

PLANNING COMMISSION MINUTES
October 20, 2022

PUBLIC HEARING

CASE NO. 22-ZONE-0097

Request: Change in zoning from R-5B to R-8A with Detailed District Development Plan and Binding Elements
Project Name: 1140 Cherokee Road
Location: 1140 Cherokee Road
Owner: 1140 Cherokee Road LLC
Applicant: 1140 Cherokee Road LLC
Representative: Bardenwerper, Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 8 – Cassie Chambers Armstrong
Case Manager: Jay Lockett, AICP, 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 part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:21:03 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

John Talbott, Bardenwerper, Talbott and Roberts, 1000 North Hurstbourne Parkway, Louisville, Ky. 40223

Ashley Bartley, QK4, 1046 East Chestnut Street, Louisville, Ky. 40204

John Hunzicker, 400 Crabbs Lane, Louisville, Ky. 40206

Summary of testimony of those in favor:

02:27:27 John Talbott gave a power point presentation discussing the proposal. It will be a nice infill development with local developers repurposing the building (see recording for detailed presentation).

02:33:03 Ashley Bartley discussed the changes regarding the parking (see recording for detailed presentation).

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02:34:45 John Talbott gave further testimony (see recording for detailed presentation).

02:39:26 John Hunzicker described the fencing perimeter and said there will be no gate (see recording for detailed presentation).

The following spoke in opposition to this request:

Janet Gottbrath, 1135 Cherokee Road, Louisville, Ky. 40204

Summary of testimony of those in opposition:

02:44:55 Janet Gottbrath said she doesn't oppose repurposing the church. The proposal is not practical, 18 units is too many and parking is at a premium now (see recording for detailed presentation).

The following spoke neither for nor against the request:

Louis Senn, 1207 Cherokee Road, Louisville, Ky. 40204

Summary of testimony of those neither for nor against:

02:42:09 Louis Senn said parking will be an issue (bad now). Also, there are substantial drainage issues (see recording for detailed presentation).

Rebuttal

02:47:31 John Talbott said the changes are appropriate and it's a good project (see recording for detailed presentation).

Deliberation

02:52:54 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.

Change in zoning from R-5B to R-8A

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On a motion by Commissioner Brown, seconded by Commissioner Cheek, 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 subject site has ready access to services, amenities and job opportunities. Transit is available approximately 200 feet from the site along Bardstown Rd or approximately 475 feet along Grinstead Dr.; the proposed zoning and use is similar in intensity to other properties in the area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal includes rehabilitation of an existing structure to provide housing; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site does not have environmental concerns; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the proposal is to preserve and renovate an existing structure. The structure is a historic structure within a historic preservation district; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the subject site is adjacent to an existing Traditional Marketplace Corridor along Bardstown Road with access to a variety of services, employment opportunities and amenities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, the site will be accessed via existing public streets; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning would permit a variety of housing types and densities in an area well served by multimodal transportation networks; the subject site is well served by existing transportation networks; the applicant will repair or upgrade sidewalks around the subject site as required by Public Works; no vehicular access is proposed to the subject site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, utility service will be

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coordinated with appropriate utility agencies; water service will be coordinated; MSD has reviewed and approved the preliminary plan; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the subject site does not contain distinctive natural features; the subject site does not have potential for unstable soils; the site is not in the floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed zoning would allow a variety of housing types and densities appropriate for the form district; the proposed zoning would allow a variety of housing types and densities that support aging in place; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning would allow a variety of housing types and densities in a well-connected location that supports a mixed-income neighborhood; the proposed zoning would allow a variety of housing types and densities in an area that is well connected to a multimodal transportation network with a variety of services and amenities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the site is near a wide variety of services, amenities and employment opportunities; residents would not be displaced by the proposal; and the proposed zoning allows for a variety of housing options that promotes the provisioning of fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-5B, Multi-Family Residential to R-8A, Multi-Family Residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

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

Detailed District Development Plan and Binding Elements

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

WHEREAS, the site is previously developed and does not contain any natural resources. The proposed development would allow for the adaptive re-use of a historic structure within the Cherokee Triangle historic preservation district; and

WHEREAS, 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, adequate open space is being provided on the subject site; and

WHEREAS, 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 Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area. The site is adjacent to a major commercial corridor with a variety of services, amenities and employment opportunities; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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

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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.

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. Prior to any exterior alterations on the subject site, a Certificate of Appropriateness must be approved to ensure compliance with the regulations of the Cherokee Triangle Historic Preservation District or the Bardstown Road Review Overlay as applicable.

The vote was as follows:

YES: Commissioners Brown, Carlson, Cheek, Clare, Howard, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Mims and Sistrunk