

**PLANNING COMMISSION MINUTES**  
**June 18, 2020**

**BUSINESS SESSION**

**CASE NO. 19-ZONE-0072**

Request: Change in zoning from R-6 to C-1, with Detailed District Development Plan and Binding Elements  
Project Name: 18<sup>th</sup> Street Incubator  
Location: 516 – 520 S 18<sup>th</sup> Street  
Owner: OW Broadway Holdings LLC, Community Ventures Corporation, Louisville & Jefferson County Landbank  
Applicant: Louisville Metro Government  
Representative: Louisville Metro Government  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith  
**Case Manager: Dante St. Germain, 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:**

02:13:39 Dante St. Germain presented the case via Power Point slide show (see staff report and recording for detailed presentation.) Ms. St. Germain noted the residences are proposed to be preserved and redeveloped into incubator restaurants adjacent to, and affiliated with, Chef Space.

02:18:24 Commissioner Carlson asked what expansion this facility will have if the startups become successful. Dante St. Germain stated successful restaurants will eventually move out of the space to make way for new starter restaurants.

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

Gretchen Milliken, Office of Advanced Planning and Sustainability, 444 S. Fifth Street, Suite 600, **Louisville**, KY 40202

Evon Smith, 1600 Rivershore Drive, Apartment 2001, Louisville, Kentucky, 40206

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

02:19:24 Gretchen Milliken presented a PDF slide show to Commissioners (see recording for detailed presentation. Ms. Milliken noted the existing structures

**PLANNING COMMISSION MINUTES**  
**June 18, 2020**

**BUSINESS SESSION**

**CASE NO. 19-ZONE-0072**

will be used as incubator stations for new chefs to support their new career. Gretchen detailed the site layout, CNU Legacy Project, the 18<sup>th</sup> Street Corridor plan, and proposed street views of the site.

02:26:11 Evon Smith stated this project will be used as an incubator for chef retention within Louisville. One West wants to provide commercial spaces for local businesses and to encourage new businesses to the area. Ms. Smith noted this request is part of a 5 year plan to redevelop 18<sup>th</sup> street.

**The following spoke in opposition to this request:**

No one spoke.

**Deliberation**

02:28:26 Planning Commission deliberation (see recording for detailed presentation.)

**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-1**

02:30:32 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the majority of the block is currently occupied by Chef Space. The proposal does not constitute a non-residential expansion into an existing residential area. The site is located on S 18th Street, a transit corridor, and is directly adjacent to Chef Space, an existing activity center. The proposed zoning district would not permit hazardous uses. Air, noise and light emissions must comply with the restrictions of the Land Development Code and Louisville Metro Ordinances. The proposed zoning district would not permit uses that produce noxious odors, particulates or emissions. The site is located less than one block from W Muhammad Ali Blvd, a minor arterial at this location. Adequate buffering between the proposed restaurants in the existing structures and the adjacent residential structures is being provided; and

**PLANNING COMMISSION MINUTES**  
**June 18, 2020**

**BUSINESS SESSION**

**CASE NO. 19-ZONE-0072**

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is adjacent to an existing activity center. The location has appropriate access and connectivity. S 18th Street and W Muhammad Ali Blvd are both transit corridors. The site has good connectivity to the neighborhood and to the larger transportation network. The proposed zoning district would permit retail development. The site is adjacent to an existing activity center, and would expand the existing activity center. The site expands an existing activity center. The infrastructure already exists, and the expansion would encourage a more compact development pattern. The proposed zoning district would allow a mixture of compatible land uses in the neighborhood, by permitting neighborhood-serving commercial uses. The proposed zoning district would permit residential uses above retail. The proposed zoning district would permit commercial and/or residential uses. The proposal re-uses the existing structures on two of the parcels. The proposal does not include an underutilized parking lot. The placement, design and scale of the proposal will be compatible with nearby residences as the existing residential structures are proposed to be retained and re-used.; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the proposal re-uses the existing structures on the site; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposal would constitute a small expansion of an existing activity center; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, Access to the development is via S 18th Street; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would allow for a mix of complementary neighborhood-serving businesses and services. The subject site is accessible by bicycle, car, transit and pedestrians. The site must be ADA compliant to be accessible to people with disabilities. The site is located less than one block from W Muhammad Ali Blvd, and is located on S 18th Street. Both streets are transit corridors. Transportation Planning has approved the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the proposal has

**PLANNING COMMISSION MINUTES**  
**June 18, 2020**

**BUSINESS SESSION**

**CASE NO. 19-ZONE-0072**

been approved by the appropriate utilities. Louisville Water Company has approved the proposal. MSD has approved the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal would not permit commercial uses that generate a high volume of traffic; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal would support aging in place by permitting neighborhood-serving commercial uses near housing; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal would allow intergenerational, mixed-income and mixed-use development by permitting neighborhood-serving commercial uses near housing. The site is well connected to the neighborhood and surrounding area. The proposed zoning district would permit residential development. The site is located in proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities and amenities providing neighborhood goods and services; and

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents will be displaced by the proposal. The proposed zoning district would permit innovative methods of housing; and

**18th Street Rezoning Justification Statement**

Louisville Metro Government is working in partnership with One West and Community Ventures Corporation to establish a restaurant incubator space in 2 existing structures on 516, 518 and 520 S 18th Street. The incubators will serve as a complement to the adjacent Chef Space and will offer aspiring restaurateurs the opportunity to hone skills in a restaurant environment.

No new construction is currently being proposed. Operations will occur within the 2 existing structures that will be retrofitted to meet the needs of the incubators. A parking agreement with the adjacent Chef Space (owned by Community Ventures) will be established to meet parking requirements. The vacant lot will eventually be converted to an outdoor dining space subsequent to this application. A RDDDP will be filed as those plans come to fruition.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby

**PLANNING COMMISSION MINUTES**  
**June 18, 2020**

**BUSINESS SESSION**

**CASE NO. 19-ZONE-0072**

**RECOMMEND** to the Louisville Metro Council the change in zoning from R-6, multi family to C-1, commercial on property described in the attached legal description be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Howard, Seitz, Peterson, Carlson, Brown, Lewis, and Jarboe.**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims.**

**Detailed District Development Plan and Binding Elements**

02:31:52 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds, Tree canopy will be provided. No other natural resources appear to exist on the site. The existing shotgun houses on the site are proposed to be preserved and repurposed as small incubator restaurants; and

**WHEREAS**, the Louisville Metro Planning Commission further finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are in question. Metro Public Works has provided approval of the plan; and

**WHEREAS**, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the proposal; and

**WHEREAS**, the Louisville Metro Planning Commission further finds 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 further finds the overall site design and land uses are compatible with the existing and future development of the area. The site is already developed with two shotguns which are proposed to be preserved and repurposed; and

**WHEREAS**, the Louisville Metro Planning Commission further finds the development

**PLANNING COMMISSION MINUTES**  
**June 18, 2020**

**BUSINESS SESSION**

**CASE NO. 19-ZONE-0072**

plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission 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, 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.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the

**PLANNING COMMISSION MINUTES**  
**June 18, 2020**

**BUSINESS SESSION**

**CASE NO. 19-ZONE-0072**

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 Howard, Seitz, Peterson, Carlson, Brown, Lewis, and Jarboe.**

**NO: No one.**

**NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims**