation).

00:35:17 Kip Eatherly, Legislative Aid for Councilman Winkler, discussed park improvements and speed humps (see recording for detailed presentation).

00:38:11 Barba Benjamin Coffield said the 39% tree canopy could be significantly lower (see recording for detailed presentation).

The following spoke in opposition to this request:

Clifford Ashburner, Dinsmore and Shohl, 101 South 5th Street, Suite 2500, Louisville, Ky. 40202

Summary of testimony of those in opposition:

00:40:26 Cliff Ashburner listed the following critiques of the plan: a plan is in the works and will be under the guidelines of the Comprehensive Plan 2040 only; distinction between home ownership and rental; recommends changing “seek developers and developments that increase affordable ownership for residents” to “increase affordable housing options”; home ownership rate; and the inclusion of the properties on the east side of N. English Station Rd. (see recording for detailed presentation).

Cliff Ashburner said he is in favor of the following: parks; community identity; and emphasis on creating a safe pedestrian environment.

Cliff Ashburner said the boundaries should be reduced (see recording for detailed presentation).

00:52:40 Acting Chair Howard said the east side of English Station Rd. has always been a part of the Berrytown boundary (see recording for detailed presentation).

Rebuttal

00:55:00 Rachel Casey said this neighborhood plan will most likely not affect the properties on the east side of English Station Rd. The industrial uses will be allowed by right. Also, there’s nothing in the recommendations of this plan that prohibits multi-family housing or rental properties (see recording for detailed presentation).

Deliberation

PLANNING COMMISSION MINUTES
June 1, 2023

PUBLIC HEARING

CASE NO. 23-AREA-0001

01:07:56 Planning Commission deliberation.

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

Berrytown Neighborhood Plan

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed recommendations guide the form and design of development to be responsive to the distinctive physical, historic and cultural qualities of the Berrytown area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposed recommendations encourage sustainable growth and density around corridors; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the proposed recommendations enhance the Berrytown area by protecting and integrating open space, watersheds and other natural resources; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the proposed recommendations promote the historic resources that contribute to the Berrytown area's authenticity; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, the proposed recommendations promote a safe, accessible and efficient transportation system; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed recommendations encourage land use and transportation patterns that connect the Berrytown area and support future growth; and

PLANNING COMMISSION MINUTES
June 1, 2023

PUBLIC HEARING

CASE NO. 23-AREA-0001

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the proposed recommendations support community facilities to improve quality of life; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Facilities because, the proposed recommendations support updates and improvements to Berrytown Park; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the proposed recommendations encourage the protection and enhancement of the natural environment and integration with the built environment as development occurs; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Livability because, the proposed recommendations promote equitable health and safety outcomes for all; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Livability because, the proposed recommendations promote equitable access to land use planning and policy-making resources; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed recommendations guide future growth and development in Berrytown to ensure diverse housing options; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed recommendations are founded in supporting housing affordability for all.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Berrytown Neighborhood Plan be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Fischer, Mims, Pennix and Howard
NOT PRESENT AND NOT VOTING: Commissioners Cheek, Sistrunk and Lewis

Adoption of the Berrytown Neighborhood Plan Executive Summary as an Amendment to Plan 2040

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On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Adoption of the Berrytown Neighborhood Plan Executive Summary as an Amendment to Plan 2040 be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Fischer, Mims, Pennix and Howard
NOT PRESENT AND NOT VOTING: Commissioners Cheek, Sistrunk and Lewis