

**MINUTES OF THE SPECIAL MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
March 21, 2016**

A special meeting of the Louisville Metro Planning Commission was held on Monday, March 21, 2016 at 6:00 p.m. at the Old Jail Building, located at 514 West Liberty Street, Louisville, Kentucky.

Commission members present:

Donnie Blake, Chairman
Vince Jarboe, Vice Chairman
Jeff Brown
Robert Kirchdorfer
David Tomes
Chip White
Robert Peterson
Lula Howard (sworn in today)

Commission members absent:

Clifford Turner
Marilyn Lewis

Staff Members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning & Design Supervisor
Joe Haberman, Planning & Design Manager
John G. Carroll, Legal Counsel
Jon Baker, Legal Counsel
Will Ford, Communications Specialist
Brian Mabry, Planning Coordinator
Tammy Markert, Transportation Planning
Chris Cestaro, Management Assistant

Others:

Tony Kelly, Metropolitan Sewer District (MSD)

The following matters were considered:

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Approval of Minutes

No minutes were approved.

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Swearing-In of Commissioner Lula Howard

00:06:19 Commissioner Lula Howard was sworn in.

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Public Hearing

Case No. 15AMEND1001 and 15AREA1001

Request: Areawide TNZD Map and LDC Text Amendment for the Old Louisville / Limerick TNZD

Project Name: Old Louisville / Limerick TNZD Map and LDC Text Amendment

Location: Multiple properties on the Old Louisville / Limerick TNZD

Owner: Multiple Owners

Applicant: Louisville Metro

Representative: Louisville Metro

Jurisdiction: Louisville Metro

Council District: **6 – David James**

Case Manager: **Brian Mabry AICP, Planning Coordinator**

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.)

An audio/visual recording of the Planning Commission hearing related to this case may be viewed by contacting the Planning and Design Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:08:17 Brian Mabry presented the case and showed a Power Point presentation (see staff report, exhibits and recording for detailed presentation.) His presentation included an explanation of why these changes are being proposed, background and context, and the process of the proposal

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(neighborhood meetings, feedback from stakeholders, LD&T meeting, etc.) He emphasized that, based on feedback from citizens and the LD&T Committee, a few prior recommendations are no longer being considered, specifically:

- Extending the Neighborhood Center- Transition eastward along Oak Street
- Allowing 1,000 square foot professional or medical offices in Neighborhood General with a Conditional Use Permit.
- C-2 with no exclusions in Neighborhood Center. Staff now proposes some exclusions related to auto sales and rental.
- Renaming “Corner Commercial” to “Community Commercial”.

00:29:54 Mr. Mabry outlined the staff analysis for TNZD zoning map changes.

00:33:38 Mr. Mabry outlined the standards of review for the rezoning.

00:35:15 Mr. Mabry outlined the staff analysis for LDC Text Amendment (Uses).

00:40:55 Mr. Mabry discussed the proposal to allow live/work units as permitted, subject to standards, as well as the current definition of live/work units.

00:49:19 Mr. Mabry outlined staff recommendations for LDC Text Amendments for signs.

00:54:50 Post-publication staff report corrections.

01:00:27 Mr. Mabry and Commissioner Tomes discussed the definition of live/work classifications, the intent of the Neighborhood Transition Center (both map and LDC language), and the expansion of Corner Commercial Permitted Uses.

01:05:56 Commissioners Tomes and Kirchdorfer discussed live/work issues.

01:07:15 Commissioner Kirchdorfer asked if there had been any discussion about limiting hours of operation for taverns and package stores. Mr. Mabry said no, but that was something BOZA could set limits on if they thought it was warranted. Pawn shops and tattoo parlor uses were discussed.

The following spoke in favor of the proposal:

Howard Rosenberg, 1202 South 6th St., Louisville, KY 40203

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Leah Stewart, 1386 South 6th St., Louisville, KY 40208

Barry Alberts, 334 Blankenbaker Lane, Louisville, KY 40207

Andrew Owen, 522 Belgravia Court, Louisville, KY 40208

Michael Gray, 422 West Ormsby #7, Louisville, KY 40203

Kim Mowder, 1464 South 3rd Street, Louisville, KY 40208

Matthew Burkley, 1244 South Brook Street, Louisville, KY 40203

Mary Martin, 1466 South 3rd Street, Louisville, KY 40208

Eric Cowley, 1348 South 6th Street, Louisville, KY 40208

Shawn F. Williams, 402 Belgravia Court, Louisville, KY 40208

Bruce E. Cohen, 619 Floral Terrace, Louisville, KY 40208

Frاندrea Neal, 36 College Court, Louisville, KY 40203

Summary of testimony of those in favor of the proposal:

01:10:32 Howard Rosenberg, Chair of the Old Louisville Neighborhood Council, spoke in favor and showed a Power Point presentation (see recording for detailed presentation.)

01:14:25 Leah Stewart, member and Chair of the Old Louisville Business Task Force, spoke in favor of the proposal. This is a group of resident business owners in the Old Louisville neighborhood. She mainly discussed retail vacancy rates, and the Task Force's support for live/work.

01:18:46 Barry Alberts spoke in favor and spoke about the Oak Street Corridor redevelopment strategy.

01:24:45 Andrew Owen discussed the strengths and weaknesses of the retail and commercial services in Old Louisville, from the perspective of the real estate community. He said there is much "confusion" about what TNZD is.

01:27:19 Michael Gray discussed the vision for Oak Street and the need for a "critical mass" of businesses. He said TNZD has not revitalized the area.

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01:30:21 Kim Mowder discussed doing business / renting on Oak Street, and problems with the TNZD restrictions.

01:35:17 Matthew Burkley discussed the need for viable businesses, and a variety of businesses, in this area.

01:39:14 Mary Martin described how the TNZD restrictions are not working as intended.

01:44:34 Eric Cowley said the current TNZD regulations are confusing and an impediment to business, and do not meet the goals that were stated in 2002. He said TNZD has worked as far as preserving the residential needs, but is not producing a walkable, accessible retail area for residents.

01:49:11 Bruce Cohen spoke in support and agreed that he has trouble explaining to prospective tenants about the TNZD restrictions.

01:53:41 Shawn F. Williams, Executive Director of the Old Louisville Neighborhood Council, spoke in support and addressed the goals of the C-2 uses in the Neighborhood Center and the Transition TNZD zones.

01:58:03 Frandrea Neal generally expressed support, but was concerned that she not be "re-zoned" out of her home. She did not want the whole area to become commercial. Mr. Mabry addressed Ms. Neal's concerns.

02:00:34 Commissioner Tomes asked Mr. Alberts if there are "whole vacant blocks" in this area. Mr. Alberts said yes, and named the Winn-Dixie site as one example. Sidewalk width was also discussed, as a way to encourage pedestrian use and sidewalk cafes.

02:04:12 Commissioner Jarboe asked about the "live/work" definition. Mr. Alberts and Commissioner Tomes discussed the definition.

02:06:27 Commissioner Kirchdorfer asked Ms. Mowder about her example of a restaurant expansion that she said was not accomplished due to the TNZD restrictions. She said that the restaurant owner was specifically told by Metro that it was too difficult to deal with business restrictions in Old Louisville and that he should open his business in Portland.

02:08:29 Commissioner Kirchdorfer also asked Mr. Cowley about the "lack of nightly activities" that he had mentioned.

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***The Commission adjourned for five minutes before taking testimony from those neither for nor against “Other”.**

The following spoke neither for nor against the proposal (“Other”):

Ken Pyle, 422 W. Oak Street, Louisville, KY 40203

Greg Handy, 1346 S. Brook Street, Louisville, KY 40208

Summary of testimony of those neither for nor against (“Other”):

02:11:58 Greg Handy spoke in support of the corner commercial uses, specifically for restaurants, cafes, and tea rooms (see recording for detailed presentation.) Commissioner Tomes asked Mr. Handy about his issues with Table 2.7.7 “Permitted Uses” on page 43 of the staff report (item #52 “Restaurants”). Mr. Mabry said this goes back to outdoor alcohol consumption and whether it is a permitted use in corner commercial (see recording.)

02:19:00 Ken Pyle, a former Old Louisville business owner (The Rudyard Kipling), said something needed to be done to encourage new businesses on Oak Street. He expressed concerns about crime, walkability, and preserving the character of Old Louisville.

The following spoke in opposition to the proposal:

Christopher Matt Wilson, 1244 Ormsby Court, Louisville, KY 40203

Chuck Anderson, 1384 South 3rd Street, Louisville, KY 40208

Roberto Bajandas, 1412 South 6th Street, Louisville, KY 40208

Zane Lockhart, 1322 South 2nd Street, Louisville, KY 40208

John Sistarenik, 1208 South 6th Street, Louisville, KY 40203

Stephen Peterson, 932 South 6th Street, Louisville, KY 40203

Ken Herndon, 101 West Ormsby Avenue, Louisville, KY 40203

Lira Johnson, 1371 South 1st Street, Louisville, KY 40208

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Phil Bevins, 432 West Ormsby, Louisville, KY 40203

Felix H. Sharpe, 1065 South 1st Street, Louisville, KY 40203 (was called but was not present to speak)

Stephanie Bowman, 430 West Oak Street, Louisville, KY 40203

Jason Coslow, 430 West Oak Street, Louisville, KY 40203

Britt Jackson, 226 East Oak Street, Louisville, KY 40203

Herb Fink, 1701 South 3rd Street, Louisville, KY 40208 (was called but was not present to speak)

Tom Woodcock, 1366 South 1st Street, Louisville, KY 40208 (was called but did not speak)

Virginia Ehrlich, 1477 South 2nd Street, Louisville, KY 40208 (was called but did not speak)

Dr. Jean Christensen, 1465 South 2nd Street, Louisville, KY 40208 (was called but did not speak)

Maleva Chamberlain, 1217 Garvin Place, Louisville, KY 40203 (was called but did not speak)

Gene Cundiff, 238 East Oak Street, Louisville, KY 40203 (was called but did not speak)

Deborah Stewart, 510 Belgravia Court, Louisville, KY 40208

Barry Kornstein, 1365 South 1st Street, Louisville, KY 40208

Gary Kleier, 615 Floral Terrace, Louisville, KY 40208

Christopher T. White, 119 West Ormsby, Louisville, KY 40203

Debra Harlan, 1734 Chichester Avenue, Louisville, KY 40205

Martina Kunnecke, 313 Northwest Parkway, Louisville, KY 4021

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William and Mark Reynolds, 234 East Oak Street, Louisville, KY 40203 (Mark Reynolds was called but chose not to speak)

Lonnie Fink, 1317 South 2nd Street, Louisville, KY 40208

Summary of testimony of those in opposition to the proposal:

02:22:41 Christopher Matt Wilson, president of the Central Park West Neighborhood Association, said the Association is not opposed to the expansion of the permitted uses within the commercial area. However, they are opposed to a limited portion of the TNZD planned revisions as presented by the staff starting in January (see recording for detailed presentation.)

02:26:31 Bob Bajandas discussed some of the Old Louisville/Limerick TNZD plan and its history. He said much commercial is currently unused or underutilized. He said the outdoor sale of alcoholic beverages is currently permitted under “restaurants and cafes”.

02:45:34 Zane Lockhart spoke in opposition to the expansion of the commercial uses along the west side of Oak Street. He used many examples to state that this is a recently-stabilized residential area, and that expanding commercial into this area does not respect the residential character.

02:57:08 John Sistarenik said he was strongly opposed to the extension of the Neighborhood Center and Transition boundaries into residential areas on the south of Oak Street. He explained how this could affect his own property and others. He said the current TNZD regulations have been successful in increasing property values and people converting old rental homes into single-family homes.

03:03:01 Stephen Peterson spoke in opposition to live/work units being moved into Neighborhood General. He added that “home occupation” use is already permitted in the TNZD for professionals and craftspeople, and said this use is more appropriate for a residential area.

03:07:38 Ken Herndon, President of the Second Street Neighborhood Association, said the Association supports the C-2 uses in the Neighborhood Center as currently mapped (see recording for detailed presentation.)

03:13:23 Phil Bevins spoke in opposition, particularly regarding the live/work provisions. He said businesses would go counter to MSD’s goal of reducing stormwater in the sewer system.

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03:17:22 Stephanie Bowman was very concerned that she would be zoned out of her home. She said it is unrealistic to be expected to live next to a business, because the homes are so close together.

03:18:50 Jason Coslow said that, under this plan, he would not be permitted to live in his single-family home. He expressed concern that a business next door to him would greatly reduce his property value.

03:19:50 Britt Jackson spoke in opposition to the expansion of the C-2 zoning.

03:24:01 Deborah Stewart spoke in opposition to the TNZD revisions, and discussed the decade-long residential revitalization in the area. She said increasing property values are supported by the protection that the existing TNZD regulations.

03:28:45 Barry Kornstein spoke in opposition and showed a Power Point presentation regarding economic and residential data (see recording for detailed presentation.)

03:43:46 Gary Kleier spoke in opposition to the C-2 expansion. He said there is not enough population in Old Louisville/Limerick to support the businesses that the proponents want, and discussed the work that the task force has done.

03:50:32 Christopher White discussed what is and is not supported by neighborhood associations regarding commercial expansion.

03:54:09 Deborah Harlan discussed her history with this neighborhood and her work as the TNZD coordinator for the City and Metro. She strongly opposed the expansion of C-2 zoning.

03:59:54 Martina Kunnecke representing Neighborhood Planning and Preservation, submitted comments into the record opposing the proposed changes.

04:00:36 William Reynolds spoke in opposition to moving corner commercial into the residential area. He discussed problems he is already having with an existing liquor store in the neighborhood.

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04:02:19 Lonnie Fink spoke in opposition to moving any commercial uses into the residential areas. He discussed problems already occurring with “Airbnb” rentals in the neighborhood.

***The Commission adjourned for five minutes before hearing the applicant’s Rebuttal.**

Commissioners questioned some opposition speakers:

04:04:03 In response to questions from Commissioner Kirchdorfer, Mr. Kleier discussed what he said were problems with the Metro Building Department and their understanding of the TNZD regulations. He said he had a number of exchanges with the department when he was trying to help his clients.

04:07:00 In response to a question from Commissioner Jarboe, Mr. Bajandas discussed vacant properties along Oak Street that he owns, and why there are no businesses opening there. He said the opposition is only objecting to the expansion of the mapped commercial areas into residential areas.

04:13:40 Mr. Bajandas and Commissioner Tomes discussed development in the Oak Street corridor. Outdoor entertainment in the transition zone was reviewed.

Rebuttal:

04:16:40 Mary Martin and Leah Stewart presented the rebuttal. Mr. Martin said all of the neighborhood groups agreed on the expanded uses; no one talked about expanding the boundaries, or signage. Ms. Stewart said the current TNZD regulations are not meeting the needs of the neighborhood. Ken Pyle added that, when he operated the Rudyard Kipling, he did not have any crime or disturbance issues at night.

04:26:54 Commissioner Jarboe asked Ms. Stewart if she knew of any of the 15-17 families/homeowners along East Oak who wanted their properties to be rezoned C-2. Ms. Stewart said Ms. Martin sent letters to each of the property owners, and only received one objection. Stephanie Bowman said she lives there, and did not receive any letter or was contacted.

04:29:12 Mr. Mabry responded to Commissioner's question regarding individual property owners choosing to opt out of the rezoning. Jason Coslow said that the problem with opting out is that all of the houses are so close together.

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04:32:23 Commissioner Peterson asked for a reason why the residential properties along the south side of West Oak Street were being proposed for rezoning. Leah Stewart said a letter was sent to Ms. Bowman; she then addressed Commissioner Peterson's question. She said the expansion on Oak Street was not requested by neighbors, but came from Planning & Design Services and that maybe staff could answer that. She said the expanded uses were agreed on by neighbors/neighborhood groups, not map changes.

04:38:00 John Sistarenik asked if the residents in the 600 block of Oak Street had been contacted by the proponents. Ms. Stewart said letters were sent by her group to all property owners on the south side of the 600 block of West Oak Street.

04:41:23 Emily Liu, Director of Planning and Design Services, explained how the recommendations came about and what the types of changes could mean to residents and business owners in the neighborhood. She explained that there had been complaints from businesses about small signage in Old Louisville. Increasing the size of permitted signage was a request from Metro Council.

Deliberation:

04:47:52 Commissioners' deliberation (see recording for verbatim statements.)

Proposed map changes for 1235 and 1237 South 7th Street ONLY

05:14:43 On a motion by Commissioner Brown, seconded by Commissioner Jarboe, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the changes to the TNZD Zoning Map for properties located at 1235 and 1237 South 7th Street comply with the applicable guidelines and policies of Cornerstone 2020; and

WHEREAS, the Commission further finds that the changes to the TNZD Zoning Map for properties located at 1235 and 1237 South 7th Street comply with Guideline 2, Centers of Cornerstone 2020. The map change promotes efficient use of land and investment in existing infrastructure, provides an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services, and encourages commercial revitalization in redeveloping areas by making additional properties eligible for commercial development; and

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WHEREAS, the Commission further finds that the changes to the TNZD Zoning Map to properties located at 1235 and 1237 South 7th Street comply with Guideline 3, Compatibility of Cornerstone 2020. The map change will allow a mixture of land uses and densities near each other, subject to the existing design review provisions applicable to the Old Louisville / Limerick area, which will preserve the character of the existing neighborhood. In addition, the Neighborhood Transition-Center neighborhood type allows for a reasonable transition between the purely commercial uses of the Neighborhood Center and the mostly residential uses of the Neighborhood General; 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 Government that the requested change in neighborhood type from Neighborhood General to Neighborhood center Transition: Edge Transition on property located at 1235 and 1237 only, be **APPROVED**.

The vote was as follows:

YES: Commissioners White, Brown, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, Howard.

NO: No one.

NOT PRESENT: Commissioners Turner and Lewis.

ABSTAINING: No one.

Text Amendments

01:15:45 On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the changes to the TNZD provisions of the LDC comply with the applicable guidelines and policies of Cornerstone 2020; and

WHEREAS, the Commission further finds that the changes to the TNZD provisions of the LDC comply with Guideline 2, Centers of Cornerstone 2020.

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The amendments promote a reduction in commuting time and transportation-related air pollution and provide an opportunity for neighborhood centers and marketplaces that include a diversity of goods and services and that are designed to be assets to the community by permitting an increased mix of uses in the district which reduce the need for vehicular travel and promote walking or bicycling to and from nearby commercial destinations; and

WHEREAS, the Commission further find that the changes in the TNZD provisions of the LDC comply with Guideline 3, Compatibility, of Cornerstone 2020. The amendments allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other; they prohibit the location of sensitive land uses in areas where accepted standards for noise, lighting, odors, or similar nuisances are violated or visual quality is significantly diminished; and, in conjunction with existing design guidelines, preserve the character of existing neighborhoods. While expanding opportunities for mixing permitted uses in the Neighborhood Types, the amendments require Conditional Use Permits for potentially sensitive land uses and continue to prohibit other uses out right where such uses are not appropriate; and

WHEREAS, the Commission further finds that the changes to the TNZD provisions of the LDC comply with Guideline 6, Economic Growth and Sustainability. The amendments to the TNZD provisions of the LDC will allow additional uses to take place in the district, so that property owners have a wider variety of nonresidential uses available to establish on their properties in response to needs of the market; and

WHEREAS, the Commission further finds that the changes to the TNZD provisions of the LDC comply with applicable guidelines and policies in “Amendments to the Old Louisville / Limerick Neighborhood Plans,” which recommends permitting of live/work uses, creation of a pedestrian-oriented neighborhood commercial district at Fourth and Oak, and permitting high density, mixed use development as a transition from the commercial core to the Neighborhood General. The amendments to the TNZD provisions of the LDC continue these recommendations originally established in the Plan; 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 Government that the

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requested Text Amendments to the Land Development Code for Chapter 1, General Provisions, Appendix 2B the TNZD Land Use and Design Standards, and for Chapter 8, the Sign Regulations, ***excluding*** the addition of the “live/work” land use within the Neighborhood General neighborhood type within the TNZD, Tables of the Appendix 2B, be **APPROVED**.

The vote was as follows:

YES: Commissioners White, Brown, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, Howard.

NO: No one.

NOT PRESENT: Commissioners Turner and Lewis.

ABSTAINING: No one.

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Legal Review Committee

No report given.

Planning Committee

No report given.

Policy and Procedures Committee

No report given

Site Inspection Committee

No report given.

ADJOURNMENT

The meeting adjourned at approximately 11:41 p.m.

Chairman

Division Director