

PLANNING COMMISSION MINUTES
July 19, 2018

PUBLIC HEARING
CASE NO. 18ZONE1036

Request: Change in zoning from M-2 to EZ-1 for mixed-use
Project Name: 840 East Chestnut Street
Location: 840 East Chestnut Street

Owner: Critical mass, LLC
Nancy Schoenhoff
840 East Chestnut
Louisville, Ky. 40204

Applicant: Critical mass, LLC
Nancy Schoenhoff
840 East Chestnut
Louisville, Ky. 40204

Representative: Critical mass, LLC
Nancy Schoenhoff
840 East Chestnut
Louisville, Ky. 40204

Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Joel P. 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:

00:18:12 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Nancy Schoenhoff, 1604 Jaeger, Louisville, Ky. 40205
Jessica George, 1137 Rammers Avenue, Louisville, Ky. 40204
Ivor Chodkowski, 201 Bullitt Lane, Louisville, Ky. 40222
Kristopher Kelley, 5100 Greenhaven Lane, Goshen, Ky. 40026

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Greg Guelda, 927 East Madison Street, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:25:20 Ms. Schoenhoff discussed the project and gave a power point presentation. The task is to build a flexible kitchen – from the garden to the kitchen.

00:33:33 Ms. George supports the project as it fills a void in terms of creating a way for local food to be used throughout the season.

00:34:17 Mr. Chodkowski has known the applicant for 15 years and worked with her selling his products. Her ability to process local farmers' products is exemplary. The space she's asking for is necessary.

00:36:30 Mr. Kelley has known the applicant approximately 15 years and supports the project. She produces excellent food and knows how to work with the local farmers.

00:38:54 Mr. Guelda stated one of the biggest problems for crime are vacant buildings. Mr. Guelda said he's gotten nothing but rave reviews as to the character and quality of Ms. Schoenhoff and her work.

00:40:29 Commissioner Brown asked about the hours of operation and how odors (usually with deep fryers) will be mitigated. Ms. Schoenhoff said there won't be a fryer but the hours of operation will vary and asks for flexibility.

00:42:10 Commissioner Smith asked what would be done to mitigate noise, odors, etc. for the tenants upstairs. Ms. Schoenhoff said she is providing a fire separation drywall and installing a heavy duty vent, taking it as far away from the building as possible.

00:43:03 Mr. Whitty asked why there's no waiver request for the 200 ft setback. Mr. Dock stated that the EZ-1 zoning district states that this provision only requires consent from the Planning Commission.

00:45:13 Mr. Dock said the applicant wants to use Louisville zone banners therefore requesting to strike through 'banners' in proposed binding element 3. There was further discussion as to the necessity of amending this binding element.

Deliberation

00:47:40 Planning Commission deliberation.

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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 M-2 to EZ-1

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal complies with Guideline 1 of Cornerstone 2020. The proposal preserves the existing grid pattern of streets, sidewalks and alleys as the existing facilities exhibit traditional corner commercial development at the intersection of a minor arterial roadway. The introduction of C-2 commercial uses on the subject site where they are currently prohibited greatly enhances the vitality of the existing structure and surrounding neighborhood by allowing a mix of neighborhood-serving uses such as offices, shops, and restaurants. No open spaces are impacted by the development. No new development is proposed on-site. And the proposal preserves existing buildings consistent with the predominate neighborhood building design.

WHEREAS, the Commission further finds that the proposal complies with Guideline 2 of Cornerstone 2020. A new center is not being created. The proposed zoning district incorporates into the exiting mixed-use pattern within the neighborhood. Sufficient population in the area exists to support a large variety of commercial and industrial uses permitted within by the district. The proposed zoning district utilizes the existing facilities on-site which are developed as traditional corner commercial. The subject site is located in a walkable urban neighborhood supported by TARC service; thus, supporting the use of alternative forms of transportation and encouraging vitality and sense of place. The proposal incorporates residential uses above retail and/or includes other mixed-use, multi-story retail buildings. The development is small and compact. Existing buildings are to be repurposed. Parking facilities will be located to the rear alley where access is traditionally obtained. No adverse impacts on pedestrian safety will result. Utilities are available as the site is located within the urban services district. And the subject site is located in a walkable urban neighborhood supported by TARC service.

WHEREAS, the Commission further finds that the proposal complies with Guideline 3 of Cornerstone 2020. The structure and its materials are not proposed to be changed. The proposal does not constitute a non-residential expansion into an existing residential area as it is currently zoned M-2. Traffic would appear to be negligible given the size and scale of the proposed development. No changes to the subject site have been

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proposed that would increase adverse impacts of its lighting on nearby properties, and on the night sky. The site is located within proximity to similar uses in an urban area that is well-connected to transit. No site work is being conducted that would require additional screening or buffering. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. Parking is being obtained from a rear alley in a manner consistent with the intent of alleys in traditional neighborhoods. And signage shall be in conformance with zoning district regulations.

WHEREAS, the Commission further finds that the proposal complies with Guideline 4 of Cornerstone 2020. Open space is not a required component of this plan and there are no apparent natural features on-site.

WHEREAS, the Commission further finds that the proposal complies with Guideline 5 of Cornerstone 2020. There are no apparent natural features on-site. The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value. And The development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.

WHEREAS, the Commission further finds that the proposal complies with Guideline 6 of Cornerstone 2020. The subject site is accessible by multiple means of transportation. The subject site is located in close proximity to the central business district and may be commonly associated with development in the downtown area. The proposed use constitutes a reinvestment and rehab in the downtown area. The subject site is currently zoned M-2 and the change to EZ-1 allows a slightly higher intensity of uses; however, the site is of a minimal scale and large industrial uses would not appear to be feasible. The proposed commercial components of the zoning district are appropriately located at an intersection of minor arterial roadways and a transit corridor running from downtown to residential neighborhoods South of the urban core. And the development will have less than 100 employees and is located along an arterial roadway.

WHEREAS, the Commission further finds that the proposal complies with Guideline 7 of Cornerstone 2020. Existing conditions do not necessitate the need for contributions. The subject site is located in a walkable urban neighborhood supported by TARC service. No right-of-way dedication is necessitated by the proposed development. And the proposal includes adequate parking spaces to support the use.

WHEREAS, the Commission further finds that the proposal complies with Guideline 8 of Cornerstone 2020. Access to the subject site currently containing an industrial use is through existing areas. The site is of a minimal scale and large industrial uses would not be feasible. And the proposal does not impact the existing hierarchy of streets.

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WHEREAS, the Commission further finds that the proposal complies with Guideline 9 of Cornerstone 2020 the proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development as the subject site is located in a walkable urban neighborhood supported by TARC service; and

WHEREAS, the Commission further finds that the proposal complies with Guideline 10 of Cornerstone 2020. The preliminary plan has received approval from the Metropolitan Sewer District.

WHEREAS, the Commission further finds that the proposal complies with Guideline 12 of Cornerstone 2020. The proposal has been reviewed by APCD and found to not have a negative impact on air quality.

WHEREAS, the Commission further finds that the proposal complies with Guideline 13 of Cornerstone 2020. No natural corridors are apparent on-site.

WHEREAS, the Commission further finds that the proposal complies with Guideline 14 of Cornerstone 2020. The proposal is located in an area served by existing utilities or planned for utilities as it is within the urban services district. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes as it is within the urban services district. And the proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as it is within the urban services district.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from M-2, Industrial to EZ-1, Enterprise Zone on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Lewis, Peterson, Smith, Tomes and Jarboe

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard and Robinson

Development Plan and Binding Elements

On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution based on the standard of review and staff analysis and testimony heard today was adopted.

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WHEREAS, the Louisville Metro Planning Commission finds that the applicant will be revitalizing an existing corner commercial structure in a Traditional Neighborhood; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as sidewalks and connections from the structure to the sidewalks are exiting and the site is located in a walkable and well-connected urban neighborhood; and

WHEREAS, the Commission further finds that open space is not a required for the proposed development; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision 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 Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area as the site is an existing industrial use within a mixed-use urban neighborhood and the changes to the use of the building will allow for a greater range of goods and services to be provided and produced; and

WHEREAS, the Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in Attachment 3 of the staff report.

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 and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. **The following M-2 uses shall not be permitted on the site:**
 - Auction sales, outdoor
 - Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales
 - Bus garage and repair shop
 - Exposition building or center

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Fairgrounds
Heavy truck and other heavy motor driven vehicles: sales, rental, repair and storage
Lumber yards
Railroad freight terminals and yards
River terminals
Truck or transfer terminal, freight and motor freight and motor freight stations
Waterfront shipping
Uses, manufacture, processing, treatment, or storage of the following:
Air conditioning, commercial
Aircraft and aircraft parts
Aluminum extrusion, rolling, fabrication, and forming
Animal pound
Assembly and repair of automobiles, bicycles, carriages, engines (new and rebuilt), motorcycles, trailers, trucks, wagons, including parts
Battery, storage (wet cell)
Boat manufacturing and repair
Coal and coke, storage and sales
Concrete products (except central mixing and proportioning plant) Culverts
Firearms
Foundry products (electrical only) Implements, agricultural or farm Ink manufacture (mixing only)
Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only) Machine, tool, die, and gauge shops
Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking
Pencils
Perfumes or perfumed soaps, commercial
Plating, electrolytic process
Plumbing supplies
Poultry or rabbit, packing or slaughtering (wholesale)
Rubber and synthetic-treated fabric products (excluding all rubber or synthetic processing) such as washers, gloves, footwear, bathing caps, atomizers, or similar products
Sheet metal products from metal stamping or extrusion, including containers, costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products Shipping containers (corrugated board, fiber or wire-bound) Tire re-treading and vulcanizing shop
Tobacco (including curing) or tobacco products
Tire re-treading and vulcanizing shop

3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, or balloons shall be permitted on the site.

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4. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
5. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system audible beyond the property line.
6. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
7. A license agreement, if required, shall be obtained for the installation of bike racks and handicap ramp located within the right-of-way of S. Campbell Street.
8. All M-3 uses shall be prohibited, except the use, manufacture, processing, treatment, or storage of the following:
Aromatic Flavoring material (essential oils)
Cider and vinegar
Molasses
Oils, shortenings, and fats
Pickles, vegetable relish, & sauces
Sauerkraut
Pottery and porcelain products (coal-fired, including bathroom or kitchen equipment, or similar products)
Soaps and soap products
9. Outdoor storage, processing, treatment, or manufacturing associated with an industrial use is prohibited.
10. The Louisville Metro Planning Commission consents to those uses as shown on the approved district development plan and all other uses not prohibited by these binding elements, notwithstanding the fact that they may be located within 200 feet of a residential use.

The vote was as follows:

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