

**Planning Commission Minutes
February 19, 2015**

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

This case was continued from the February 5, 2015 Planning Commission public hearing.

NOTE: Commissioner Peterson left the meeting and did not hear or vote on this case.

Request: **14STREETS1024** - Alley Closure for the existing alley between 7th and 8th Streets and the alley between Garland Avenue and Breckinridge Street.

14ZONE1044 – Change in zoning from OR-2 to CM

Project Name: Life Safety Warehouse

Location: 701-713 Garland Avenue

Owner: Dover Energy, Inc.
Gregory Cardelli, Representative
4606 East 76th Street Suite 100
Tulsa, OK 74136

Applicant: Lichtefeld Development Trust
Stanley Lichtefeld, Representative
908 South 8th St Suite 102
Louisville, KY 40203

Representative: Alex Rosenberg and Norman Graham
Alex Rosenberg P.E.
2518 Hermitage Way
Louisville, KY 40242

Jurisdiction: Louisville Metro
Council District: 6 – David James

Case Manager: **Julia Williams, AICP, Planner II**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

Planning Commission Minutes
February 19, 2015

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:20:22 Julia Williams presented the case and showed a Power Point presentation.

02:25:40 Ms. Williams read into the record a proposed additional binding element regarding a security gate that was requested at LD&T, as follows:
"The security gate to the site shall be open during business hours to prevent queuing in the public right-of-way."

02:29:45 She added that this proposed binding element for the security gate was a compromise between Transportation Planning staff and the applicant.

The following spoke in favor of the proposal:

Norm Graham, 1300 Clear Springs Tr. Suite 4, Louisville, KY 40224

Paul Lichtefeld, 908 South 8th St Suite 102, Louisville, KY 40203

Alex Rosenberg, 2518 Hermitage Way, Louisville, KY 40242

Summary of testimony of those in favor of the proposal:

02:31:44 Norm Graham, the applicant's representative, presented the applicant's case.

02:36:30 In response to a question from Commissioner Proffitt, Mr. Graham stated that there was no opposition to the proposed binding element regarding the security gate.

The following spoke in opposition to the proposal:

No one spoke.

**Planning Commission Minutes
February 19, 2015**

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

The following spoke neither for nor against the proposal:
No one spoke.

Deliberation:

02:37:11 In response to a question from Commissioner Brown, Ms. Williams said the preservation of the brick in the alley could be made into a binding element.

02:41:16 Mr. Graham stated that the applicant owns both sides of the alley on the south side; on the north side, it is owned by two other property owners.

02:41:45 The preservation of the brick alley was discussed. Commissioner Brown read a proposed binding element #8 regarding this into the record as follows:

“Brick within the closed alley abutting the development site shall remain in place and preserved by the owners. If bricks are removed in the future, owners shall take care in removing and preserving them, and all materials shall be stockpiled and palletted by the owner for pickup by Public Works and Assets.”

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.

Case No. 14STREETS1024 - Alley Closure

02:45:03 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that public facilities will not be affected by the alley closure as the alley was unimproved and never utilized as an alley; and

WHEREAS, the Commission further finds that the applicant is responsible for the cost of the alley closure; and

WHEREAS, the Commission further finds that the proposal meets Guideline 1 of the Comprehensive plan because while the proposal does not preserve the

**Planning Commission Minutes
February 19, 2015**

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

pattern of the alleys that exists throughout the neighborhood the proposal doesn't eliminate access to the adjacent developments. The existing alley will now be used as drive lanes to the adjacent businesses; and

WHEREAS, the Commission further finds that the proposal meets Guideline 2 of the Comprehensive plan because the proposal can be accessed by all forms of transportation; and

WHEREAS, the Commission further finds that the proposal meets Guideline 3 of the Comprehensive plan because the proposal will not have any impact on traffic because W. Breckinridge Street and Garland Avenue (where the alley can be accessed) both run one way west. 7th Street is one way north and 8th Street is one way south. The 10' Alley is too small to be used as an access point; and

WHEREAS, the Commission further finds that the proposal meets Guideline 7 of the Comprehensive plan because roadway improvements are not part of this alley closure. Access to the site will be from a separate driveway along S. 7th Street; and

WHEREAS, the Commission further finds that the proposal meets Guideline 8 of the Comprehensive plan because access to the development is through existing public roads. No new roadways are proposed; and

WHEREAS, the Commission further finds that the proposal meets Guideline 9 of the Comprehensive plan because the proposal provides for all types of movement. The sidewalks are existing. Bicycles will use the existing roadways; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of Louisville Metro Council that the requested alley closure be **APPROVED**.

The vote was as follows:

YES: Commissioners Proffitt, Brown, Jarboe, Kirchdorfer, and White.
NO: No one.

**Planning Commission Minutes
February 19, 2015**

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

NOT PRESENT: Commissioners Blake, Turner, Tomes, Butler, and Peterson.

ABSTAINING: No one.

Case No. 14ZONE1044 – Zoning

02:45:05 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the site is located in the Traditional Neighborhood Form District. 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, the Commission further finds that 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 Commission further finds that Traditional Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks,

**Planning Commission Minutes
February 19, 2015**

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets; and

WHEREAS, the Commission further finds that the proposal will not change the grid pattern of the existing roadways. The proposal does not introduce a mix of uses for a neighborhood center. The proposal is for an industrial use which would be consistent with the other CM zoning located along the block face. The proposal is not for residential where open space is required. Open spaces in the area will be not be altered by the proposal. The proposal will be a part of an existing industrial activity center that has been created along the block. The proposal is for new construction; and

WHEREAS, the Commission further finds that the proposal is not for retail but the CM zoning allows for retail uses. The proposals location adjacent to other industrial and CM zoning results in an efficient land use pattern. The land use proposed is not for a mix of land uses but the zoning supports a mix of land uses between commercial and industrial; and

WHEREAS, the Commission further finds that Residential is not a component of the proposal. The proposal is not for a multi-story mixed use structure; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative body of Louisville Metro Council that the requested change in zoning from Change in zoning from OR-2 to CM on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Proffitt, Brown, Jarboe, Kirchdorfer, and White.

NO: No one.

NOT PRESENT: Commissioners Blake, Turner, Tomes, Butler, and Peterson.

ABSTAINING: No one.

Case No. 14ZONE1044 - District Development plan and binding elements

Planning Commission Minutes
February 19, 2015

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

02:45:44 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites, has been met. New trees will be planted in the ROW and LBA to add a natural resource to the vacant site; and

WHEREAS, the Commission further finds that pedestrians are provided for with sidewalks and vehicles will use the existing roadway; and

WHEREAS, the Commission further finds that open space is provided in the form of a LBA along 7th Street and with the addition of street trees along Garland Avenue; and

WHEREAS, the Commission further finds that MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the proposal is compatible with the existing industrial development in the area and within the form district standards; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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.

**Planning Commission Minutes
February 19, 2015**

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

2. The development shall not exceed 11,970 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 (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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. An alley closure approval for the alleys between 7th and 8th Streets and Garland Ave. and Breckinridge Street shall be approved prior to obtaining a building permit.
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.

**Planning Commission Minutes
February 19, 2015**

Public Hearing

Case No. 14STREETS1024 AND 14ZONE1044

7. The security gate to the site shall be open during business hours to prevent queuing in the public right-of-way.
8. Brick within the closed alley abutting the development site shall remain in place and preserved by the owners. If bricks are removed in the future, owners shall take care in removing and preserving them, and all materials shall be stockpiled and palletted by the owner for pickup by Public Works and Assets."

The vote was as follows:

YES: Commissioners Proffitt, Brown, Jarboe, Kirchdorfer, and White.

NO: No one.

NOT PRESENT: Commissioners Blake, Turner, Tomes, Butler, and Peterson.

ABSTAINING: No one.