

**PLANNING COMMISSION MINUTES**  
**May 9, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1000**

Request: Change in zoning from C-1 to C-2 with a Detailed District Development Plan  
Project Name: Shelby Street Event Space / Lounge  
Location: 1149 South Shelby Street  
Owner: Breitenstein properties, LLC  
Applicant: Flynn Construction Services  
Representative: John Campbell - Heritage Engineering, LLC  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith

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

**Agency Testimony:**

00:56:26 Julia Williams presented the case on behalf of Joel Dock (see staff report and recording for detailed presentation.)

01:00:09 Commissioner Carlson asked if there had been any discussions regarding hours of operations. Ms. Williams said that should be addressed today by the applicant.

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

John Campbell, Heritage Engineering, 642 South 4<sup>th</sup> Street, Louisville, KY 40202

Nicole Stipp, 1341 McHenry Street, Louisville, KY 40217

Kaitlyn Soligan, 1305 South Brook Street, Louisville, KY 40208

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

01:00:33 John Campbell, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

**PLANNING COMMISSION MINUTES**  
**May 9, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1000**

01:05:32 Kaitlyn Soligan, one of the co-applicants, presented the case (see recording for detailed presentation.)

01:08:02 Nicole Stipp, the other co-applicant, discussed what the tavern and special events space will be like (see recording for detailed presentation.) Bourbon education will be emphasized.

01:09:27 Mr. Campbell said he had advised the applicants to not enter into any specific hours of operation because this will be an "events" space, and each event may have different hours associated with it. He said the applicants are open to discussion, however.

01:10:31 In response to a question from Commissioner Carlson, Mr. Campbell said the maximum number of occupants would be 100-120.

01:10:58 In response to a question from Commissioner Daniels, Ms. Soligan said this will be an open space but will have a bar included, not as a separate area.

01:12:09 In response to a question from Commissioner Jarboe, Mr. Campbell and the Commissioners discussed the parking requirements for an "event space". Mr. Campbell said that, according to the LDC, the parking requirements are the same for an "event space" as they are for a "bar/lounge" facility. He said the applicants had complied with the "lounge" requirements.

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

No one spoke.

**Deliberation:**

01:13:58 Commissioners' 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.**

**Zoning**

**PLANNING COMMISSION MINUTES**  
**May 9, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1000**

01:18:39 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution, based on the Plan 2040 Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Land Use & Development Goal 1: Community Form** because the proposed district is located in an area of varying intensities and densities and does not result in a non-residential expansion into existing residential areas; the proposed district is located in an area served by public transit and adjacent to similar intensities where demand and adequate infrastructure exists; no adverse impacts of traffic will result as the site is located on an arterial roadway in a walkable urban community served by public transit; and the proposed district is consistent with adjoining districts which pose the same potential for noise as the proposed district; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 2: Community Form** because existing facilities will be repurposed; the proposed district is located in the traditional neighborhood form on an arterial roadway in a walkable urban community served by public transit; the proposed district is supported by a sufficient population in the area that has convenient access to the corridor; the proposed district encourages a concentration of commercial uses along the corridor resulting in an efficient land use and cost-effective infrastructure investment. The proposed district allows for a concentration of commercial activities of varying intensities to be located along a commercial and transit corridor resulting in fewer trips, the support and enhancement of alternative modes of travel, and vitality and a sense of place; and the proposed district does not require the demolition of existing structures; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 3: Community Form** because the proposed district utilizes a previously developed site and does not impact floodplain or soils; and existing facilities will be repurposed; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 4: Community Form** because the proposed district preserves existing structures that exhibit compatibility with the character of the area.; and no cultural features are present on the subject site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 1: Mobility** because the proposed district is a higher intensity district which is located amongst higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment

**PLANNING COMMISSION MINUTES**  
**May 9, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1000**

centers to support transit-oriented development and an efficient public transportation system; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 2: Mobility** because the area contains a wide variety of intensities and densities. Access is through areas of similar intensity; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 3: Mobility** because the proposed district increases the availability of commercial activities without encroachment into the neighborhood and located along a transit corridor in a walkable urban neighborhood; the proposed district does not negatively impact mobility or accessibility to transit, pedestrians and people with disabilities; the propose district is located along a major transit corridor that is readily accessible to pedestrians; the site is located on an arterial roadway in a walkable urban community served by public transit; improvements necessitated by the proposed district will be made, such as bike racks within the right-of-way; existing transportation facilities and services are adequate; and there do not appear to be any long range plans for transportation improvements; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 2: Community Facilities** because the proposed district will be served by existing utilities; an adequate supply of potable water and water for fire-fighting purposes is available; and adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District is provided; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of **Land Use & Development Goal 1: Economic Development** because the proposed district is located along an arterial roadway with multi-modal options that do not impact adjacent areas; and the proposed district utilizes a previously developed site and I not located within the floodplain; 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 C-1, Commercial to C-2, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Robinson, Daniels, Brown, Howard, Carlson, and Jarboe.**

**PLANNING COMMISSION MINUTES**  
**May 9, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1000**

**NOT PRESENT: Commissioners Lewis, Smith, Peterson, and Tomes.**

**Detailed District Development Plan**

01:19:39 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 no development is proposed on site which negatively impacts the conservation of natural resources. The existing structure which is consistent with the character of the area and with the form district will remain; and

**WHEREAS**, the Commission further finds that the subject property is located in a walkable urban neighborhood which is well connected to employment and activity center via public transit service. The primary road is intended to serve larger volumes of traffic based on its classification as an arterial roadway; and

**WHEREAS**, the Commission further finds that open space is not required for the proposed development; however, small portions of the site will be returned to a vegetative state; 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 is compatible with the existing and future development of the area as the site is appropriately located along a commercial corridor in a walkable urban neighborhood served by public transit. Surrounding land uses are compatible with the proposed land use as they consist of commercial and industrial districts. The proposal preserves existing buildings consistent with predominate neighborhood building design; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as multi-modal transportation options are provided, the character of the building is being preserved, natural features are being retained, and the site design is consistent with the current pattern of development and intent of the marketplace corridor form district; now, therefore be it

**PLANNING COMMISSION MINUTES**  
**May 9, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1000**

**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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways or the Department of Public Works for all work within the right-of-way
5. 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.

**PLANNING COMMISSION MINUTES**  
**May 9, 2019**

**PUBLIC HEARING**

**CASE NO. 19ZONE1000**

6. 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 Robinson, Daniels, Brown, Howard, Carlson, and Jarboe.**  
**NOT PRESENT: Commissioners Lewis, Smith, Peterson, and Tomes.**