

**PLANNING COMMISSION MINUTES**  
**September 15, 2022**

**PUBLIC HEARING**

**CASE NO. 22-ZONE-0084**

Project Name: 1747 Frankfort Ave  
Location: 1747 Frankfort Ave  
Owner(s): Appel Real Estate LLC and Christopher Seckmann  
Applicant: Zach Fry and Christopher Seckmann  
Jurisdiction: Louisville Metro  
Council District: 9 – Bill Hollander  
**Case Manager: Jay Lockett, AICP, Planner II**

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

04:53:43 Julia Williams presented the case on behalf of Jay Lockett, showed a Power Point presentation, and answered questions from the Commissioners (see staff report and recording for detailed presentation.)

**The following spoke in support of the request:**

Christopher Seckman, 1745 Frankfort Avenue, Louisville, KY 40206

**Summary of testimony of those in support:**

04:56:42 Christopher Seckman, the applicant, presented the applicant's case and answered questions from the Commissioners (see recording for detailed presentation.)

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

No one spoke.

**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.**

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**Change in zoning from R-5B to CR**

04:58:13 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence 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 zoning change would not represent an expansion of nonresidential uses into residential areas. The Frankfort Avenue corridor is a Traditional Marketplace Corridor with a variety of commercial uses in the area; Frankfort Avenue is a major arterial roadway with transit service that provides ready access to employment opportunities, commercial services and amenities; the proposed zoning district would not permit industrial development; the proposed zoning would not permit industrial development or other hazardous uses. The site will be subject to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances; the proposed zoning would not permit industrial development or other hazardous uses; the proposed zoning or use would not create significant additional traffic on Frankfort Ave, which is a major arterial roadway capable of handling high volumes of traffic; and the proposal does not appear to add any significant additional noise-generating uses; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because the subject site is within an existing Traditional Marketplace Corridor with a wide variety of commercial uses; the proposed zoning would permit a variety of neighborhood serving uses in an area with adequate population to support them; the proposed zoning district will result in a compact development pattern and efficient land use that utilizes existing infrastructure; The zoning district would allow for a wide variety of uses, including mixed residential and commercial uses; the proposed development includes a mix of residential uses and neighborhood serving commercial uses; and the development would allow a previously developed site to provide a mix of residential units and commercial uses; and the subject site is not an outlot on a larger commercial development; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because the site is previously developed and does not contain distinctive natural features. The applicant indicates they will preserve existing trees on site; the site is previously developed and does not have potential hydric soils or erosion concerns.; the subject site is not along the Ohio River; and the subject site is not in the flood plain; and

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**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the is within the Clifton historic preservation district and proposes to reuse existing structures. Any future changes to the site will need to be in accordance with the requirements of the Clifton Architectural Review guidelines; and external site changes will need to be reviewed for compliance with the Clifton historic preservation district standards; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the subject site is within and established Traditional Marketplace Corridor. The proposed zoning encourages transit-oriented development and an efficient transportation system; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking; the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed development would include a mix of residential dwelling and neighborhood scale commercial uses that encourage a reduction in vehicle miles traveled; the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed development would include a mix of residential dwelling and neighborhood scale commercial uses that encourage a reduction in vehicle miles traveled; the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed development would include a mix of residential dwelling and neighborhood scale commercial uses that encourage a reduction in vehicle miles traveled; the subject site is well served by existing transportation networks; the applicant will repair or improve sidewalks adjacent to the site as needed; andtThe subject site is well served by existing transportation networks; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because utility services are available; water service exists to serve the site.; and MSD has approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Economic Development because the proposed zoning would not allow industrial development; and Frankfort Avenue is a Major Arterial roadway. The proposed zoning will not adversely impact traffic in the area; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Livability because the site does not have potential for erosion or

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other environmental concerns; the subject site is not within the floodplain; and the subject site is not within the floodplain. The proposed zoning would not allow for hazardous materials to be stored onsite; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Housing because the proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place. The site is served directly by transit; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Housing because the proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support mixed income households; and the subject site is within an established neighborhood scale commercial center and is served by public transit on S Third St. The site is near a wide variety of services, amenities and employment opportunities; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Housing because residents would not be displaced by the proposal; and the proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from R-5B to CR on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Howard, Mims, Clare, Daniels, Carlson, Cheek, Brown, and Lewis.**

**ABSENT: Commissioners Sistrunk and Price.**

**Detailed District Development plan**

04:59:10 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS** the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints or historic resources on the subject site; and

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**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Commission further finds that 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 Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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 in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.



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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.
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.

**The vote was as follows:**

**YES: Commissioners Howard, Mims, Clare, Daniels, Carlson, Cheek, Brown, and Lewis.**

**ABSENT: Commissioners Sistrunk and Price.**