

**MINUTES  
LOUISVILLE PLANNING COMMISSION  
JUNE 13, 2023**

Louisville Planning Commission met in regular session with Chairman Casar presiding.

The Pledge of Allegiance was led by Chairman Casar.

**MEMBERS PRESENT**

William Jeffries  
John Phillippi  
John Schumacher  
Daniel Casar

**MEMBERS ABSENT**

Bill Croxton

**CITY PERSONNEL PRESENT**

Magan Denzer, Deputy City Clerk  
Tom Pukys, City Manager  
Kaitlyn Carpenter, Administrative Assistant  
Tiffany Justice, City Clerk  
Patricia Fallot, Mayor-Council Member  
Robert Duffrin, Law Director

The Certificate of Open Meeting was presented.

**MINUTES OF THE MAY 9, 2023 MEETING**

Chairman Casar declared the minutes of the May 9, 2023 meeting approved as presented by unanimous consent.

Chairman Casar swore in those in attendance planning to speak before the commission prior to each agenda item.

**NEW BUSINESS**

**PC 23-06 REQUEST TO REZONE PARCELS 3604008, 3601714, 3601713, 3600056, AND 3600055 ON W ST LOUIS CT AND STERTZBACH AVE, FROM R-2 ONE- AND TWO-FAMILY LOW DENSITY URBAN RESIDENTIAL TO B-5 GENERAL RETAIL, OFFICE, AND MOTORIST SERVICES BUSINESS DISTRICT. BRENDA L'AMOREAUX, APPLICANT.**

**EXISTING & BACKGROUND INFORMATION**

- The five vacant parcels are located on the corner of W St Louis Ct and Stertzbach Ave.
- The parcels are all currently zoned R-2. The proposed zoning request is B-5.

- The applicant is requesting the zone change to allow for additional parking and fenced in area for dogs for the existing veterinary clinic on W Main St.
- The purchase of the properties by the applicant is contingent upon the outcome of the requested zone change.

## ZONING

Parcels (5): R-2  
North: R-2  
South: B-5  
East: R-2  
West: R-2

In considering the rezoning of land within the city, there are several factors to examine.

First, is there general support for the proposed zoning classification? Is it compatible with the environs, supported by the trend of development or consistent with the city plan? *Existing properties within this area consist of commercial offices, residential homes, American Legion, vacant farm field, and city park property.*

A second consideration is does the proposed rezoning further the public interest and not solely the interest of the applicant. *Staff finds that such a rezoning would not be contrary to the public interest.*

A third consideration is, are public services available? *Public water and sewer are available to proposed lots along W St Louis Ct and/or Sterzbach Ave.*

## STAFF RECOMMENDATION

Staff finds the B-5 rezoning request for parcels 3604008, 3601714, 3601713, 3600056, and 3600055 to be consistent with the land use trend in the area and recommends the Planning Commission forward the request to the City Council for consideration.

Brenda L'Amoreaux, applicant, owns the West Main Vet Clinic at 817 W Main St. She stated that she would like to expand her clinic to the west and south, which will eat up a majority of her current parking area. She proposes to use the lot behind the clinic, on W St Louis to be a new parking area and the remaining would be used for a picnic area for her staff to use during lunch and break times, a walking area for her hospitalized patients, and an area for animals to walk before their appointments within in a fenced in area and would be a park atmosphere.

Member Schumacher asked if it could be any of these items under another B zoning. Deputy Clerk Denzer stated because it was a business use, they would need the zone change.

Member Phillippi asked if the dog run area could be conditionally permitted use? Deputy Clerk Denzer stated that there is nothing in the matrix regarding dog runs or related items. Member Phillippi stated that the use seems like a much better use than what it is being used for now.

Member Schumacher stated that if it was zoned to B-5, they could do anything. Deputy Clerk Denzer stated that it does need to be B-5 in case of any other future expansion, because it is a business use the only zoning that would cover the uses would be B-5.

Mayor Patricia Fallot stated that if anyone currently uses this vet, they know the cramped condition of the standing building. Mayor Fallot stated that it is crucial that the town has a good veterinary clinic as well as someone willing to put the money into expanding to better serve her patients.

MEMBER CASAR MOVED, MEMBER PHILLIPPI SECONDED, and the Motion carried to forward the zone change request to City Council for consideration as submitted. The vote: all yea.

PC 23-07 REVIEW OF REPLAT FOR PT OL 227 (2 LOTS) LOCATED ON S CHAPEL ST, SARAH BASKERVILLE, PROPERTY OWNER.

### **ZONING & BACKGROUND INFORMATION**

- Current lot numbers are Pt OL 227 (1.5 Acres) and PT OL 227 (.97 Acre) located on S Chapel St.
- A single-family residence is located on the 1.5 Acres lot with the address of 1731 S Chapel St.
- The subject parcels are within an R-2 zoning district.
- The property owner has submitted the replat to construct a detached garage.

### **DISCUSSION**

- The replat is consolidating two lots into one lot.
- City staff and City Engineer have reviewed the replat for technical conformance.
- All comments have been addressed.

**STAFF RECOMMENDATION**

Based upon meeting the comments of staff and engineer, staff recommends approval the replat.

The applicants were not present at the meeting, due to being on vacation. Deputy Clerk Denzer stated that the applicants wanted to construct a detached garage on the property but would need to consolidate the two lots into one lot. Member Phillippi stated that this replat was just to meet the regulations, which Deputy Clerk Denzer confirmed.

MEMBER PHILLIPPI MOVED, MEMBER JEFFRIES SECONDED, and the Motion carried to approve the replat as submitted. The vote: all yea.

**PC 23-08 PRELIMINARY PLAT REVIEW FOR BORGIO ALLOTMENT, HETTLER & LARGENT ENGINEERS, APPLICANT.**

**BACKGROUND & EXISTING CONDITION**

- A preliminary plat is a major step in the subdivision review process. The purpose of the preliminary plat is to submit enough information to answer the question, “Should this use, designed in this manner, be constructed on this site?” Approval of a preliminary plat constitutes authorization to proceed with the preparation of the final plat but does not assure final approval or acceptance.
- The proposed property is currently undeveloped and consists of 16.4 acres.
- The property owner, BORGIO Properties LLC, is proposing to develop the property into 27 lots in two phases.
- There are two variances being requested and reviewed by the Board of Zoning Appeals prior to this meeting:
  1. 1162.04 (b) Intersection centerline offset less than required 200 ft. The request is for a 161 ft proposed offset, which constitutes a 19.5% variance request.
  2. 1154.01 (a)(4) for a lot to width ratio not to exceed 3.5 x average width. The request includes 4 lots exceeding this requirement. Portions of these lots would not be developable land and include a potential detention basin and existing creek.

**ZONING**

Parcel	R-2
North:	R-2 (Township)
South:	R-2
East:	R-2
West:	R-1

- The preliminary plat has been reviewed by the Service Department, Fire Department and Planning and Zoning Department.
- The preliminary plat was forwarded to the City Engineer on May 19, 2023 and comments have not yet been received
- The Law Director will need to review and approve Articles of Incorporation and Homeowners Association Articles prior to final plat approval.
- Storm water plan will need to be submitted to City and Stark Soil and water at time of final plan submittal.
- Coordination with private utilities will be the responsibility of the applicant.

**CITY OF LOUISVILLE**  
**Preliminary Plat Review Checklist**  
**Name of Subdivision:** BORGGO Allotment  
**Location:** W Reno Dr, Parcel # 10010982

<b>PRELIMINARY PLAT REQUIREMENTS</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
Application & Fee Received	X		
Proper Scale Not More Than 100 Ft. To The Inch	X		
Proposed Subdivision Name, Tract & Original Lot Number	X		
Name, Address, Telephone Numbers of Developer and Engineer	X		
North Arrow	X		
Boundary Lines: Bearings and Distances	X		
Easements: Location, Width & Purpose	X		
Streets in and Adjacent to The Subdivision: Names, Widths	X		Widths of adjacent streets
Utilities In & Adjacent to Subdivision: Sanitary, Storm, Water & Wells	X		Proposed water/sewer line sizes
Topography: Contours with Intervals Not More Than 5 Ft.	X		
Unusual Subsurface Conditions If Applicable	X		

PRELIMINARY PLAT REQUIREMENTS	YES	NO	COMMENTS
Watercourses & Other Conditions	X		
Conditions On Adjacent Land	X		
Zoning Requirements	X		
Planned Public Improvements	X		
Streets: Widths, Names	X		50 ft, Via Verde Ave
Total Site Data: Acreage, Number of Lots, Etc.	X		
Storm Water Plan		X	Storm water plan will need to be submitted to City and Stark Soil and water during development of the final plat.

**RECOMMENDATION**

Staff recommends conditional approval of the preliminary plat with the following conditions:

- Variances are granted by the Board of Zoning Appeals.
- Comments of City staff are met- see attached memo
- Comments of the City engineer are met.

The engineer, Rich Largent, was present for the meeting and to address comments.

Member Phillippi questioned if the city engineer would require a third variance for the length of the road and not granting street access to the allotment next to this proposed allotment. Deputy Clerk Denzer stated that there were no plans to make an access road to that allotment currently with the site plan. Member Phillippi asked if there was any rationale as to why there was to be no access road to the allotment, given the fact that it would be the only access.

Mr. Largent said that the access road from the previous plat of the Kauth development has not yet gone in and only a preliminary plat has been approved. If their lot is developed after this lot goes in and is developed, what is saying the road can't go to the couldn't go to the west, rather than the north.

Member Jeffries asked if they were looking at putting in duplexes and that the requirement is 100' lot and this plat would not meet the requirement to put duplexes in, as the lots are all 85'.

Mr. Largent said that they have respect for the residents that live around the proposed development and all their comments about flooding would be met with the storm water plan. Mr. Largent also stated that it is set up in 2 phases and they would see how sales go before moving onto the second phase.

Robert Lee, 305 Reno Dr, still has questions about the flooding issue. Member Casar asked if the engineer would explain their plan for flooding again. Mr. Largent stated that the info for the FEMA maps regarding the flooding. There were no comments from the city engineer on the flood zone and she did not have any disputes. He understands the concern about the flooding and will work to make sure the surrounding residents are minimally impacted. Mr. Lee asked how deep the retention pond will be. Mr. Largent stated it will be 6'-8' deep.

Gabriel Stroll, 1485 N Chapel, talked on the idea of putting duplexes into the lot. The duplexes will decrease the property value of his home. He then spoke to the flooding; the engineer does not see it firsthand like he does. The flooding is washing the whole bank away. His third issue is people coming onto his property and dumping items inside his fenced area. There is also a safety issue of rebar sticking up in the creek. Putting more houses here will allow access for more people to get injured in the creek. The rebar and glass that is in the creek could severely injure a child who is playing in the creek, which brings his concern that they are going to try to deter access to the creek with a fence or something else that would deter activity at the creek area.

Travis Marks, 1436 Glenbrook Ave, had questions on the 100' wide lots and putting in duplexes, how does the process go on from here? Deputy Clerk Denzer explained the process and procedures for submitting the final plat.

Mr. Marks asked if they can apply for a variance for a shorter lot and put in a duplex on the shorter lot if it is approved? Deputy Clerk Denzer stated that they could apply for several variances to put duplexes in or reconfigure it to allow duplexes.

Member Phillippi stated that the way it is submitted now, it would not allow duplexes. He also commented that there were too many questions on if they are going to input duplexes on the lots. Mr. Largent stated that they do not intend on changing the lot size and he could not comment on the duplexes as he is not the landowner.

Mr. Marks asked if it was possible if the landowner could speak on his intentions of the property. The property owner was not present. Member Phillippi stated that they had to act tonight on the matters at hand.

MEMBER PHILLIPPI MOVED TO CONDITIONALLY APPROVE THE SUBDIVISION UPON MEETING THE CONCERNS AND COMMENTS OF THE MEETING, MEMBER CASAR SECONDED, and the Motion to conditionally approve the preliminary plat carried, upon meeting the comments and concerns voiced at the meeting. The vote: Jeffries abstain, Phillippi no, Schumacher abstain, Casar yea.

MEMBER CASAR MOVED TO UNTABLE PC 23-04 for Metger Park Fields. The vote: all yea.

Greg Parks, Park Village, spoke again to the issues he spoke about previously and urged the board to make an informed decision.

Member Phillippi stated there were other concerns, and questioned who stated that 4 new fields were needed?

Mayor Fallot stated that we lost 4 fields at Metzger Park and Aljancic Park. The need is tremendous for more fields for baseball and softball activity is in a dire need for more fields.

Member Phillippi asked why those fields were taken out. Member Jeffries stated that the commission was simply just looking at the parking lot itself and not there to discuss the other aspects of the fields and other design. Many of the things that they are discussing are not for the Planning Commission to discuss and were decided elsewhere.

MEMBER JEFFRIES MOVED TO RETABLE THE DISCUSSION OF PC 23-04, MEMBER CASAR SECONDED, and the Motion carried to retable the site plan application The vote: Jeffries yea, Phillippi no, Schumacher yea, Casar: yea.

