

**PLANNING COMMISSION MINUTES
OCTOBER 20, 2016**

PUBLIC HEARING

CASE NO. 16ZONE1018

Request: Change in zoning from M-2 and OR-2 to C-2 on approximately 0.22 acres with a waiver
Project Name: 1127 Logan Street
Location: 1125 & 1127 Logan Street
Owner: Tammany LLC
Applicant: Tammany LLC
Representative: Robert Johnston
Jurisdiction: Louisville Metro
Council District: 4-David Tandy
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

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.)

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.

Agency testimony:

01:17:29 Julia Williams presented the case and showed a Powerpoint presentation (see recording for detailed presentation).

The following spoke in favor of the request:

Robert Johnston, 459 Swing Lane, Louisville, KY 40207

Summary of testimony of those in favor:

01:24:21 Robert Johnston spoke in favor of the request and responded to questions from the Commissioners (see recording for detailed presentation).

The following spoke in opposition of the request:

No one spoke.

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01:41:01 Commissioners' deliberation

01:44:11 On a motion by Commissioner Howard, seconded by Vice Chair Lewis, the following resolution was adopted:

Change in Zoning from M-2 and OR-2 to C-2:

WHEREAS, the Louisville Metro Planning Commission finds that all of the applicable Guidelines and Policies of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission in Case Number 16ZONE1018 Change in Zoning from M-2 and OR-2 to C-2, does hereby **RECOMMEND APPROVAL** to Louisville Metro Council, based on the Staff Report, the presentation that was made by the applicant and the applicant's justification.

The vote was as follows:

YES: Commissioners Carlson, Howard, Smith, Turner, Peterson, Brown, Vice Chair Lewis and Chair Jarboe

NOT PRESENT: Commissioners Kirchdorfer and Tomes

01:46:06 On a motion by Commissioner Howard, seconded by Vice Chair Lewis, the following resolution was adopted:

Waiver from 10.2.4 to not provide the Landscape Buffer Area and planting/screening along the north property line:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since both the subject site and the adjacent property are both non-residentially used. The parking lot to the rear of the subject site is an existing condition that will be improved with the removal of some pavement for landscaping, and

WHEREAS, the Commission further finds that Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and

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public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. Both the subject site and the adjacent property are both non-residentially used. The parking lot to the rear of the subject site is an existing condition that will be improved with the removal of some pavement for landscaping, and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since both the subject site and the adjacent property are both non-residentially used. The parking lot to the rear of the subject site is an existing condition that will be improved with the removal of some pavement for landscaping, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since both the subject site and the adjacent property are both non-residentially used. The parking lot to the rear of the subject site is an existing condition that will be improved with the removal of some pavement for landscaping; and

District Development Plan:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints on the subject site. The building is a historic resource that is being preserved and renovated, and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community

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has been provided, and Metro Public Works has approved the preliminary development plan, and

WHEREAS, the Commission further finds that there are no open space requirements pertinent to the current proposal, 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission in Case Number 16ZONE1018, does hereby APPROVE Waiver from 10.2.4 to not provide the Landscape Buffer Area and planting/screening along the north property line, and District Development Plan, based on the Staff Report, the applicant's presentation and testimony heard today, and **SUBJECT** to the following Binding Elements:

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. The development shall not exceed 5,300 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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4. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.

The vote was as follows:

YES: Commissioners Carlson, Howard, Smith, Turner, Peterson, Brown, Vice Chair Lewis and Chair Jarboe

NOT PRESENT: Commissioners Kirchdorfer and Tomes