

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

August 23, 2018

New Business

Case No. 18ZONE1038

Request: Change in zoning from R-5B to C-1 with a Detailed District Development Plan and landscape waiver

Project Name: 1749 Frankfort Avenue

Location: 1749 Frankfort Avenue

Owner: Land Barker & Emily King

Applicant: Alexa Properties

Representative: Cliff Ashburner / Daniel O’Gara – Dinsmore & Shohl LLP

Jurisdiction: Louisville Metro

Council District: 9 – Bill Hollander

Case Manager: **Joel Dock, AICP, Planner II**

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:06:03 Joel Dock presented the case (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Daniel O’Gara, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202

Mike O’Leary, 1963 Payne Street, Louisville, KY

Summary of testimony of those in favor:

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00:08:08 Daniel O’Gara, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

00:15:10 Mike O’Leary, president of the Clifton Community Council, said the Board of Directors has voted to support the proposal.

The following spoke in opposition to the request:

No one spoke.

The following spoke neither for nor against the request:

Councilman Bill Hollander, 202 S. Peterson Avenue, Louisville, KY 40206

Summary of testimony of those neither for nor against:

00:16:03 Councilman Bill Hollander said he is concerned that no intended use has been stated. He said there is significant opposition along the street against additional bars or restaurants. He said it has been his position on Metro Council to not approve rezonings on Frankfort Avenue unless the intended use is stated, and unless binding elements are in place stating that, if the use changes, an additional hearing would be required.

00:17:13 Mr. O’Gara said the applicant will provide the intended use for the presentation at public hearing, and will also look at the condition of the portion of the fence that will be preserved.

00:18:31 Commissioner Carlson stated that, in the past, sometimes binding elements can be added which “bind out” certain uses if they are not appropriate, particularly in residential neighborhoods.

00:19:17 John Carroll, legal counsel for the Planning Commission, requested that the applicant submit the intended use of the property “well in advance” of the public hearing. Mr. O’Gara said the applicant would provide that information a week before the public hearing. Councilman Hollander said he would like to put this information in the District newsletter, since there is a great deal of interest among the neighbors.

00:21:03 Commissioner Brown suggested that the bike parking location be moved to the front of the building instead of at the rear.

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An audio/visual recording of the Land Development and 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.

00:21:30 The Committee by general consensus scheduled this case to be heard at the September 20, 2018 Planning Commission public hearing.