

**MINUTES OF THE MEETING  
OF THE  
LOUISVILLE METRO PLANNING COMMISSION  
September 6, 2018**

A meeting of the Louisville Metro Planning Commission was held on September 6, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

**Commission members present:**

Marilyn Lewis, Vice Chair  
Jeff Brown  
Lula Howard  
Rich Carlson  
Ruth Daniels

**Commission members absent:**

Vince Jarboe, Chair  
David Tomes  
Donald Robinson  
Emma Smith  
Robert Peterson

**Staff Members present:**

Joe Reverman, Planning and Design Assistant Director  
Brian Davis, Planning and Design Manager  
Julia Williams, AICP, Planning Supervisor  
Joel Dock, Planner II  
Beth Stuber, Transportation Planning  
John Carroll, Legal Counsel  
Travis Fiechter, Legal Counsel  
Pamela M. Brashear, Management Assistant

The following matters were considered:

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**APPROVAL OF MINUTES**

**AUGUST 2, 2018 PLANNING COMMISSION NIGHT HEARING MINUTES**

**No Action**

**AUGUST 16, 2018 PLANNING COMMISSION REGULAR MEETING MINUTES**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted.

**RESOLVED**, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on August 16, 2018.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

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**Swear in New Commissioner**

**John Carroll, legal counsel, swore in Ruth Daniels as a member of the Planning Commission.**

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**CASE NO. 18ZONE1015**

Request: Change in zoning from R-4, Single Family Residential to CM, Commercial- Manufacturing with setback variance, landscape and building design waivers, and detailed district development plan

Project Name: Bluegrass Lawn and Garden  
Location: 6502 Blevins Gap

Owner: James Kilgore  
4509 Blevins Gap Road  
Louisville, Ky. 40272

Applicant: James Kilgore  
4509 Blevins Gap Road  
Louisville, Ky. 40272

Representative: Dinsmore & Shohl, LLP.  
Clifford H. Ashburner  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 14- Cindi Fowler  
**Case Manager: Joel 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:**

00:12:40 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Cliff Ashburner, Dinsmore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

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Sarah Beth Sammons, LD&D Inc., 503 Washburn Avenue, Louisville, Ky. 40222

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

00:00:53 Mr. Ashburner gave a power point presentation. The site is odd and hard to design. The VFW has given permission to do landscaping on their property. The applicant wants to do a fee-in-lieu for Blevins Gap Rd. and provide sidewalks on Dixie where needed. Gating will be impossible because it will hinder stacking of the trucks. Screening will be provided for the main loading area.

Mr. Ashburner discussed truck routing and the hours of operation will be 8:00 a.m. – 6:00 p.m. Monday through Saturday.

00:30:02 Commissioner Carlson asked if the trucks will go off pavement. Ms. Sammons said no. Commissioner Carlson said there are 3 overhead doors, will you be subdividing to other businesses? Mr. Ashburner said no, it's just one business.

**The following spoke neither for nor against the request:**

Cindi Fowler, 601 West Jefferson Street, Louisville, Ky. 40212

**Summary of testimony of those neither for nor against:**

00:36:40 Ms. Fowler requests a binding element to keep out undesirable businesses if the property is sold. This would be a binding element if there's a change in use, stating it needs to come back to the Planning Commission and Metro Council for approval. Mr. Reverman suggested specifying the use.

**Rebuttal**

00:40:46 Mr. Ashburner said we can work out the binding element but want to ensure it is governed by Chapter 11 of the Land Development Code.

**Deliberation**

00:42:13 Commissioner Carlson said he wants the binding element concerning change of use in place before passing it on to Metro Council.

00:43:20 Commissioner Brown stated the elimination of the gate eliminates a potential hazard.

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00:44:03 Commissioner Howard stated the proposal is a lower intense use than a C-1 or C-2 could possibly be. It won't bring more traffic. The alternative landscape plan is much better than what was shown at the August 16, 2018 meeting. Binding element 1 covers any change of use and adding another binding element is not needed.

00:45:47 Vice Chair Lewis stated this is an improved plan and supports it.

00:51:04 Commissioner Carlson stated the staff report is against the use. Mr. Dock responded, the staff report is never against a specific use. It considers the zoning district as a whole and everything that comes with it.

**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 R-4 to CM**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on testimony heard at the August 16, 2018 and September 6, 2018 PC meetings and the applicant's findings was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the property is within a Neighborhood form district, this form district is misapplied to the property as it is surrounded by other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW Post. The proposed warehouse is compatible with the scale and function of these surrounding commercial uses. The majority of the nearby residential uses are separated from the property by the railroad tracks to the east; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the subject property fronts a collector road that feeds the arterial commercial corridor along Dixie Highway one block to the west. The proximity of Dixie Highway provides minimally intrusive access for delivery vehicles accessing the property; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the property is located on a block with light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW post. The property will have landscape buffering and a security gate along the north side of the property that fronts

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the residential uses across Blevins Gap Road. The railroad separates the property from the residential uses that predominate to the east. Due to the small size and configuration of the property, the only viable access point to the property is along Blevins Gap Road, which connects to the nearby arterial Dixie Highway to the west within 1,000 feet. The size and configuration of the property also requires parking and loading at the front of the property. Delivery vehicles would be unable to maneuver around the proposed warehouse within the bounds of the property to reach a rear parking and loading location; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space and Scenic and Historic Resources guideline because open space is not required, and the proposal includes tree planting along the western and southern property line; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 7, Circulation, 8, Transportation Facility and 9, Bicycle, Pedestrian and Transit because the property is linked to Dixie Highway within 1,000 feet to the west, which will be the primary route of access for delivery vehicles accessing the property. The property's proposed use as a warehouse requires minimal parking, and three compliant parking spaces are provided. Because there are no connecting sidewalks along Blevins Gap Road, the applicant proposes to pay a fee in lieu of providing sidewalks that would not provide any benefit to the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 10, Flooding and Stormwater and 11, Water Quality because a detention basin is proposed on the west side of the property to meet MSD requirements. The proposal will comply with all other MSD regulations; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject property will be include appropriate landscape buffering in light of the surrounding land uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the subject property has existing access to utilities and water. Louisville Water Company and fire authorities have not indicated any issues with the proposal.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential to CM, Commercial Manufacturing on 1 acre of property described in the attached legal description be **APPROVED**.

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**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Variance from Land Development Code, section 5.3.1.C.5 to reduce the required 30' setback at the rear property to 5'**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the testimony heard today and from the August 16, 2018 PC meeting and the applicant's findings was adopted.

**WHEREAS**, the proposed variance, which will allow the proposed warehouse to encroach into the 30' setback along the southern property line, will not adversely affect the public health, safety or welfare. The adjacent property to the south is not a residential use; it is part of the parcel currently used as a VFW Post. The portion of the adjacent property immediately to the south of the subject property contains a MSD easement and communications tower. The applicant proposes to install a landscape buffer between the proposed warehouse and the western and southern property lines. Accordingly, the variance from the southern property line setback will not cause any adverse impact to the public or the adjacent property owner to the south; and

**WHEREAS**, the variance will not alter the essential character of the general vicinity as the proposed warehouse is consistent with the other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and the VFW Post. As set forth above, the proposal retains an adequate landscape buffer along the western and southern property lines; and

**WHEREAS**, the variance will not cause a hazard or nuisance to the public. The variance will allow the applicant to locate the proposed warehouse further back from Blevins Gap Road, which will permit easier ingress and egress for vehicles accessing the property and improve public safety on Blevins Gap Road. The variance will not cause a hazard or nuisance to the property to the south as it is not a residential use and the applicant will install adequate landscape screening along the southern property line; and

**WHEREAS**, the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. Due to the depth limitations of the subject



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property, and the nature of the business and the storage requirements of the applicant, the loading area must be located in front of the proposed warehouse. The variance balances the need to accommodate a front loading area large enough to permit tractor trailers to ingress and egress from the property and the size limitations of the subject property; and

**WHEREAS**, the variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The variance is the result of the need to locate the loading area at the front of the subject property and build a warehouse large enough to serve the applicant's needs. The shallow nature of the subject property requires a variance from the 30' setback along the southern property line; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the strict application of the regulations would create an unnecessary hardship because the size of the subject property limits the possible configurations of the property to accommodate a front loading area and a warehouse large enough to serve the applicant's needs. Strict application of the regulations would force the applicant to significantly reduce the size of front loading area or the size of the proposed warehouse. The variance will permit the applicant to build loading area large enough to permit easy ingress and egress from tractor trailers while accommodating a warehouse large enough for the applicant's business needs; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance but are, instead, the result of misapplication of the setback requirements to this property as the property to the south is not a residential use. The adjacent property to the south is part of the parcel currently used as a VFW Post, and the portion of the adjacent property immediately to the south of the subject property contains a MSD easement and communications tower. The variance will permit the applicant to build a warehouse large enough to accommodate his business needs with a front loading area large enough to accommodate tractor trailer access to the property.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance from the Land Development Code, section 5.3.1.C.5 to reduce the required 30 foot setback at the rear property to 5 feet.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

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**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Waivers**

- 1. Waiver of Land Development Code, section 5.5.2.A.1 to not provide windows along the primary façade**
- 2. Waiver of Land Development Code section 10.2.2 to reduce 25' LBA to 5' along rear property line**
- 3. Waiver of Land Development Code, section 10.2.4.B.3 to allow for easement/LBA overlap**
- 4. Waiver of Land Development Code, section 10.2.12 to eliminate the required interior landscape area**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the testimony heard today and from the August 16, 2018 PC meeting and the applicant's findings was adopted.

**WHEREAS**, the proposed waiver from the requirement to provide display windows or windows affording views into the business will not adversely affect adjacent property owners. Windows are not suitable for the face of the proposed building facing Blevins Gap Road as the building will be used as a storage warehouse. Windows are not conducive to the security of the building and, by providing a view into a storage warehouse, would only serve to diminish the aesthetic impact of the proposed building to adjacent property owners; and

**WHEREAS**, the proposed waiver will not violate the Comprehensive Plan. The proposed waiver will permit the applicant to construct a warehouse that is consistent with the other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and the VFW Post. As set forth above, the proposed waiver will improve the building's security and reduce the aesthetic impact of the building

**WHEREAS**, the extent of the proposed waiver of the regulation is the minimum necessary to afford relief to the applicant. The proposed waiver will permit the applicant to construct a secure storage warehouse with as little aesthetic impact as possible to the adjacent property owners; and

**WHEREAS**, the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. The addition of display windows would require the property owner to

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internally screen the products he intends to store in the proposed warehouse from public view. The proposed waiver will permit the applicant to improve the security of the building and reduce its aesthetic impact by shielding his products from public view; and

**WHEREAS**, the proposed waivers will not adversely affect adjacent property owners because the only neighboring property to the south and west is a VFW Post, which is set back more than 100 feet from the subject property. The applicant proposes to retain existing trees along the southern and western property lines that will adequately buffer the rear of the proposed building on the subject property; and

**WHEREAS**, the proposed waivers will not violate the Comprehensive Plan. The proposed use as a warehouse is consistent with the other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and the VFW Post. As set forth above, the proposal retains an adequate landscape buffer along the southern and western property lines. The existing MSD drainage easement that impacts the property will provide buffering in these areas; and

**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the proposed waivers of the regulations is the minimum necessary to afford relief to the applicant. The waivers are necessary to allow the applicant to construct an 18,000 square foot warehouse with adequate parking and maneuvering space for delivery vehicles accessing the property, and to comply with MSD requirements for a 7,040 cubic foot detention basin on the property. Due to the small size and configuration of the property, parking and loading areas must be located at the front of the property. Delivery vehicles would be unable to maneuver around the proposed warehouse within the bounds of the property to reach a rear parking and loading location. Thus, the proposed warehouse must be constructed near the southern property line while still leaving adequate space for parking and loading at the front of the property. These restrictions require the proposed waivers for the landscape buffer areas; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant. Given the small size and configuration of the subject property, strict application of the landscape buffering regulations would severely limit the size and accessibility of the warehouse applicant proposes to build on the property. The proposed waivers will permit the applicant to construct an 18,000 square foot warehouse while retaining existing trees along the southern and western property lines that will adequately buffer the subject property.

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the following waivers:

- 1. Waiver of Land Development Code, section 5.5.2.A.1 to not provide windows along the primary façade**
- 2. Waiver of Land Development Code section 10.2.2 to reduce 25 foot LBA to 5 feet along rear property line**
- 3. Waiver of Land Development Code, section 10.2.4.B.3 to allow for easement/LBA overlap**
- 4. Waiver of Land Development Code, section 10.2.12 to eliminate the required interior landscape area**

The vote was as follows:

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Detailed District Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the testimony heard today and from the August 16, 2018 PC meeting and the applicant's findings was adopted.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the property is within a Neighborhood form district, this form district is misapplied to the property as it is surrounded by other light commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW Post. The proposed warehouse is compatible with the scale and function of these surrounding commercial uses. The majority of the nearby residential uses are separated from the property by the railroad tracks to the east; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the subject property fronts a collector road that feeds the arterial commercial corridor along Dixie Highway one block to the west. The proximity of Dixie Highway provides minimally intrusive access for delivery vehicles accessing the property; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the property is located on a block with light

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commercial uses along Dixie Highway and Blevins Gap Road, including applicant's lawn and garden business, two auto repair shops, and a VFW post. The property will have landscape buffering and a security gate along the north side of the property that fronts the residential uses across Blevins Gap Road. The railroad separates the property from the residential uses that predominate to the east. Due to the small size and configuration of the property, the only viable access point to the property is along Blevins Gap Road, which connects to the nearby arterial Dixie Highway to the west within 1,000 feet. The size and configuration of the property also requires parking and loading at the front of the property. Delivery vehicles would be unable to maneuver around the proposed warehouse within the bounds of the property to reach a rear parking and loading location; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space and Scenic and Historic Resources guideline because open space is not required, and the proposal includes tree planting along the western and southern property line; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 7, Circulation, 8, Transportation Facility and 9, Bicycle, Pedestrian and Transit because the property is linked to Dixie Highway within 1,000 feet to the west, which will be the primary route of access for delivery vehicles accessing the property. The property's proposed use as a warehouse requires minimal parking, and three compliant parking spaces are provided. Because there are no connecting sidewalks along Blevins Gap Road, the applicant proposes to pay a fee in lieu of providing sidewalks that would not provide any benefit to the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Guidelines 10, Flooding and Stormwater and 11, Water Quality because a detention basin is proposed on the west side of the property to meet MSD requirements. The proposal will comply with all other MSD regulations; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the subject property will include appropriate landscape buffering in light of the surrounding land uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the subject property has existing access to utilities and water. Louisville Water Company and fire authorities have not indicated any issues with the proposal.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan **SUBJECT** to the following Binding Elements:

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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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area. 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - 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
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. 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.

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7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. Outdoor sales, display, and storage are prohibited.
9. In addition to the proposed 6 foot privacy styled fence along Blevins Gap Rd. frontage, a solid evergreen screen shall be provided at mature height to screen loading areas from view of public wastes and residential properties. This screen shall be shown on the approved landscape plan.
10. An agreement to plant and maintain off-site trees on the property known as 6518 Blevins Gap Rd. shall be secured prior to certificate of occupancy.
11. Hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
12. Any change of use from Lawn and Garden warehouse shall require approval by Metro Council with a recommendation from the Planning Commission.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

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**CASE NO. 18ZONE1030**

Request: Change in zoning from R-4 and C-1 to C-2 for pawn shop and auto dealership with detailed plan and landscape waiver

Project Name: 9212 Dixie Highway  
Location: 9212 Dixie Highway

Owner: Brown Family Enterprises  
Paul Brown  
4515 Southern Parkway  
Louisville, Ky. 40214

Applicant: Brown Family Enterprises  
P.O. Box 72658  
Louisville, Ky. 40272

Representative: Sabak, Wilson & Lingo, Inc  
Kelli Jones  
608 South 3<sup>rd</sup> Street  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 14 – Cindi Fowler  
**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:**

00:59:21 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

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

Kelli Jones, Sabak, Wilson and Lingo, Inc., 608 South 3<sup>rd</sup> Street, Louisville, Ky. 40202

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



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01:03:33 Ms. Jones gave a power point presentation. There will be an addition of pavement and a stub as requested by staff. Also, the applicant will provide trees, landscaping and internal landscape areas for screening.

Ms. Jones spoke with Cindi Fowler on the break and will propose a change of use binding element although there is some concern that it would force a new owner to go through a 4+ month process. The binding element will read as follows: All C-2 change in uses, including car sales not associated with a pawn shop, would require Metro Council approval with a recommendation from the Planning Commission. Also, to answer Commissioner Carlson's question regarding sidewalks – small changes to the plan doesn't trigger the addition of sidewalks. KTC will handle improvements in the future.

**The following spoke neither for nor against the request:**

Cindi, Fowler, 601 West Jefferson Street, Louisville, Ky. 40212

**Summary of testimony of those neither for nor against:**

01:12:04 Ms. Fowler said she's concerned they are not providing sidewalks. Commissioner Brown remarked, it's usually based on physical additions and this proposal doesn't meet the threshold for sidewalks.

Commissioner Brown asked if there was a right-of-way waiver dedication. Mr. Dock said no.

Ms. Fowler asked what the time line is for landscape completion. Mr. Dock answered, prior to occupancy. Mr. Reverman said there may be extra time given in the wintertime.

**Rebuttal**

01:15:40 Ms. Jones stated Transportation Planning contacted KTC and they don't want any additional right-of-way dedication across the frontage of the property. Ms. Stuber, Transportation Planning, said she was copied on those emails.

**Deliberation**

01:18:00 The commissioners agree that the plan is appropriate and properly justified.

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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 R-4 and C-1 to C-2**

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

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is consistent with existing development along Dixie Hwy and in the general vicinity, which consists largely of auto sales. Other commercial uses include restaurants, retail and financial institutions; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed improvements do not require additional facilities for pedestrians. Vehicular connections have been made to adjacent uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because The proposal includes a compact group of buildings using the same curb cut and parking as curb-cuts are existing to Dixie Highway and vehicular connectivity to adjacent sites is provided.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts. The use is compatible with those along the corridor and is an expansion to an established use; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is located within the boundaries of the existing form district; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is located along an activity corridor and no new structures are proposed, nor are existing structures proposed to be removed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the Dixie Hwy corridor is surrounded by residential development and has good accessibility from other parts of the city; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment as the proposal is for a minimal expansion of surface parking and display spaces; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is located along an activity corridor and no new structures are proposed, nor are existing structures proposed to be removed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because no changes to structures are proposed at this time; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because parking facilities can be shared with adjacent uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because no new utilities would appear to be needed for the proposed development; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because no changes to access which would decrease existing connectivity are proposed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because no changes are being proposed to the exterior of the building; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal does not constitute a non-residential expansion into an existing residential area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because vehicle sales/display area is consistent with surrounding uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because traffic would not appear to be increased significantly as a result of the proposed project; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because lighting will be compliant with LDC 4.1.3; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Dixie Hwy is a major arterial with transit access and a well-developed commercial corridor; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal provides appropriate transitions between uses that are substantially different in scale and intensity as required buffers have been established at the rear of the project site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another as required buffers have been established at the rear of the project site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because parking has not been located within close proximity to any residential area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because parking areas adjacent to the street are not be improved in a manner that increases nonconformity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because new signage will be compliant with Ch.8; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because there are no apparent natural features on-site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because existing structures will be used. There are no recognized features of historic significance on the project site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the proposal does not contain highly permeable or unstable soils; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because Dixie Hwy, a major arterial, is a high traffic commercial corridor; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because roadway improvements are not warranted by the proposed project; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal does not promote mass transit of pedestrian interaction. However, new facilities to promote these modes are not required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as vehicular connectivity is provided to abutting sites; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because no additional right-of-way has been requested; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal includes adequate parking spaces to support the use; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal provides for joint and cross access through the development and to connect to adjacent development sites; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because this proposal is located on an existing roadway network and is not creating any new roadways; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access is from existing commercial through areas of similar intensity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because this proposal is located on an existing roadway network that is sufficient; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because the proposal's drainage plans have been approved by MSD; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because this area is highly developed and there are no existing natural corridors; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because utilities will be provided as needed by the property owner; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal has access to an adequate supply of potable water and water for fire-fighting purposes; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because all portions of both parcels to be rezoned are located in the Suburban Marketplace Corridor form district - including the rear portions of the parcels, which are currently zoned R-4. The proposed redevelopment, upon approval of the map amendment, will be compatible with the scale, rhythm, form and function of the existing commercial neighborhood because no significant physical changes are proposed. The proposed new use of these parcels is appropriate and compatible with existing lands uses in the area, including the automobile sales lots across Dixie Highway. (Guideline I. A.2). The established depth of commercial activity on the parcels will not increase, and there will be no further encroachment toward the residential properties abutting to the rear. (Guideline 1.B.8). This proposal increases the density of use on the parcels by introducing a new commercial use (automobile sales) onto an underutilized commercial property without expanding the boundaries of marketplace corridor. "Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor." (Guideline 1. B.8); and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because this proposed redevelopment satisfies the policies of encouraging mixed land uses in a compact activity center, resulting in a more efficient use of land. (Guidelines 2.A.4, 5). Rehabilitation of commercial buildings such as this, and increased utilization of the underutilized parking lot on these parcels, will also be accomplished by this proposal. (Guidelines 2.A.7, 10); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the neighborhood along Dixie Highway is strictly commercial, and includes automobile sales directly across the street. This proposal is entirely compatible with the existing development pattern along the highway, and with the scale and design of existing development. (Guideline 3.A.1). Additionally, these parcels abut a residential area to the rear. The proposal does not include expansion of the new commercial use (automobile sales) in a manner that will impact or otherwise adversely affect these residents. (Guidelines 3.A.4 - 7, 9). Site lighting will meet all standards of the LDC, and any possible adverse impacts will be mitigated. (Guideline 3.A.8). The continuing non-use of the rear yard of these commercial parcels will ensure an appropriate transition and buffer between commercial uses along the highway and the residential area to the rear. (Guideline 3.A.21, 22). The repurposing of an existing parking lot for automobile sales will not negatively impact the nearby residents. (Guideline 3.A.24).

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because quality of life is enhanced by the applicant's commitment to maintain the rear portions of these parcels as open space, for the protection of residents to the rear, all in a manner that is consistent with the pattern of development in the neighborhood. (Guideline 4.A.1, 4); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because there are no concerns from this redevelopment vis-a-vis the natural environment, or scenic and historic resources; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because this redevelopment constitutes an investment in the rehabilitation and revitalization of the Dixie Highway commercial corridor, all in a manner that is consistent with, and sensitive to, the established form patterns in the district. (Guideline 6.A.3). It complements and enhances the existing activity center by providing a mixture of uses on a major arterial corridor in a manner that will not adversely affect the adjacent residential area. (Guideline 6.A.6); and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because it is not anticipated that a redevelopment of this size and scope will put a strain on existing transportation networks and facilities. (Guideline 7.A.1). The parcels are well-situated to take full advantage of mass transit opportunities and of existing roadway and pedestrian infrastructure. (Guideline 7.A.3, 4). Parking and access will be coordinated as between the subject parcels. (Guideline 7.A.16); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access to the parcel is through an existing public right-of-way, thus no nuisance will be created for new access through other incompatible areas. (Guideline 8.A.9); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because MSD will approve the drainage plans of this proposal. Any potential negative impacts from stormwater runoff will be mitigated, and impervious areas will be minimized. (Guideline 10.A.2, 3, 7, 11). It is not anticipated that this relatively small development will degrade the water quality due to water pollution or erosion; regional water resources are protected. (Guideline 11.A.1); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because given the modest scale of the proposed change in use and the substantial development already surrounding the site, the redevelopment is not expected to trigger any changes to air quality. Nevertheless, the APCD will review the proposed development for any negative impacts on air quality. (Guideline 12.A.9); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because the applicant will comply with the landscaping requirements of the LDC; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the subject parcels are located in an area that is served by adequate existing utilities including potable water, water for fire suppression and sanitary sewers (Guideline 14.A.2-4); and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the all utilities and essential public services are currently in place to serve the parcels in question, and the intended uses; and



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**WHEREAS**, the Louisville Metro Planning Commission finds the applicant anticipates implementing the proposed use as soon as possible following approval of this zoning map amendment.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-4, Single Family Residential and C-1, Commercial to C-2, Commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Waiver of Land Development Code, section 10.2.10 to allow existing encroachments into VUA LBA**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis, testimony heard today and the applicant's finding of facts was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property owners as the required planting have not been requested to be waived and the waiver is a result of existing conditions; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver is a result of existing conditions and no negative impacts will occur as a result of the request; and

**WHEREAS**, the Louisville Metro Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the waiver being requested is due to existing conditions; and

**WHEREAS**, the Louisville Metro Planning Commission finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as the full application of the LBA VUA would result in the removal of parking spaces and relocation closer to residential uses at the rear.

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**WHEREAS**, this is an existing condition. In fact, many of the neighbors have the same condition; and

**WHEREAS**, this is an existing condition. Plant material will still be provided if allowed by KYTC; and

**WHEREAS**, the Louisville Metro Planning Commission finds this is an existing condition. No new parking will be located in the buffer; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the regulation would cause the applicant to remove a portion of the existing parking lot which would create an unnecessary hardship on the applicant.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** a waiver of the Land Development Code, section 10.2.10 to allow existing encroachments into vehicular use are landscape buffer area.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

**WHEREAS**, the proposed development plan does not impact the conservation of natural resources as no such resources appear to be present on site; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as vehicular connections have been provided and the scale of the improvements does not require additional pedestrian facilities; and

**WHEREAS**, open space is not required or necessary on the proposed development; and

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**WHEREAS**, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 Louisville Metro Planning Commission finds, the site design is not compatible as landscape buffering is being provided where appropriate and site improvements are minimal and cause no negative impact to the corridor and residential to the rear; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the proposal is in conformance with the Comprehensive Plan as it is consistent with existing development along Dixie Hwy and in the general vicinity, which consists largely of auto sales. Other commercial uses include restaurants, retail and financial institutions. The proposal is of a medium to high density designed to be compatible with both non-residential development in the corridor and adjacent low density residential development in other form districts. The use is compatible with those along the corridor and is an expansion to an established use. It is located within the boundaries of the existing form district. Buffers have been established at the rear of the project site to increase compatibility with residential to the rear of the corridor. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.

**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, 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:
  - 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. A minor plat or 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.

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- c. 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.
3. 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.
4. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded if the property to the south is ever redeveloped. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
5. Any change of use to a use allowed within C-2 and not in C-1 shall require approval by Metro Council with a recommendation by the Planning Commission.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

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**CASE NO. 17ZONE1058**

Request: Change in zoning from R-6 to C-2 with a waiver  
Project Name: Bar of Soap  
Location: 2070 South Preston Street

Owner: Wettig Properties, LLC  
Anthony Yent Wettig  
213 Brown Avenue  
Louisville, Ky. 40207

Applicant: Wettig Properties, LLC  
Anthony Yent Wettig  
213 Brown Avenue  
Louisville, Ky. 40207

Representative: BTM Engineering  
Chris Brown, AICP  
3001 Taylor Springs Drive  
Louisville, Ky. 40220

Frost Brown Todd, LLC  
Glenn Price  
400 West Market Street, Suite 3200  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 15- Marianne Butler  
**Case Manager: Julia Williams, 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.)

**Agency Testimony:**

01:23:55 Ms. Williams 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:**

Glenn Price, Frost, Brown, Todd, LLC, 400 West Market Street, Suite 3200, Louisville, Ky. 40202

Chris Brown, BTM Engineering, 3001 Taylor Spring Drive, Louisville, Ky. 40220

Gail Linville, 526 Atwood Street, Louisville, Ky. 40217

Ian Luijk, 609 Briar Hill Road, Louisville, Ky. 40206

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

01:30:12 Mr. Price gave a power point presentation. There will be 3 uses; a bar, arcade and laundromat. The area is eligible for being listed in the national registry. The existing building is in very poor condition. The building will be demolished but the existing grid pattern of the streets will be preserved. The intent for hours of operation is Monday through Thursday until 2:00 a.m., Friday and Saturday, until 4:00 a.m. and Sunday either midnight or 2:00 a.m.

01:39:48 Commissioner Carlson asked why there are 2 overhead doors. Mr. Price explained that it can be opened to let some air flow in the building and main entrance. Commissioner Carlson said he's concerned about noise and would like a binding element saying there will be no live music. Mr. Price agreed.

01:43:27 Chris Brown explained the locations of the bar, laundromat and arcade. The 3 are calculated out for parking purposes because each is listed in the parking table, 9.1.3i.

Commissioner Carlson asked if they considered using brick, which would be more consistent with the original building. Mr. Brown said the original building was a mixture. The proposal will be consistent with the current commercial structures along Preston Hwy.

01:46:47 Commissioner Brown asked if the building is a pre-finished panel or will color be added. Mr. Brown said it is a pre-finished white panel. Also, is the sign internally illuminated or backlit? Mr. Brown said it is backlit. It will be compliant with chapter 8 of the Land Development Code.

01:48:23 Ms. Linville, President of the St. Joseph's Association, stated they support the proposal. The laundromat is needed since there are lots of students in the area. Regarding the hours of operation, just follow ABC's guidelines and it should be fine.

01:50:19 Mr. Luijk said he's very excited about the plan. It's nice that it's in a residential area so people can walk to the establishment.

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01:58:26 Commissioner Carlson requests a binding element for the overhanging doors to be closed by a certain time. Chris Brown stated he doesn't think that would be enforceable.

**Deliberation**

02:01:17 Commissioner Howard stated it's a very unique proposal for the site. The overhang doors add ambience. The proposal is in a traditional neighborhood.

02:02:58 Commissioner Brown supports the change in zoning and the waiver is justified.

02:03:13 Commissioner Carlson said the proposal is a very interesting concept but we should be careful so as not to end up with unintended consequences.

02:04:14 Commissioner Daniels stated she likes the unique concept of the proposal.

02:04:19 Chair Lewis agrees with the other commissioners.

02:04:39 Commissioner Brown requests a binding element for the license agreement on the bike rack to read as follows: A license agreement for the bike rack within the right-of-way shall be obtained prior to issuance of Certificate of Occupancy.

**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 R-6 to C-2**

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

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal does not affect the existing street pattern; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is part of a commercial node that has been in existence in the neighborhood for some time; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is for the commercial zoning of a historic commercially used site. No existing open spaces will be altered with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is for the new construction of building to be used for commercial. The proposed building design is consistent with the scale of other structures in the area; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal will not create a new center. The proposal involves new construction for commercial use on a lot that has historically been used as commercial; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because this is a non-retail commercial use and there is sufficient population to support it, as it is in a well-established traditional neighborhood and is located within a mile of the University of Louisville; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposed zoning results in an efficient land use pattern as there is other C-2 zoning in the vicinity and the site is currently an existing non-residential site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because this proposal is a center and includes a mix of commercial uses which will serve the neighborhood; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not include any additional curb cuts and will have no on-site parking; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because utilities for the site are existing; and



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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the site has sidewalks and transit located in close proximity; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the building materials are similar to materials found in the area. The architecture is more modern so as not to replicate a historical structure; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is not a non-residential expansion into a residential area because the site is historically commercial; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because APCD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Transportation Planning has not indicated any issues with traffic with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because lighting will meet LDC requirements; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is located in a developed urban neighborhood with a mix of uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is utilizing the existing building footprint where a buffer between the existing commercial and adjacent residential has never existed; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed building will not further encroach into the buffer. The site condition is the proposed building to use the existing footprint; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because setbacks and the building heights are similar to nearby developments. Development in the area is mainly one and two story structures with commercial structures occupying the majority of the lots; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because there is no parking or loading areas proposed on site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because there is no parking on site. Street parking will be used; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because signs will meet LDC requirements; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the provision of open space for this proposal is not required by the LDC and is not appropriate for this site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because as there is no new footprint construction, any natural features of the site are being left intact; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because as there is no new footprint construction, any natural features of the site are being left intact; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because soils are not an issue for the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because this site is within an established neighborhood with existing vehicular, pedestrian and transit infrastructure; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because this proposal is a commercial development near a commercial corridor and fronts on a minor arterial level road, although the proposed use is not a huge traffic generator; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because roadway improvements are not required; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because there is an existing sidewalk network and nearby transit stops; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because this proposal does not constitute additional transportation facilities, as it is a small site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because additional ROW is not required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because parking requirements are being met; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because a stub street is not necessary because the site is within an existing developed neighborhood; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access to the development is through public rights of way; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because the existing roadways provide the appropriate linkages to other development; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because sidewalks are provided for transit users and pedestrians. Existing sidewalks are located along the street frontage and the structure is set close to the road; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because natural corridors are not evident in or around the proposal; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because existing utilities serve the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because water is available to the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the health department has no issues with the proposal.

**WHEREAS**, the Applicant and Owner, Wettig Properties, LLC, a Kentucky limited liability company, has proposed a map amendment ("zone change") from R-6 Multi-family Residential to C-2 Commercial District on a 0.067-acre property located at 2070 South Preston Street for a laundromat/arcade/tavern, and

**WHEREAS**, the Louisville Metro Planning Commission (the "Planning Commission") Finds That the proposed map amendment (the "Proposal") conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan, as detailed in the submitted Demonstration of Appropriateness; and the Proposal conforms with the specific Goals, Objectives, Guidelines and Policies of the Comprehensive Plan, as discussed in these Findings of Fact; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy I.B.2. because the site lies within the Traditional Neighborhood Form District and the proposal is consistent therewith; because the proposal is for a "shop" as that term is used in the Traditional Neighborhood District; because the proposal does not affect the existing street pattern; because the Proposal, part of a commercial node existing in the neighborhood has been historically used for commercial purposes and the building design will be consistent with the scale of other structures in the area; because the proposed scale of the development is appropriate for the area; and because South Preston Street is a minor arterial; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 11 and 15 because the Proposal is situated in a well-established neighborhood located within a mile of the University of Louisville Belknap Campus; because the zone change will result in an efficient land use pattern; because utilities for the site are existing; and because the site has sidewalks and transit facilities located in close proximity; and

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**WHEREAS**, the Planning Commission further finds that the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 23, and 28 because building materials for the building will remain brick, and similar building materials are found throughout the area; because all site lighting will conform to Land Development Code ("LDC") Part 4 and will be directed away from adjacent residential areas; because South Preston Street is a transit corridor and is served by Transit Authority of River City ("TARC") Express Route 45 and Routes 27 and 18; because the Proposal conforms to all setback requirements; because no free-standing sign is proposed; because there will be no changing-image signs; and because even though the building will encroach into the perimeter buffer it will not encroach further than does the existing building; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, and 6 because the site is not located in an area with natural, cultural or historic features; and because the site has no soils or slopes that would make development difficult or otherwise be prone to soil erosion; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable policies adopted thereunder, including Policies 2, 3, 4, 6 and 11 because this established neighborhood has existing vehicular, pedestrian and transit availability throughout; because the Proposal is not located in the downtown area or an industrial area; however, it is located in an older neighborhood with existing commercial and residential uses; because the Proposal fronts on a minor arterial roadway, Preston Highway, even though it will not be an intense generator of traffic; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 1, 2, 3, 6, 9 and 10 because the site can accommodate traffic generated to and from the site; because pedestrian facilities are provided to accommodate walkers and transit riders; because bicycle storage facilities will be provided on-site; because additional right-of-way dedication is not required; because parking requirements pursuant to the Land Development Code have been met; and because the development plan was approved by Transportation Review; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable policies adopted thereunder, including Policy 1, 2, 3 and 4; because sidewalks are located along South Preston Street and Lynn Street; because bicycle storage facilities will be provided on

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site; and because South Preston Street is a transit route, on which TARC provides service for Express Route 45 and Routes 27 and 18; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable policies adopted thereunder, including Policies 1, 3, 6, 7, 10 and 11 because surface water management has been analyzed using a watershed-wide model; because impervious surfaces have been minimized wherever possible; because the Metropolitan Sewer District does not have any issues with the proposed development, which indicates, among other things, that stormwater run-off has been adequately accommodated, that “through” drainage systems have been accommodated, and that peak stormwater run-off rates or volumes after development will be consistent with regional or watershed plans or are being mitigated on-site; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Air Quality Guideline 12 and all applicable policies adopted thereunder, including Policies 1, 2, 3 and 8 because the Louisville Air Pollution Control District approved the proposal on June 6, 2018, which indicates that sufficient measures have been taken to reduce the impacts of air pollution, including the enabling of alternate modes of transportation such as walking and biking; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 2, 5 and 6 because natural corridors of plantings and vegetation are not evident on or around the Proposal; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7 because an adequate supply of potable water and water for fire-fighting purposes will be provided; because sewer service will be provided by the Metropolitan Sewer District; because utilities will be provided in easements as designated by each utility; and because existing utilities serve the Proposal; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Community Facilities Guideline 15 and all applicable policies adopted thereunder, including Policy 9 because the site will be adequately served by fire-fighting services of Louisville Fire Protection District #4;

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-6, Multi-family Residential to C-2, Commercial on .067 acre of property described in the attached legal description be **APPROVED**.

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**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**Waiver from chapter 10.2.4 to eliminate the 15' LBA along the north and west property lines**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based the Standard of Review and Staff Analysis and testimony heard today was adopted.

**WHEREAS**, the waiver will not adversely affect adjacent property owners since the applicant is utilizing an existing footprint of a historically commercial structure; and

**WHEREAS**, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and 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. The proposal is utilizing the existing building footprint where a buffer between the existing commercial and adjacent residential has never existed. The historic nature of the commercial nature of the site and the adjacent historical residential suggests that these uses are compatible without a buffer; and

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**WHEREAS**, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is utilizing an existing building footprint; and

**WHEREAS**, the Louisville Metro Planning Commission further finds 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 the applicant is utilizing an existing building footprint.

**WHEREAS**, the requested waiver will not adversely affect adjacent property owners because the building was originally built to the extremities of the property lines so that a perimeter landscape buffer cannot be planted. This situation has always existed - even before the adoption of LDC §10.2.4; and

**WHEREAS**, the requested waiver will not violate the Comprehensive Plan. The only Comprehensive Plan Elements that apply to this request are Compatibility Guideline 3 and Policies 21 and 22, and Landscape Character Guideline 13 and Policy 6. The Subject Property is part of the St. Joseph's Area (i.e., neighborhood) where properties along South Preston Street are typically commercial shops which serve the neighborhood, and the residential neighborhood is situated generally to the east and west of South Preston Street. The existing building has existed for years as a non-residential building and has never had landscaping. The proposed use (i.e., the "Bar of Soap") a unique combination laundromat/bar will not constitute a development that is substantially incompatible with the existing residential neighborhood; and

**WHEREAS**, the Louisville Metro Planning Commission finds the existing building was originally built to the property lines. Thus, the request constitutes the minimum necessary to afford relief to the applicant; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because strictly applying the regulation would require the removal of the building.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** waiver from chapter 10.2.4 to eliminate the 15 foot landscape buffer area along the north and west property lines.

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**



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**ABSTAINING: Commissioner Daniels**

**Development Plan and Binding Elements**

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

**WHEREAS**, there do not appear to be any environmental constraints on the subject site. The existing building is National Register eligible if the area were to seek nomination. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, 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 Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**WHEREAS**, the Applicant and Owner, Wettig Properties, LLC, a Kentucky limited liability company, has proposed a map amendment ("zone change") from R-6 Multi-family Residential to C-2 Commercial District on a 0.067-acre property located at 2070 South Preston Street for a laundromat/arcade/tavern, and

**WHEREAS**, the Louisville Metro Planning Commission (the "Planning Commission") Finds That the proposed map amendment (the "Proposal") conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan, as detailed in the submitted Demonstration of Appropriateness; and the Proposal conforms with the specific Goals,

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Objectives, Guidelines and Policies of the Comprehensive Plan, as discussed in these Findings of Fact; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy I.B.2. because the site lies within the Traditional Neighborhood Form District and the proposal is consistent therewith; because the proposal is for a "shop" as that term is used in the Traditional Neighborhood District; because the proposal does not affect the existing street pattern; because the Proposal, part of a commercial node existing in the neighborhood has been historically used for commercial purposes and the building design will be consistent with the scale of other structures in the area; because the proposed scale of the development is appropriate for the area; and because South Preston Street is a minor arterial; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 11 and 15 because the Proposal is situated in a well-established neighborhood located within a mile of the University of Louisville Belknap Campus; because the zone change will result in an efficient land use pattern; because utilities for the site are existing; and because the site has sidewalks and transit facilities located in close proximity; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 23, and 28 because building materials for the building will remain brick, and similar building materials are found throughout the area; because all site lighting will conform to Land Development Code ("LDC") Part 4 and will be directed away from adjacent residential areas; because South Preston Street is a transit corridor and is served by Transit Authority of River City ("TARC") Express Route 45 and Routes 27 and 18; because the Proposal conforms to all setback requirements; because no free- standing sign is proposed; because there will be no changing-image signs; and because even though the building will encroach into the perimeter buffer it will not encroach further than does the existing building; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, and 6 because the site is not located in an area with natural, cultural or historic features; and because the site has no soils or slopes that would make development difficult or otherwise be prone to soil erosion; and

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**WHEREAS**, the Planning Commission further finds that the proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable policies adopted thereunder, including Policies 2, 3, 4, 6 and 11 because this established neighborhood has existing vehicular, pedestrian and transit availability throughout; because the Proposal is not located in the downtown area or an industrial area; however, it is located in an older neighborhood with existing commercial and residential uses; because the Proposal fronts on a minor arterial roadway, Preston Highway, even though it will not be an intense generator of traffic; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 1, 2, 3, 6, 9 and 10 because the site can accommodate traffic generated to and from the site; because pedestrian facilities are provided to accommodate walkers and transit riders; because bicycle storage facilities will be provided on-site; because additional right-of-way dedication is not required; because parking requirements pursuant to the Land Development Code have been met; and because the development plan was approved by Transportation Review; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable policies adopted thereunder, including Policy 1, 2, 3 and 4; because sidewalks are located along South Preston Street and Lynn Street; because bicycle storage facilities will be provided on site; and because South Preston Street is a transit route, on which TARC provides service for Express Route 45 and Routes 27 and 18; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable policies adopted thereunder, including Policies 1, 3, 6, 7, 10 and 11 because surface water management has been analyzed using a watershed-wide model; because impervious surfaces have been minimized wherever possible; because the Metropolitan Sewer District does not have any issues with the proposed development, which indicates, among other things, that stormwater run-off has been adequately accommodated, that “through” drainage systems have been accommodated, and that peak stormwater run-off rates or volumes after development will be consistent with regional or watershed plans or are being mitigated on-site; and

**WHEREAS**, the Planning Commission further finds that the proposal conforms to Air Quality Guideline 12 and all applicable policies adopted thereunder, including Policies 1, 2, 3 and 8 because the Louisville Air Pollution Control District approved the proposal on June 6, 2018, which indicates that sufficient measures have been taken to reduce the impacts of air pollution, including the enabling of alternate modes of transportation such as walking and biking; and

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**WHEREAS**, the Planning Commission further finds that the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 2, 5 and 6 because natural corridors of plantings and vegetation are not evident on or around the Proposal; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7 because an adequate supply of potable water and water for fire-fighting purposes will be provided; because sewer service will be provided by the Metropolitan Sewer District; because utilities will be provided in easements as designated by each utility; and because existing utilities serve the Proposal; and

**WHEREAS**, The Planning Commission further finds that the proposal conforms to Community Facilities Guideline 15 and all applicable policies adopted thereunder, including Policy 9 because the site will be adequately served by fire-fighting services of Louisville Fire Protection District #4;

**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, 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District (if applicable).
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.

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4. 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. 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.
7. A license agreement for the bike rack within the public right-of-way shall be obtained prior to issuance of a Certificate of Occupancy.

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

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**CASE NO. 18ZONE1040**

Request: Change in zoning from M-2 to C-1 and the District  
Development Plan with Binding Elements

Project Name: 13501 Aiken Road  
Location: 13501 Aiken Road

Owner: Sandra and Mark Holloway  
1531 Tucker Station Road  
Louisville, Ky. 40299

Applicant: Donnascott LLC  
2527 Nelson Miller Parkway  
Louisville, Ky. 40223

Representative: Mindel Scott and Associates  
5151 Jefferson Boulevard  
Louisville, Ky. 40219

Dinsmore and Shohl LLP  
Clifford H. Ashburner  
101 South 5<sup>th</sup> Street, Suite 2500  
Louisville, Ky. 40202

Jurisdiction: Louisville Metro  
Council District: 19- Julie Denton

**Case Manager: Julia Williams, 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.)

**Agency Testimony:**

02:10:31 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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

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Cliff Ashburner, Dismore and Shohl, LLP, 101 South 5<sup>th</sup> Street, Suite 2500, Louisville, Ky. 40202

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

02:15:18 Mr. Ashburner stated it's a transition property and seems to fit best with the neighborhood. It will be an office and hair salon and the 8 foot fence and tree line will remain. There will be improvements made in the parking area and access. A driveway will be widened, a great deal of right-of-way will be dedicated and a sidewalk will be added.

**Deliberation**

02:22:16 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 M-2 to C-1**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 meets the Community Form guideline because the proposal is not a neighborhood center due to the existing industrial that surrounds most of the site. The existing condition of the site and the surrounding area prevents it from being neighborhood oriented. The proposal allows for commercial that could be considered neighborhood focused; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is located on a collector level roadway. The proposal is for a downzone to a less intense zoning district located in an existing industrial subdivision; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is for the re-use of an existing structure for commercial; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because there is sufficient population located in the area that would utilize commercial zoning; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal is compact and is an efficient land use pattern because it is a downzone from M-2 to C-1; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because C-1 could provide services for the industrial area closer than they currently exist for the users of the industrial land uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal utilizes an existing curb cut; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because utilities exist on the site but could be expanded to be shared if necessary; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the site can be accessed by all form of transportation. Transit is not available; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal does not constitute a non-residential expansion into an existing residential area since the surrounding properties consist of a mix of non-residential uses with varying degrees of intensity along the Aiken Road and Avoca Station Court corridor; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because APCD has reviewed and preliminarily approved development proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Transportation Planning did not indicate any adverse impacts to traffic; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed lighting will follow the regulations of the LDC; and



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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because all buffers are being provided on the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because setbacks and building heights are compatible with the existing developments within the vicinity of the adjacent Suburban Workplace form district; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because parking, loading and delivery areas are not located adjacent to or near residential uses; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because signs will follow requirements of Chapter 8 of the Land Development Code; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because tree canopy information needed to determine compliance; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because tree canopy requirements are being met; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because no historical resources located on site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because no hydric soils, severe, steep or unstable slopes are located on the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the proposal is not for an industrial zone, but is located adjacent to the suburban workplace and industrial zones; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the proposal is for commercial not located in a commercial area but C-1 uses could be supported by the industrial users of the workplace; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because Transportation Planning is not requiring roadway improvements; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the site can be accessed by all form of transportation. Transit is not available; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because Transportation facilities are suitable for the proposal and the size of the lot; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because ROW will be dedicated; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the proposal has adequate parking to provide parking availability above the minimum required for the use; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because stub roads are not required; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access to the site is through an area of similar intensity and density; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because the proposal provides the appropriate access; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because the site can be accessed by all form of transportation. Transit is not available; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because APCD has reviewed and preliminarily approved development proposal; and

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**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal is located in an area served by existing utilities; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the proposal has access to an adequate supply of potable water and water for fire-fighting purposes; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the Health Department has no issues with the proposal.

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

**The vote was as follows:**

**YES: Commissioners Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

**District Development Plan and Binding Elements**

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and testimony heard today was adopted.

**WHEREAS**, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

**WHEREAS**, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, there are no open space requirements pertinent to the current proposal; and

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**WHEREAS**, 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 Louisville Metro Planning Commission finds, 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. Buildings and parking lots will meet all required setbacks; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**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, 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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

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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 Brown, Carlson, Howard and Lewis**

**NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe**

**ABSTAINING: Commissioner Daniels**

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**STANDING COMMITTEE REPORTS**

**Land Development and Transportation Committee**

No report given.

**Site Inspection Committee**

No report given.

**Planning Committee**

No report given.

**Development Review Committee**

No report given.

**Policy and Procedures Committee**

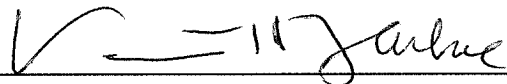
No report given.

**CHAIRPERSON/DIRECTOR'S REPORT**


No report given.

**ADJOURNMENT**

The meeting adjourned at approximately 3:25 p.m.

  
\_\_\_\_\_

**Chair**

  
\_\_\_\_\_

**Planning Director**