

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
September 1, 2016**

A meeting of the Louisville Metro Planning Commission was held on September 1, 2016 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chair
Vince Jarboe, Vice Chair
Jeff Brown
Marilyn Lewis
Rob Peterson
David Tomes – Arrived at approximately 1:07 p.m.
Lula Howard
Emma Smith
Robert Kirchdorfer
Clifford Turner

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joe Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning Manager
Joe Haberman, Planning Manager
Julia Williams, Planning Supervisor
Will Ford, Communications Specialist
John Carroll, Legal Counsel
Jon Baker, Legal Counsel
Pamela M. Brashear, Management Assistant

The following matters were considered:

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APPROVAL OF MINUTES

AUGUST 18, 2016 PLANNING COMMISSION REGULAR MEETING MINUTES

On a motion by Commissioner Howard, seconded by Commissioner Jarboe, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on August 18, 2016 with a note that the conditions for the CUP will be included in the minutes.

The vote was as follows:

YES: Commissioners Blake, Brown, Howard, Jarboe, Lewis, Peterson and Smith
ABSTAINING: Commissioners Kirchdorfer, Tomes and Turner

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CONSENT AGENDA

STR_CUP_FEE

Project Name: Short Term Rental Conditional Use Permit Fee
Staff Case Manager: Emily Liu, AICP, Planning and Design Director

Discussion

00:07:38 Ms. Liu stated, "Earlier this year the Planning Commission reviewed and also sent a recommendation to Metro Council regarding short term rental. Metro Council has since adopted that text amendment and this new regulation became effective August 1, 2016." The Metro Council has given all the short term rental hosts 90 days to register with Planning and Design Services (PDS). Only 25 have registered so far (first 30 days), so PDS would like to propose a fee reduction for the Conditional Use Permit (CUP).

00:13:35 Mr. Haberman gave a power point presentation detailing the process, submittal and fees. There are no exemptions. Short term rental was not a listed use in the Land Development Code until August 1, 2016.

00:30:25 Commissioner Jarboe stated there needs to be education for people.

00:36:00 Mr. Haberman stated, "The registration fee is per dwelling unit. The conditional use permit would be one for each property." Registration is done every year and each host has his/her own unique tax ID number and address.

00:40:34 Chairman Blake recommends reducing the fee to the normal price of the CUP, (\$215) until November 1, 2016. "It just seems to me reducing it for this period of time and giving people the opportunity to be in compliance is just the reasonable thing to do."

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.

00:48:08 On a motion by Commissioner Jarboe, seconded by Commissioner Howard, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CHANGE** the fee for the CUP to \$215.00 for a 90 day period starting August 1, 2016 running until October 29, 2016. After October 29, 2016 the fee will go back to the normal cost of a CUP, which is \$1,000.00. Anyone who comes in within the time frame with a pre-application will also qualify for the reduced fee when they formally file.

The vote was as follows:

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CONSENT AGENDA

STR_CUP_FEE

YES: Commissioners Blake, Brown, Howard, Jarboe, Kirchdorfer, Lewis, Peterson, Smith, Turner and Tomes

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PUBLIC HEARING

CASE NO. 16ZONE1000

Request: Change in zoning from R-7 to CR on approximately 1.89 acres

Project Name: The Village at West Jefferson

Location: 1225 and 1231 West Jefferson Street

Owner: St. Peter's Evangelical Church, UCC
Reverend Dr. Jamesetta Ferguson
1225 West Jefferson Street
Louisville, Ky. 40203

Applicant: MOLO Village CDC
1225 West Jefferson Street
Louisville, Ky. 40203

Representative: Kovert Hawkins Architects
Hal Kovert
630 Walnut Street
Jeffersonville, In. 47130

Jurisdiction: Louisville Metro

Council District: 4-David Tandy

Case Manager: **Julia Williams, RLA, AICP, Planning Supervisor**

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:

00:50:57 Mrs. Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Matt Gullo, 630 Walnut Street, Jeffersonville, In. 47130

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Dr. Jamesetta Ferguson, Senior Pastor at St. Peters United Church of Christ and President of MOLO Village CDC, P.O. Box 2846, Louisville, Ky. 40201

Summary of testimony of those in favor:

00:56:17 Mr. Gullo stated there will be no renovations to the existing church. All changes will occur on Site 2 – sidewalks, additional trees, parking lot and the building itself. “We are located adjacent to the Downtown District and it seems to be appropriate for this development to go on as a Transitional Zone.” The development will be on the corner with an L-shaped 2-story building with commercial in front and parking in the rear. The development will be facing 12th and Jefferson Streets. Also, there will be site and storm water remediation in the parking lot using bio-swales and other plants to help remediate storm water.

01:04:15 Ms. Ferguson remarked, “St. Peters United Church of Christ has been of the Russell community since the early 1800’s and is considered a neighborhood church. Between St. Peters and MOLO Village, we now serve over 1,000 people a week through our different services. Putting this building here will allow us to enhance the services we are providing to residents in the community. We are also in partnership with the Louisville Metro Housing Choice Initiatives so we will be a part of that planning process as well so that much needed services are brought, not only for into the Beecher community, but also the entire Russell community. We are excited about this economic development opportunity for this area and would ask for your support in this initiative.”

Deliberation

01:10:55 Commissioner Tomes likes the architecture, store fronts and the materials to be used are excellent. “I applaud the work you’re doing to serve the neighborhood.”

Commissioner Kirchdorfer stated it’s a win-win situation for the church and neighborhood.

Commissioner Howard said this is the first time she’s seen the staff checklist being ‘all positive’. “I’m excited and the zoning is totally appropriate.”

Vice Chair Jarboe remarked, “Urban infill like this is exactly what’s needed in Metro Louisville. I hope there are a whole lot more and they pattern themselves after this project because it looks very good.”

Commissioner Lewis said it’s a very beautiful project and applauds the owner/developer for the design. The change in zoning is appropriate.

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Commissioner Smith said it's a great improvement for the entire area.

Chairman Blake remarked, "The zoning is appropriate as well as the mass and scale of the property. It's also a great reuse of the property."

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Zoning Change from R-7 to CR

On a motion by Commissioner Howard, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings; and

WHEREAS, Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces; and

WHEREAS, the Louisville Metro Planning Commission finds, the proposal does not affect the existing street pattern. Sidewalks are provided within all rights of way. The proposal is for a zoning district that permits neighborhood serving uses. The proposal does not affect public open space. The proposal is for the preservation and renovation of an existing building for commercial purposes. The proposal will not create a new

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center but is considered part of a repurposing of an existing center created in and around the surrounding blocks. The proposal is located in a higher density residential neighborhood as well as a mixed use area. The proposal is compact and results in an effective land use pattern. The areas infrastructure is already set up to serve a non-residential which indicates it will be able to serve commercial as well, which is cost effective. The proposal is for commercial use on a non-residential site which will reduce trips and will support alternate transportation with sidewalks around the site. Transit is located nearby; and

WHEREAS, the Louisville Metro Planning Commission further finds all other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of Case No. 16ZONE1000, the change in zoning from R-7 to CR on a site that is approximately 1.89 acres, the existing church site for redevelopment and renovation and for the proposed commercial office site based on the testimony heard today, staff report and that the proposed zoning is appropriate because of major changes of an economic, physical and social nature within the area that were not anticipated by Cornerstone 2020. The area is going to be substantially altered and improved.

The vote was as follows:

YES: Commissioners Blake, Brown, Howard, Jarboe, Kirchdorfer, Lewis, Peterson, Smith, Tomes and Turner

Development Plan and Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Turner, the following resolution was adopted.

WHEREAS, There do not appear to be any environmental constraints on the subject site. The historic resource, the existing church, will be preserved. Tree canopy requirements of the Land Development Code will be provided on the subject site; 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 has approved the preliminary development plan; and

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WHEREAS, There are no open space requirements pertinent to the current proposal;
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. Appropriate landscape buffering and screening will be provided to screen roadways. Buildings and parking lots will meet all required setbacks; 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 and the proposed binding elements on pages 13 and 14 of the staff report based on the testimony, evidence presented, the staff report and site plan reviewed today, renderings in the presentation and all the plans seem to meet the requirements of the Land Development Code and are **SUBJECT** to the following Binding Elements:

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. The development shall not exceed 16,000 square feet of gross floor area on Site 1.
The development shall not exceed 32,000 square feet of gross floor area on Site 2.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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4. 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.

5. Before any permit, except foundation only, (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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Additional trees shall be planted in the empty tree wells along the perimeter of the site and maintained/replaced in perpetuity.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

6. 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.

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7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 1, 2016 Planning Commission meeting.
10. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

The vote was as follows:

YES: Commissioners Blake, Brown, Howard, Jarboe, Kirchdorfer, Lewis, Peterson, Smith, Tomes and Turner

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee


No report given.

CHAIRPERSON/DIRECTOR'S REPORT


No report given.

ADJOURNMENT

The meeting adjourned at approximately 2:30 p.m.



Chair



Planning Director