

**PLANNING COMMISSION MINUTES**  
**March 19, 2015**

**PUBLIC HEARING**

**CASE NO. 14ZONE1050**

Request: Change in zoning from C-3 to EZ-1  
Project Name: Old Forester  
Location: 117-119 West Main Street  
Louisville, Ky. 40202

Owner: Main Street Revitalization, LLC  
710 West Main Street, Suite 300  
Louisville, Ky. 40202

Applicant: Brown-Forman Corporation  
Mike Beach  
850 Dixie Highway  
Louisville, Ky. 40210

Representative: EHI Consultants  
Rachel Phillips  
815 West Market Street  
Louisville, Ky. 40202

T. Bruce Simpson, Jr.  
Stoll Keenon Ogden, PLLC  
300 West Vine Street, Suite 2100  
Lexington, Ky. 40507

Jurisdiction: Louisville Metro  
Council District: 4- David Tandy  
Case Manager: **Christopher Brown, 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:**

01:53:59 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

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

Nick Nicholson, 300 West Vine Street, Suite 2100, Lexington, Ky. 40507

Mike Beach, Brown-Forman Corporation, 850 Dixie Highway, Louisville, Ky. 40210

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

01:59:39 Mr. Nicholson said this case has already gone before the Waterfront Overlay Committee and was approved. "We are in complete agreement of the staff report and the recommended binding elements".

02:01:11 Mr. Beach said they intend to start construction this summer and hope to be operational at the end of 2016.

**Deliberation**

02:01:39 Planning Commission deliberation.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Zoning Change from C-3 to EZ-1**

02:03:23 On a motion by Commissioner Tomes, seconded by Commissioner Turner, the following resolution was adopted.

**WHEREAS**, The site is located in the Downtown Form District. This form is characterized by its location near the center of the population it serves. The Downtown Form is comprised of predominantly office, commercial, civic, medical, high-density residential and cultural land uses. It has a grid pattern of streets designed to accommodate a large volume of vehicular traffic and public transportation. There are provisions for on-street and long-term parking of vehicles and for substantial pedestrian and non-vehicular movement within the district. Buildings are generally the greatest in volume and height in the metropolitan area, and there is public open space including plazas and squares. The Downtown Form should give identity to the whole community and should provide for a mixture of high density and intensity uses. Unlike the other community forms, the Downtown is already a geographically defined area that is described by Louisville Codified Ordinance and in the Louisville Downtown Development Plan. The Downtown Development Plan also recognizes that Downtown consists of seven sub-districts and describes those sub-districts. The Downtown

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Development Plan and its successors are to be used as official planning evidence guiding land use decisions in the Downtown; and

**WHEREAS**, The proposal to rezone the subject site from C-3, Commercial, to EZ-1, Enterprise Zone, will allow the two current vacant lots with existing historic facades to be built as mixed use distilleries. The Downtown form district encourages a mixture of high density and intensity uses. The proposed mixed commercial and distillery structure utilizes the existing facades to connect the new construction with the existing historic Whiskey Row along West Main Street; and

**WHEREAS**, The applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 1, Community Form** since the proposal is for a mixed use zoning district that includes commercial and industrial uses in a similar pattern as development in the surrounding downtown. The proposal does not change the street pattern. On street parking is available along Washington Street to the rear of the buildings. The existing and future expansion of the sidewalks provides complete pedestrian connectivity with transit routes running along West Main Street; and

**WHEREAS**, The applicant has demonstrated that the proposed EZ-1 zoning district will comply with **Guideline 3, Compatibility** with The existing building facades will be incorporated into the new construction. Zero lot line setbacks will be followed with the proposal similar to the existing buildings in the area. The building height proposed will be compatible to the existing structures in the area; and

**WHEREAS**, The proposal complies with the natural areas guidelines of the Comprehensive Plan under **Guideline 5, Natural Areas and Scenic and Historic Resources** since the proposal is for the preservation of the existing facades and construction of new structures that will incorporate into the historic structures along West Main Street; and

**WHEREAS**, The proposal complies with the guidelines of the Comprehensive Plan under **Guideline 6, Economic Growth and Sustainability** since it is for the reinvestment and rehabilitation of an existing historic façade with new construction located in downtown. The proposal includes both commercial retail and industrial components within the mixed use structure in a population center; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the proposal provides for appropriate multi-modal transportation facilities following the Comprehensive Plan under **Guidelines 7 and 8, Circulation and Transportation Facility Design** with full pedestrian connectivity, and access for bicycle and transit users to the site; and

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**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.

The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the zoning change from C-3 to EZ-1 based on the evidence and testimony heard today and the staff report.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Tomes and Turner**

**NO: No one**

**NOT PRESENT AND NOT VOTING: Commissioners Butler, Peterson, Proffitt and White**

**ABSTAINING: No one**

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

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan and the binding elements on pages 12 and 13 of the staff report, for Case No. 14ZONE1050, based on the evidence and testimony heard today **SUBJECT** to the following binding elements:

**Proposed 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, alteration permit or demolition permit) is requested:

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- a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - d. The appropriate overlay permit shall be obtained to allow the development as shown on the approved district development plan.
  - e. 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.
  - f. A legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
  5. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.

**The vote was as follows:**

**YES: Commissioners Blake, Brown, Jarboe, Kirchdorfer, Tomes and Turner**  
**NO: No one**

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**NOT PRESENT AND NOT VOTING: Commissioners Butler, Peterson, Proffitt and White**

**ABSTAINING: No one**

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**CASE NO. 14ZONE1060**

Request: Change in zoning from R-4 to R-6 and Detailed District  
Development Plan

Project Name: Springs at Bunsen Parkway  
Location: 9120 Blowing Tree Road

Owner: Margaret Thieneman and The Thieneman Family Limited  
Partnership  
3006 Corran Road  
Louisville, Ky. 40205

Applicant: Continental 325 Fund LLC  
Sara L. Johnson  
W134N8675 Executive Parkway  
Menomonee Falls, WI 53051

Representative: Bill Bardenwerper  
1000 North Hurstbourne Parkway  
Louisville, Ky. 40223

Jurisdiction: Louisville  
Council District: 18 – Marilyn Parker  
**Case Manager: Christopher Brown, 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:**

02:06:39 Mr. Brown discussed the case summary, standard of review and staff analysis from the staff report.

Mr. Brown said the staff report was completed days ago, but a new plan was received this morning. The staff report will not support the new plan.