

**PLANNING COMMISSION MINUTES**  
**September 20, 2018**

**PUBLIC HEARING**  
**CASE NO. 18ZONE1039**

Request: Change in zoning from R-7 to C-1 with detailed district development plan, conditional use permit for off-street parking in a residential zoning district and landscape waiver

Project Name: 1860 Frankfort Avenue  
Location: 1860 Frankfort Avenue

Owner: Ally Properties, LLC  
Mohsen Deljoo  
9100 Markersfield Road, Suite 100  
Louisville, Ky. 40222

Applicant: Ally Properties, LLC  
Mohsen Deljoo  
9100 Markersfield Road, Suite 100  
Louisville, Ky. 40222

Representative: Dinsmore & Shohl, LLP  
Clifford H. Ashburner  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 9 – Bill Hollander  
**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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

01:00:20 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

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**Summary of testimony of those in favor:**

01:07:07 Mr. Ashburner gave a power point presentation. The buildings are being preserved and the same binding element is being offered from the previous case.

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

Michael O'Leary, 1963 Payne Street, Louisville, Ky. 40206  
Bill Hollander, Metro Council District 9

**Summary of testimony of those in opposition:**

01:18:22 Mr. O'Leary is the president of the Clifton Community Council and since the use is not known or the impact to the neighborhood, the council/board cannot support it.

01:20:37 Mr. Hollander stated this block is entirely residential. There is no specified use and the board is concerned about the proposed additional binding element. There is already a process in place.

**Rebuttal**

01:24:24 Mr. Ashburner stated the pre-application was filed as C-2 and after the neighborhood meeting was changed to C-1. The proposed additional binding element is a fair compromise.

01:27:33 Chair Jarboe asked Mr. Ashburner to address the fact that the rezoning is in the middle of a residential block. Mr. Ashburner said this is a special case, a church building. It will be repurposed and there are some C-1 uses that are not/should not be objectionable. Protection is being provided for the neighborhood.

01:30:59 Commissioner Carlson asked what uses are not wanted by the opposition. Mr. O'Leary said at the 3<sup>rd</sup> meeting there was a list of C-R- and C-1 and the consensus showed a preference for C-R uses.

01:34:00 Commissioner Howard asked if the steps in front of the church will remain. Mr. Ashburner said yes. The ADA access comes off the alley.

**Deliberation**

01:34:53 Commissioner Carlson said he's in favor of the proposal.

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01:36:19 Commissioner Smith stated she's torn between C-R and C-1. This is a special case.

01:37:14 Commissioner Daniels stated the use needs to be determined before approval. C-1 would open up the possibility of alcohol sales. It's a beautiful building and needs to be utilized.

01:38:22 Commissioner Brown likes the proposed binding element but is concerned that this is the first time it's being used.

01:39:30 Commissioner Howard stated, based on the structure, there are certain C-1 uses that would not be feasible. It is a plus that the building and character will remain the same.

01:41:47 Chair Jarboe said he wants to see the property developed. Everything is in order and the binding element works for this case.

01:43:53 Commissioner Carlson suggests a binding element for hours of operation to further restrict the use. Commissioner Howard disagrees.

**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 Change from R-7 to C-1**

On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution based on the Cornerstone 2020 Staff Analysis, testimony heard today and the Applicant's Justification was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal preserves the existing grid pattern of streets, sidewalks and alleys as the existing patterns of streets, sidewalks, and alleys are not impacted; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal introduces an appropriately-located neighborhood center as Frankfort Avenue contains a wide variety of commercial, office, and residential uses located along an arterial roadway with an established pedestrian network. A low- to medium intensity commercial zoning district will allow for further incorporation of neighborhood services through the revitalization of a vacant religious institution; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the subject site does not contain public open spaces and no changes to the exterior of the property are proposed at this time which impacts the public realm along Frankfort Avenue; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal preserves and renovates a vacant religious institution in a manner consistent with predominate neighborhood building design as no exterior changes are proposed at this time. All exterior changes must be reviewed and approved in accordance with the Preservation District guidelines as the site is located within the Clifton Historic Preservation District; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes the reuse of existing buildings to provide commercial, office and/or residential uses as permitted in the low- to medium-intensity commercial zoning districts; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because activities on the subject site are located in an area that has a sufficient population to support a wide range of non-residential/commercial activities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because no changes to the existing structure have been proposed. Any changes to the footprint or floor area of the site, including outdoor dining requires additional review subject to the Cornerstone 2020 and the Clifton Preservation District guidelines; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because low- to medium-intensity commercial zoning districts allow a wide range of uses that are supported by existing multi-modal networks in the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because commercial zoning districts allow for the incorporation of residential, office, and commercial activities in the same or adjacent buildings on the property; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is not a large development within an existing center. It is located in the Traditional Neighborhood Form District, utilizes existing structures, and is supported by existing transportation networks; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because parking facilities previously used for the religious grounds will be retained for commercial activities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the subject site is located in the urban services district and utility connections are available; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as bicycle facilities have been provided and the proposed district is supported by an existing grid containing pedestrian, transit, and bike networks; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because any change in building materials on the subject property will require review and approval by Planning and Design Services, Urban Design staff as the site is located in the Clifton Historic Preservation District. No changes have been indicated at this time; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Frankfort Avenue is a mixed-use corridor containing a wide variety of intensities and densities. The subject site abuts the corridor which provides direct access to this mixture of intensities and densities. No exterior changes have been proposed that might impact abutting residential uses and parking has been provided to meet the demand for commercial or office users of the property; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Uses permitted in the low- to medium-intensity commercial zoning districts are non-industrial uses with limited emissions or odors.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Frankfort Avenue is an arterial roadway. An arterial roadway is intended to serve as high capacity roadway and carry continuous travel to serve collector and local roadways; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because lighting will be in compliance with LDC 4.1.3; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is located along a major transit corridor; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because existing conditions limit the ability to observe required landscape buffer area dimensions. No exterior changes have been proposed at this time. Any future changes to the exterior or expansion of outdoor areas requires review of a revised plan subject to Cornerstone 2020; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because a proposed change to a commercial zoning district will allow for the redevelopment of a vacant religious institution, including its grounds and structures. All structures are existing and no changes have been proposed. Any future changes to the exterior or expansion of outdoor areas requires review of a revised plan subject to Cornerstone 2020; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as the no changes have been proposed at this time and the existing structure is an established component of the character of the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because parking areas are being retained for commercial activities and no changes are being made which create greater encroachments into residential areas. The parking areas opposite the alley are proposed with an ILA and 6' wood privacy fence; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because parking areas are being retained for commercial activities and no changes are being made which create greater encroachments into residential areas. The parking areas opposite the alley are proposed with an ILA and 6' wood privacy fence; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because signage will be in compliance with Ch. 8 of the Land Development Code; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because open space is not a required component of the proposed zoning district. The public realm is being retained along Frankfort Avenue; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because there are no natural features to be incorporated into the proposal; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal includes the preservation and adaptive reuse of buildings, sites, and districts that are recognized as having historical or architectural value. It is compatible in height, bulk, scale, architecture and placement with the surrounding area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the subject site is located along a mixed use corridor serving a wide range of intensities and densities. This corridor contains an arterial level roadway with a high level of pedestrian and transit connectivity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because no contributions to the existing roadway network are being required at this time; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as the subject site is located along a multi-modal corridor with a high level of connectivity to the proposed district; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal's transportation facilities are compatible with and support access to surrounding land uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because no additional right-of-way is required to be dedicated; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal includes adequate parking spaces to support the use as the minimum number of spaces has been provided based on the gross floor area contained in structures on site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because joint and cross access are not necessary due to existing conditions and adjacent uses; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because no stub streets are required or needed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because Frankfort Avenue is a mixed-use corridor containing a wide variety of intensities and densities. The subject site abuts the corridor which provides direct access to this mixture of intensities and densities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access to roadways is provided from existing points. No additional streets or access is being requested or required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users as the existing roadway network accommodates these users in accessing the subject site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because natural corridors are not impacted by this proposal due to existing conditions and surrounding corridor; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal has access to an adequate supply of potable water and water for fire-fighting purposes; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.



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**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 1, Community Form. The subject property is located in the Traditional Neighborhood Form District along the south side of Frankfort Avenue in the Clifton neighborhood. Traditional Neighborhood Form District design standards are "intended to promote the establishment of a mixture of uses that effectively integrate retail, office, institutional, and other non-residential uses within traditional neighborhoods in a manner that provides high quality and convenient service to residents while protecting the character of the neighborhood." The subject property is currently used as a church and rectory, and the proposal is to reuse the existing structures as retail or office uses consistent with the historically sensitive reuse of structures on Frankfort Avenue in Clifton. The church also has approximately 34 off-street parking spaces, making it particularly appropriate for a commercial or office re-use; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 2, Centers. The subject property is in an existing activity center and is surrounded by residences to the east and west, and the Kentucky School for the Blind directly across Frankfort Avenue. Commercial uses are also nearby, including a bakery and retail store to the east across Haldeman Ave., and a hair salon and gallery to the west. Reusing the subject property as a retail establishment or office should not have any negative impact on any of the surrounding uses, especially considering that modifications to the building will be minor, if any. The subject property already contains adequate off-street parking and landscaping; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 3, Compatibility. The proposed reuse of the existing buildings should not adversely affect surrounding property owners with regard to any increase in traffic or lighting. The subject property already contains adequate off-street parking and landscaping. The applicant is also proposing minimal changes to the existing structures and understands that any such changes will require a Certificate of Appropriateness; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 4, Open Space, and Guideline 5, Natural Areas and Scenic and Historic Resources. The subject property is an already developed site that contains no natural areas but does contain two contributing structures to the Clifton neighborhood. The applicant will seek a Certificate of Appropriateness for any changes made to the buildings; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 7, Circulation, and Guideline 8, Transportation Facility Design. Reusing the property as an office or small retail use will blend seamlessly into the

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surrounding neighborhood and further enhance Clifton's walkability. The subject property already contains the required amount of parking; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 9, Bicycle, Pedestrian, and Transit, because it is located in an activity center near along Frankfort Avenue and is near many other shops, restaurants and offices, all of which blend in with the Clifton neighborhood. TARC service is available on Frankfort Avenue, and the overall Clifton neighborhood is very walkable. The applicant will provide bike parking as required by the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds, The proposed redevelopment does not include any additional exterior construction, so it should have very little impact, if any, on the surrounding waterways, complying with the intent and applicable policies of Guideline 10, Flooding and Stormwater, and Guideline 11, Water Quality; and

**WHEREAS**, the Louisville Metro Planning Commission further finds, the proposed redevelopment complies with the intent and applicable policies of Guideline 12, Air Quality. The proposal should have no negative impact on traffic or air quality based largely on its location. The subject property is surrounded by other business and residential uses in the highly-walkable Clifton neighborhood. In addition, due its size, the proposed redevelopment should generate minimal new traffic.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-7, Multi-family Residential to C-1, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Smith and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson, Robinson and Tomes**

**Conditional Use Permit for off-street parking (LDC 4.2.39)**

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

**WHEREAS**, the proposal is consistent with the Comprehensive Plan as Guideline 3, Policy 24 provides that parking, loading and delivery areas located adjacent to

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residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians. It further provides that these areas are to be screened or buffered and surface parking lot gaps are minimized. The proposal will retain the existing parking for commercial activities and no changes are being made which create a negative impact on nearby residents or motorists. The parking area will incorporate an ILA to break-up the existing surface and a 6' wood privacy fence is being provided abutting the residence to the south. Retaining this parking area to serve commercial activities helps meet the parking demand for potential commercial or office tenants and reduces the likelihood of parking overflow onto residential streets; and

**WHEREAS**, the proposal is compatible with surrounding uses and provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements as the parking area will incorporate an ILA to break-up the existing surface and a 6' wood privacy fence is being provided abutting the residence to the south; and

**WHEREAS**, the Louisville Metro Planning Commission finds, necessary public facilities are available or being provided by the proposal as demonstrated on the detailed district development plan; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the requested conditional use permit meets each of these guidelines as the parking facilities are present and previously served a religious institution. An interior landscape area is being provided to break-up surface pavement and a 6' wood fence is provided.

**Waiver of Land Development Code, section 10.2 to eliminate required 15' LBA at east and west property lines**

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

**WHEREAS**, the waiver will not adversely affect adjacent property owners as no exterior changes are being proposed on the subject site and the conditions currently present have created the encroachments. A 6' wood fence is present on a portion of the west side property line at the rear of the facility and the east property line is adjacent to the rear/side walls of a residential use with a concrete walk present; and

**WHEREAS**, the waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as

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landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. The proposed encroachments are a result of existing conditions. No additional mitigation appears to be necessary as a 6' wood fence is present on a portion of the west side property line at the rear of the facility and the east property line is adjacent to the rear/side walls of a residential use with a concrete walk present. Further, no exterior changes or outdoor areas for public use are proposed at this time; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as existing conditions present the need for relief; and

**WHEREAS**, the Louisville Metro Planning Commission further finds, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as existing conditions present the need for relief.

**WHEREAS**, the proposed waivers will not adversely affect adjacent property owners because they will allow the existing church structure and sidewalk to remain within the newly-required landscape buffer area to the east, and will also allow an existing office building and shed to remain in the newly-required landscape buffer area to the west. The proposal does not include any alteration of the sidewalk and buffer area that runs between the existing church structure and the neighboring residential property to the east. Nor does the proposal include any alteration of the existing buffer area to the west, which includes an existing 6' wood privacy fence between the subject property and the property to the west. The proposal also does not include any alteration to the existing off-alley parking area at the rear of the subject property, and therefore will not cause any increased traffic or intensity of use in the area; and

**WHEREAS**, the proposed waivers will not violate the Comprehensive Plan. The proposed waivers will permit the applicant to reuse the existing church structure as a retail establishment or office consistent with the intent and policies of the Comprehensive Plan. As set forth above, the proposed waivers will allow the existing church structure and sidewalk to remain within the landscape buffer area to the east, and will also allow an existing office building and shed to remain in the landscape buffer area to the west; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposed waivers of the regulations are the minimum necessary to afford relief to the applicant as it retains the status quo. The proposed waivers will allow the applicant to retain the existing

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configuration of the church structure and sidewalk that runs between the church and the neighboring residential property to the east. The proposed waivers will also allow the applicant to retain the existing configuration of the existing office building and shed that sit within the newly-required landscape buffer area to the west. The proposal does not include any alteration to the current configuration or condition of the sidewalk or buffer area to the east, to the existing wood privacy fence and buffer area to the west, or to the parking area in the rear of the subject property; and

**WHEREAS**, the Louisville Metro Planning Commission further finds, the strict application of the provisions of the regulations would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as it would require the applicant to make substantial alterations to the existing church and office building structures. The proposed waivers will permit the applicant to reuse the existing church and office building structures as a retail establishment or office without any exterior alteration of the existing church or office building structures, the sidewalk to the east, the wood privacy fence and shed to the west, or the rear parking area.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Conditional Use Permit for the off-street parking area in accordance with the Land Development Code, section 4.2.39 and a waiver of the Land Development Code, section 10.2 to eliminate the required 15 foot landscape buffer area at the east and west property lines.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Smith and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson, Robinson and Tomes**

**Detailed District Development Plan and Binding Elements**

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

**WHEREAS**, the proposed development plan entails the revitalization of an existing structure which is an established component of the character in the area. The public realm is being preserved along Frankfort Avenue and the site does not appear to contain any natural features; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the subject

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property is served by an existing multi-modal network that is highly connected. Bike parking is provided on site as well; and

**WHEREAS**, open space is not a required component of the proposal. However, no exterior changes have been proposed and the public realm is being preserved; and

**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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, appropriate transitions between uses that are substantially different in scale and intensity or density have been provided as existing conditions limit the ability to observe required landscape buffer area dimensions. No exterior changes have been proposed at this time. Any future changes to the exterior or expansion of outdoor areas requires review of a revised plan subject to Cornerstone 2020; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan is in conformance with the Comprehensive Plan as no exterior changes to the property have been proposed at this time that might impact abutting residential uses. Parking has been provided to meet the demand for general commercial or office tenants on site. Any future changes to the exterior or expansion of outdoor areas will require the review of a revised plan subject to Cornerstone 2020, as well as a review of the Clifton Historic Preservation Guidelines; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 1, Community Form. The subject property is located in the Traditional Neighborhood Form District along the south side of Frankfort Avenue in the Clifton neighborhood. Traditional Neighborhood Form District design standards are "intended to promote the establishment of a mixture of uses that effectively integrate retail, office, institutional, and other non-residential uses within traditional neighborhoods in a manner that provides high quality and convenient service to residents while protecting the character of the neighborhood." The subject property is currently used as a church and rectory, and the proposal is to reuse the existing structures as retail or office uses consistent with the historically sensitive reuse of structures on Frankfort Avenue in Clifton. The church also has approximately 34 off-street parking spaces, making it particularly appropriate for a commercial or office re-use; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 2, Centers. The subject property is in an existing activity center and is surrounded by residences to the east and west, and the Kentucky

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School for the Blind directly across Frankfort Avenue. Commercial uses are also nearby, including a bakery and retail store to the east across Haldeman Ave., and a hair salon and gallery to the west. Reusing the subject property as a retail establishment or office should not have any negative impact on any of the surrounding uses, especially considering that modifications to the building will be minor, if any. The subject property already contains adequate off-street parking and landscaping; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 3, Compatibility. The proposed reuse of the existing buildings should not adversely affect surrounding property owners with regard to any increase in traffic or lighting. The subject property already contains adequate off-street parking and landscaping. The applicant is also proposing minimal changes to the existing structures and understands that any such changes will require a Certificate of Appropriateness; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 4, Open Space, and Guideline 5, Natural Areas and Scenic and Historic Resources. The subject property is an already developed site that contains no natural areas but does contain two contributing structures to the Clifton neighborhood. The applicant will seek a Certificate of Appropriateness for any changes made to the buildings; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 7, Circulation, and Guideline 8, Transportation Facility Design. Reusing the property as an office or small retail use will blend seamlessly into the surrounding neighborhood and further enhance Clifton's walkability. The subject property already contains the required amount of parking; and

**WHEREAS**, the proposed redevelopment complies with the intent and applicable policies of Guideline 9, Bicycle, Pedestrian, and Transit, because it is located in an activity center near along Frankfort Avenue and is near many other shops, restaurants and offices, all of which blend in with the Clifton neighborhood. TARC service is available on Frankfort Avenue, and the overall Clifton neighborhood is very walkable. The applicant will provide bike parking as required by the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds, The proposed redevelopment does not include any additional exterior construction, so it should have very little impact, if any, on the surrounding waterways, complying with the intent and applicable policies of Guideline 10, Flooding and Stormwater, and Guideline 11, Water Quality; and

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**WHEREAS**, the Louisville Metro Planning Commission further finds, the proposed redevelopment complies with the intent and applicable policies of Guideline 12, Air Quality. The proposal should have no negative impact on traffic or air quality based largely on its location. The subject property is surrounded by other business and residential uses in the highly-walkable Clifton neighborhood. In addition, due its size, the proposed redevelopment should generate minimal new traffic.

**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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy or building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
3. 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.
4. 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,



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contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

5. The subject property shall only be used for uses allowed in the C-R Commercial zoning district unless a change in use to a use allowed in the C-1 Commercial zoning district is approved by both the Louisville Planning Commission and the Louisville Metro Council. Notice of any proposed change shall be given to the parties who received notice of the public hearing on September 20, 2018. This binding element shall be subject to the standard of review and notification in the Land Development Code, section 11.4.7.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Daniels, Howard, Smith and Jarboe**  
**NOT PRESENT AND NOT VOTING: Commissioners Lewis, Peterson, Robinson and Tomes**