

**PLANNING COMMISSION MINUTES**  
**December 16, 2021**

**CONSENT AGENDA**

**CASE NO. 21-STRCLOSURE-0030**

Request:	A proposed alley closure located between Grand Avenue and Greenwood Avenue
Project Name:	Alley Closure
Location:	Alley located between Grand Avenue and Greenwood Avenue
Owner:	Reynolds Consumer Products
Applicant:	Michael Clayton - CFW Associates
Charles Weber -	CFW Associates
Representative:	Michael Clayton - CFW Associates
Charles Weber -	CFW Associates
Jurisdiction:	Louisville Metro
Council District:	1 - Jessica Green
<b>Case Manager:</b>	<b>Molly Clark, Planner I</b>

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:**

00:11:43     There was no agency testimony.

**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.**

00:12:10     On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Standard of Review and Staff Analysis, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or

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abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property. The applicant will provide necessary easements or relocation of equipment per utility agency requirements; and

**WHEREAS**, the Commission further finds that any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

**WHEREAS**, the Commission further finds that the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management.

Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done

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so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Closure of Public Right-of-way, **SUBJECT** to the following Condition of Approval:

1. The applicant shall secure all necessary easements or provide for the relocation of utility equipment as required by AT&T and MSD. Written confirmation of this work being completed must be provided to Planning and Design Services by authorized representatives of these utility agencies prior to final recording of the closure.

**The vote was as follows:**

**YES: Commissioners Mims, Brown, Howard, Carlson, Daniels, Seitz, Sistrunk, Price, and Lewis.**

**ABSENT: Commissioner Clare.**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES**  
**December 9, 2021**

**NEW BUSINESS**

**CASE NO. 21-STRCLOSURE-0030**

Request: A proposed alley closure located between Grand Avenue and Greenwood Avenue  
Project Name: Alley Closure  
Location: Alley located between Grand Avenue and Greenwood Avenue  
Owner: Reynolds Consumer Products  
Applicant: Michael Clayton – CFW Associates  
Charles Weber – CFW Associates  
Representative: Michael Clayton – CFW Associates  
Charles Weber – CFW Associates  
Jurisdiction: Louisville Metro  
Council District: 1 – Jessica Green  
**Case Manager: Molly Clark, Planner I**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:07:47 Molly Clark discussed the case summary from the staff report and indicated that the application was ready for a public hearing.

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

Charles Weber, 9200 Lees Gate Road, Louisville, Ky. 40222

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

Charles Weber explained why the alley closure is necessary (see recording for detailed presentation).

**Deliberation**

LDT deliberation.

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

**LAND DEVELOPMENT & TRANSPORTATION COMMITTEE MINUTES  
December 9, 2021**

**NEW BUSINESS**

**CASE NO. 21-STRCLOSURE-0030**

On a motion by Commissioner Brown, seconded by Commissioner Daniels, the following resolution was adopted.

**RESOLVED**, that the Land Development & Transportation Committee does hereby place this case on the Consent Agenda of the December 16, 2021 public hearing meeting.

**The vote was as follows:**

**YES: Commissioners Brown, Daniels and Carlson**

**NOT PRESENT AND NOT VOTING: Commissioner Sistrunk**

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**November 1, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0013**

Request:	Category 3 with a Wavier and Variance
Project Name:	Reynolds Manufacturing Addition
Location:	3005 Grand Ave
Owner/Appellant:	Reynolds Consumer Products
Representative:	Michael Clayton – CFW Associates Charles Weber – CFW Associates
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Molly Clark – Planner I

The staff report prepared for this case was incorporated into the record. The Board members 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 at Planning and Design Services offices, 444 South 5<sup>th</sup> Street.)

**An audio/visual recording of the Board of Zoning Adjustment 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.**

**Agency testimony:**

**01:17:22** Molly Clark presented the case and showed a Powerpoint presentation. Ms. Clark responded to questions from the Board Members (see recording for detailed presentation).

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

Charles Weber, 1661 Cold Spring Road, Louisville, KY 40223

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

**01:29:15** Charles Weber spoke in favor of the request and responded to questions from the Board Members (see recording for detailed presentation).

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

No one spoke.

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**November 1, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0013**

**01:34:55**      **Board Members' deliberation**

**01:37:00**      On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Variance from Land Development Code Table 5.2.2 to allow a proposed structure to encroach in the required 10 ft side yard setback:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the requested variance will not adversely affect the public health, safety or welfare because the applicant is proposing to build the exact same building that is currently existing with changes to the interior, and

**WHEREAS**, the Board further finds that the requested variance will not alter the essential character of the general vicinity because the tin foil manufacturing plant has been in the area since the 1920's and the existing addition that is being replaced has been around since the 1940's, and

**WHEREAS**, the Board further finds that the requested variance will not cause a hazard or nuisance to the public since the tin foil manufacturer has been in the neighborhood since the 1920's and the rear addition has existed since the 1940's. The existing building is made of wood (combustible materials) and the applicant is proposing to replace with a metal frame (noncombustible materials), and

**WHEREAS**, the Board further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations because the existing building on the property is only set back less than 3 feet from the adjoining property line with the R-6 zoned lot; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CAT3-0013 (21-VARIANCE-0133) does hereby **APPROVE** Variance from Land Development Code Table 5.2.2 to allow a proposed structure to encroach in the required 10 ft side yard setback (**Side Yard Requirement 10 ft., Request 2.5 ft., Variance 7.5 ft.**).

**BOARD OF ZONING ADJUSTMENT MINUTES**  
**November 1, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0013**

**The vote was as follows:**

**Yes: Members Bond, Leanhart, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Ford**

**01:39:14** On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Waiver from Land Development Code Section 10.2.2 to allow a proposed structure to encroach into the required 25 ft. landscape buffer along the property line adjacent to R-6 zoning as shown on the development plan:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that the waiver will not adversely affect adjacent property owners since the existing rear addition has existed since the 1940's. The applicant is proposing a new addition that will look exactly like what is existing, and

**WHEREAS**, the Board further finds that Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. The applicant is building a new addition to match the old addition that has existed since the 1940's. This addition allows for the property owner to do indoor storage rather than outdoor storage of materials related to the manufacturing of tin foil. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke,



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automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. The applicant is still providing the 25 ft LBA and 15ft VUA/LBA for the areas with truck loading and parking. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. The new plan will be providing actual landscape buffers and improving the site compared to what is existing, and

**WHEREAS**, the Board further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the existing addition that was built in the 1940's is not permitted by right with today's zoning regulations. The applicant is building back the exact same building but with structural integrity and better functionality inside. They are also using a metal frame instead of a wood frame, and

**WHEREAS**, the Board further finds that the strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land because the tin foil manufacturing plat has existed for decades and the new regulation would not allow what is existing today; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CAT3-0013 (21-WAIVER-0121) does hereby **APPROVE** Waiver from Land Development Code Section 10.2.2 to allow a proposed structure to encroach into the required 25 ft. landscape buffer along the property line adjacent to R-6 zoning as shown on the development plan and to not provide the required plantings.

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**November 1, 2021**

**PUBLIC HEARING**

**CASE NUMBER 21-CAT3-0013**

The vote was as follows:

**Yes: Members Bond, Leanhart, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Ford**

**01:41:50** On a motion by Member Leanhart, seconded by Member Vozos, the following resolution, based upon the Standard of Review and Staff Analysis, and the testimony heard today, was adopted:

**Category 3 Development Plan:**

**WHEREAS**, the Louisville Metro Board of Zoning Adjustment finds that all of the applicable Guidelines and Policies of the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Board of Zoning Adjustment in Case Number 21-CAT3-0013 does hereby **APPROVE** Category 3 Development Plan, **SUBJECT** to the following Condition of Approval.

Condition of Approval:

1. Prior to obtaining a building permit, the alley closure (21-STRCLOSUREPA-0029), as shown on the Category 3 development plan, shall be approved.

The vote was as follows:

**Yes: Members Bond, Leanhart, Vozos, Vice Chair Buttorff, and Chair Howard**  
**Absent: Member Ford**

**01:43:53** Meeting was recessed

**01:45:15** Meeting was reconvened.