

**PLANNING COMMISSION MINUTES
FEBRUARY 1, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1050

Project Name: Louisville City FC
Location: 237-243, 249-251, 255-257, 261, 267-275, & 270 N. Campbell St.,
250, 350, 375, & 1080 Adams St., 214, 225-229, 249-257, 261-
265, & 271 Mill St., 200, 203/203R Cabel St., 275 N Shelby St.
Owner(s): Louisville Metro Government, Outdoor Systems Inc., Waterfront
Development Corp., & LG&E
Applicant: Louisville City FC
Jurisdiction: Louisville Metro
Council District: 4-Barbara Sexton Smith
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

Notice of this public hearing appeared in The Courier-Journal, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:11:24 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., Louisville, KY 40223
Kent Gootee, 5151 Jefferson Blvd., Louisville, KY 40219
Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

Summary of testimony of those in favor:

00:25:05 Bill Bardenwerper summarized the applicant's proposal and showed a presentation.

00:33:56 Kent Gootee spoke about the technical details of the site plan and prospective building usage.

00:38:10 Mr. Bardenwerper continued his presentation.

00:40:30 Diane Zimmerman spoke about the traffic analysis she conducted for this proposal noting the benefit of the numerous access points to this site.

00:43:07 Mr. Bardenwerper responded to questions from the Commissioners and spoke about the proposed binding elements.

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00:48:30 Mr. Gootee responded to questions from the Commissioners.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:58:30 The Commissioners concur that the proposal is justified.

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.

Change in Form District from Traditional Neighborhood to Downtown

01:02:37 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded. EZ-1 permits more regional land uses. The proposal is not for a neighborhood center. The proposal is more appropriately located within a Downtown Form which is being requested. The proposal is not located adjacent to public open spaces but is located in close proximity to Waterfront Park. The existing buildings on the site are not historic and are not consistent with the neighborhood, and

WHEREAS, the Commission further finds that the proposal meets the Community Form guideline because the proposal is more in keeping with the Downtown Form than the existing Traditional Neighborhood because EZ-1 allows for many different land uses that are more regionally focused rather than ones that are more neighborhood focused. The proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded to encourage pedestrian activity from the nearby area as well as the transit that is available along Story Ave. and Main Street which are in the area. On and off street parking is available while transit is not directly available to the area, and

WHEREAS, the Commission further finds that the proposal meets the Centers guideline because the proposal will create a new center in the DFD that includes new construction. EZ-1 zoning allows for commercial, office, and residential. The Butchertown Neighborhood Plan calls for the evaluation of the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning, to reduce the secondary (nuisance) impacts of

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existing industrial operations on residents and retail businesses and to redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable. The proposed EZ-1 zoning is located in a former industrial area with other EZ-1 property included in the overall development. The proposal is for more regional uses that will draw most of its population from outside the neighborhood. The Butchertown Neighborhood does not have the density itself to solely support the development. The proposed EZ-1 zoning would result in an efficient land use pattern as the Butchertown neighborhood in this area already has existing EZ-1 zoning. The infrastructure needs for this mixed use zoning would be met with the existing roads and utilities. The proposed EZ-1 zoning permits a mix of uses that could be compatible and reduce trips. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. The proposal is for multi-story and some multi-use buildings. The development is designed to be multi-purpose which is consistent with the proposed EZ-1 zoning. There are proposed "common" areas and public plazas. Parking areas are located outside the central activity area and away from the pedestrian oriented plazas. Utilities will be shared and coordinated with all the proposed uses within the development. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. Vehicles have easy access to the site, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because buildings will meet the requirements of the LDC. Due to the site's location bound by a railroad and an expressway there is no clear scale or site design to compare it with. Most of the buildings are oriented toward the street and are multi-story which is consistent with the Downtown Form. The proposal is not a non-residential expansion into a residential area. APCD has no issues with the proposal. Transportation Planning has not indicated any issues with traffic for the proposal. Lighting will meet LDC requirements. The proposal is not located adjacent to incompatible developments or zoning. There are no nearby developments to compare the site in order to determine compliance. The development site is establishing its own pattern of development that is mainly consistent with the Downtown Form. All VUA LBA buffers are in compliance with the LDC. Signs will meet form district requirements, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because open space is provided as common areas and plazas within the development site, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal does not have structures or land that is recognized as being historic. The development is located in an area with highly erodible soils but is also in an area where there is existing development on all the lots, and

WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because the development site has easy access to multiple levels of roadways. The proposal is for the creation of the downtown form in this area but the proposal is consistent with the downtown forms pattern of development. The lots involved in the development site are being redeveloped for a greater use than the existing development on the

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sites. The site is in an existing industrial subdivision and the proposal is for mixed use, commercial/industrial which is consistent with the existing zoning on several parts of the site. The proposal for EZ-1 zoning will be for the development of a new activity center that would generate large amounts of traffic. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south. The proposal for EZ-1 zoning will be for a development that would have more than 100 employees. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Transportation planning has not indicated any necessary roadway improvements. Bike lanes are existing along Adams Street. Transit is available along Main Street (south of the site) where existing sidewalks connect to that roadway. No new roadways are being created with this proposal. Transportation Planning has not indicated a need for additional ROW. There are 3 lots involved in the overall development after consolidation. These lots are bound by ROW so cross access is provided through existing ROWs, and

WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because no new roadways are being created with the development. Access to the site will be from public ROWs.

WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Bike lanes are existing along Adams Street. Transit is available along main Street (south of the site) where existing sidewalks connect to that roadway, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because existing utilities will serve the site. There is an adequate water supply to accommodate the site. The Health Department has no issues with the proposal, and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the existing form is the Traditional Neighborhood Form, the proposed Form District change to Downtown is consistent with the revitalization elsewhere occurring in the nearby Downtown area and that the Soccer Stadium District promises, even with the waivers and variances accompanying this application. The Downtown form is characterized by the variety of residential, office, retail, restaurants, services public open

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space, greenways and sidewalks proposed here – more so than any other Form District would apply, and

WHEREAS, the Commission further finds that the proposal meets the Centers guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of Guideline 2 because as proposed, the Soccer Stadium District is and will be located Downtown and will be intensively designed as a mixed, compatible in-fill activity center, which is surrounded by a diversity of other hereinafter mostly compatible uses; it thereby promotes an efficient use of land, improve existing infrastructure, including road and sidewalk connections, and lowers the costs of utilities that otherwise would have to be extended further to a remote location; and also, the proposed mix of highly attractive urban uses helps reduce travel times and vehicle related air pollution because workers and residents and visitors to Downtown will be able to recreate, work, shop, dine and reside all at this single location. The Soccer Stadium District, as designed will be compact, walkable, bike-able with shared parking, lots of cross-access, and provisions for all multi-modal forms of transportation access, all of which are elements of the Downtown activity center, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 20, 21, 22, 23, 24, 25, 28 and 29 of Guideline 3 because as explained above and shown on the development plan and in the PowerPoint presentation presented at the public hearing, the Soccer Stadium District anticipates design themes characteristic of Downtown and also reflective of the adjoining Butchertown neighborhood; this will include the use of predominant building materials evident in the area and replications of important Louisville architecture; and potential noises and lighting are mitigated through distance separation, landscaping, screening and buffers. Building heights will be higher than uses present in the Butchertown neighborhood but similar to much of the adjacent Downtown Form District; parking lots, garages, walkways and roads incorporated into the development will be thoughtfully designed and redesigned and newly landscaped; signage will reflect building architecture as above described and comply with the Land Development Code; and the wide mix of uses will work together because of the place that this is and will become through intensive redesign and attention to their interaction one with the other in order that workers, residents and visitors energize and respect each other's place in the Stadium District, and

WHEREAS, the Commission further finds that the proposal meets the Open Space, Natural Areas, and Landscape Character guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Guideline 4, applicable Policies 1, 2, 3, 4 and 8 of Guideline 5, and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because to the extent that important natural areas and historic resources within Butchertown or along the Ohio River exist on or near this site, efforts will be made to protect and promote them; the Stadium District is not designed to exist in a vacuum but instead to enrich nearby valuable and essential assets and the livability and viability of existing neighborhoods; superior landscaping will be evident throughout especially within focal points and along sidewalks and roads; perimeter buffers will be designed to mitigate impacts on nearby existing residential properties; and as said, internal to the site will be a common landscape plan with multiple focal points that assure

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lots of highly attractive and usable open space by all the many people who are expected to recreate, work, shop and live here, and

WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because this application also complies with the Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of Guideline 6 because a financial impact analysis conducted by Commonwealth Economics has projected 2,472 jobs and labor income of \$1.8 billion and, if realized, tax revenues of \$260 million of local and state tax revenue over two decades; and the economic analysis further outlines costs for the nearly \$200 million project of some \$160 million for the stadium and its commercial district and \$30 million in public infrastructure improvements. Because the Soccer Stadium District will be a large mixed-use entertainment, workplace, and shopping development replacing uses that are counter-productive to a vibrant Downtown and Butchertown neighborhood, it is all about the economic enhancement and sustainability of Downtown, Butchertown and the greater Metro Area, and

WHEREAS, the Commission further finds that the proposal meets the Circulation, Transportation Facility Design, and Bicycle, Pedestrian and Transit guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14 and 16 of Guideline 7, applicable Policies 4, 5, 7, 9, 10 and 11 of Guideline 8, and applicable Policies 1, 2, 3 and 4 of Guideline 9 because roads and sidewalks will be improved to assure safe, proper functioning and better aesthetics of existing street and sidewalk networks; the carrying-capacity of area streets will be maintained or improved; traffic congestion and air quality will be addressed by virtue of improved multi-modal access; all of this is well-shown on the development plan and in the PowerPoint presentation presented at the public hearing; a traffic impact study (TIS) was prepared to further assure all of this; and, of course, Metro Public Works and Transportation Planning (MPW&TP) has stamped the development plan as preliminarily approved prior to the this public review evidencing this application's compliance with these Guidelines' access, internal circulation, road capacity, road width, sidewalk and other multi-modal Policies and with the MPW&TP design requirements for both external and internal movements, and

WHEREAS, the Commission further finds that the proposal meets the Stormwater and Water Quality guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 of Guideline 10, and applicable Policies 1, 3, 4, and 5 of Guideline 11 because post development rates of runoff will not exceed predevelopment conditions, which are thus assured through on-site detention; MSD's floodplain ordinance will also be addressed via floodplain compensation basins designed to address floodplain filling; and water quality will be addressed through construction of water quality design measures; and soil erosion and sedimentation control practices will be emphasized during construction, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because the application complies with the Intents and applicable Polices 1 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 because this is a mixed-use development, there will be lots of opportunities here for people visiting, working and living Downtown to recreate, shop and work, thereby reducing distances traveled and the times in vehicles, especially passenger cars, thereby benefiting air quality; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in form district from Traditional Neighborhood to Downtown on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson

NOT PRESENT: Peterson, Ferguson, and Tomes

Zoning Change from M-3 to EZ-1

01:03:12 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded. EZ-1 permits more regional land uses. The proposal is not for a neighborhood center. The proposal is more appropriately located within a Downtown Form which is being requested. The proposal is not located adjacent to public open spaces but is located in close proximity to Waterfront Park. The existing buildings on the site are not historic and are not consistent with the neighborhood, and

WHEREAS, the Commission further finds that the proposal meets the Community Form guideline because the proposal is more in keeping with the Downtown Form than the existing Traditional Neighborhood because EZ-1 allows for many different land uses that are more regionally focused rather than ones that are more neighborhood focused. The proposal involves the closure of Mill Street which currently runs through a private business and several unimproved alleyways. The closure of these rights of way will not disturb the existing grid pattern or access to adjacent property. The sidewalk network will be expanded to encourage pedestrian activity from the nearby area as well as the transit that is available along Story Ave. and Main Street which are in the area. On and off street parking is available while transit is not directly available to the area, and

WHEREAS, the Commission further finds that the proposal meets the Centers guideline because the proposal will create a new center in the DFD that includes new construction. EZ-1 zoning allows for commercial, office, and residential. The Butchertown Neighborhood Plan calls for the evaluation of the status of industrial-zoned properties to determine those properties suitable for EZ-1 or other mixed use zoning, to reduce the secondary (nuisance) impacts of existing industrial operations on residents and retail businesses and to redevelop/rehabilitate industrial buildings for office, retail, mixed-use, or multi-family residential if industrial uses are no longer viable. The proposed EZ-1 zoning is located in a former industrial area with other EZ-1

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property included in the overall development. The proposal is for more regional uses that will draw most of its population from outside the neighborhood. The Butchertown Neighborhood does not have the density itself to solely support the development. The proposed EZ-1 zoning would result in an efficient land use pattern as the Butchertown neighborhood in this area already has existing EZ-1 zoning. The infrastructure needs for this mixed use zoning would be met with the existing roads and utilities. The proposed EZ-1 zoning permits a mix of uses that could be compatible and reduce trips. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. The proposal is for multi-story and some multi-use buildings. The development is designed to be multi-purpose which is consistent with the proposed EZ-1 zoning. There are proposed "common" areas and public plazas. Parking areas are located outside the central activity area and away from the pedestrian oriented plazas. Utilities will be shared and coordinated with all the proposed uses within the development. Sidewalks and pedestrian connectivity is being expanded in the area to encourage alternate form of transportation. While transit is not directly available to the site, it is available within a somewhat reasonable walking distance at Story Ave and Main Street. Vehicles have easy access to the site, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because buildings will meet the requirements of the LDC. Due to the site's location bound by a railroad and an expressway there is no clear scale or site design to compare it with. Most of the buildings are oriented toward the street and are multi-story which is consistent with the Downtown Form. The proposal is not a non-residential expansion into a residential area. APCD has no issues with the proposal. Transportation Planning has not indicated any issues with traffic for the proposal. Lighting will meet LDC requirements. The proposal is not located adjacent to incompatible developments or zoning. There are no nearby developments to compare the site in order to determine compliance. The development site is establishing its own pattern of development that is mainly consistent with the Downtown Form. All VUA LBA buffers are in compliance with the LDC. Signs will meet form district requirements, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because open space is provided as common areas and plazas within the development site, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because the proposal does not have structures or land that is recognized as being historic. The development is located in an area with highly erodible soils but is also in an area where there is existing development on all the lots, and

WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because the development site has easy access to multiple levels of roadways. The proposal is for the creation of the downtown form in this area but the proposal is consistent with the downtown forms pattern of development. The lots involved in the development site are being redeveloped for a greater use than the existing development on the sites. The site is in an existing industrial subdivision and the proposal is for mixed use, commercial/industrial which is consistent with the existing zoning on several parts of the site. The proposal for EZ-1 zoning will be for the development of a new activity center that would

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generate large amounts of traffic. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south. The proposal for EZ-1 zoning will be for a development that would have more than 100 employees. The surrounding roadways are mainly local level with the exception of E. Witherspoon (minor arterial), N Shelby (primary collector), and Adams Street (primary collector). The closest major arterial is Main Street/Story Avenue to the south, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Transportation planning has not indicated any necessary roadway improvements. Bike lanes are existing along Adams Street. Transit is available along Main Street (south of the site) where existing sidewalks connect to that roadway. No new roadways are being created with this proposal. Transportation Planning has not indicated a need for additional ROW. There are 3 lots involved in the overall development after consolidation. These lots are bound by ROW so cross access is provided through existing ROWs, and

WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because no new roadways are being created with the development. Access to the site will be from public ROWs.

WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because new sidewalks will be constructed where there are none to enhance pedestrian connectivity in the area. Bike lanes are existing along Adams Street. Transit is available along main Street (south of the site) where existing sidewalks connect to that roadway, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because existing utilities will serve the site. There is an adequate water supply to accommodate the site. The Health Department has no issues with the proposal, and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because, although the existing form is the Traditional Neighborhood Form, the proposed Form District change to Downtown is consistent with the revitalization elsewhere occurring in the nearby Downtown area and that the Soccer Stadium District promises, even with the waivers and variances accompanying this application. The Downtown form is characterized by the variety of residential, office, retail, restaurants, services public open space, greenways and sidewalks proposed here – more so than any other Form District would apply, and

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WHEREAS, the Commission further finds that the proposal meets the Centers guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of Guideline 2 because as proposed, the Soccer Stadium District is and will be located Downtown and will be intensively designed as a mixed, compatible in-fill activity center, which is surrounded by a diversity of other hereinafter mostly compatible uses; it thereby promotes an efficient use of land, improve existing infrastructure, including road and sidewalk connections, and lowers the costs of utilities that otherwise would have to be extended further to a remote location; and also, the proposed mix of highly attractive urban uses helps reduce travel times and vehicle related air pollution because workers and residents and visitors to Downtown will be able to recreate, work, shop, dine and reside all at this single location. The Soccer Stadium District, as designed will be compact, walkable, bike-able with shared parking, lots of cross-access, and provisions for all multi-modal forms of transportation access, all of which are elements of the Downtown activity center, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 20, 21, 22, 23, 24, 25, 28 and 29 of Guideline 3 because as explained above and shown on the development plan and in the PowerPoint presentation presented at the public hearing, the Soccer Stadium District anticipates design themes characteristic of Downtown and also reflective of the adjoining Butchertown neighborhood; this will include the use of predominant building materials evident in the area and replications of important Louisville architecture; and potential noises and lighting are mitigated through distance separation, landscaping, screening and buffers. Building heights will be higher than uses present in the Butchertown neighborhood but similar to much of the adjacent Downtown Form District; parking lots, garages, walkways and roads incorporated into the development will be thoughtfully designed and redesigned and newly landscaped; signage will reflect building architecture as above described and comply with the Land Development Code; and the wide mix of uses will work together because of the place that this is and will become through intensive redesign and attention to their interaction one with the other in order that workers, residents and visitors energize and respect each other's place in the Stadium District, and

WHEREAS, the Commission further finds that the proposal meets the Open Space, Natural Areas, and Landscape Character guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 6, 7, 8 and 9 of Guideline 4, applicable Policies 1, 2, 3, 4 and 8 of Guideline 5, and applicable Policies 1, 2, 4, 5 and 6 of Guideline 13 because to the extent that important natural areas and historic resources within Butchertown or along the Ohio River exist on or near this site, efforts will be made to protect and promote them; the Stadium District is not designed to exist in a vacuum but instead to enrich nearby valuable and essential assets and the livability and viability of existing neighborhoods; superior landscaping will be evident throughout especially within focal points and along sidewalks and roads; perimeter buffers will be designed to mitigate impacts on nearby existing residential properties; and as said, internal to the site will be a common landscape plan with multiple focal points that assure lots of highly attractive and usable open space by all the many people who are expected to recreate, work, shop and live here, and

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WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because this application also complies with the Intents and applicable Policies 1, 2, 3, 5, 6 and 11 of Guideline 6 because a financial impact analysis conducted by Commonwealth Economics has projected 2,472 jobs and labor income of \$1.8 billion and, if realized, tax revenues of \$260 million of local and state tax revenue over two decades; and the economic analysis further outlines costs for the nearly \$200 million project of some \$160 million for the stadium and its commercial district and \$30 million in public infrastructure improvements. Because the Soccer Stadium District will be a large mixed-use entertainment, workplace, and shopping development replacing uses that are counter-productive to a vibrant Downtown and Butchertown neighborhood, it is all about the economic enhancement and sustainability of Downtown, Butchertown and the greater Metro Area, and

WHEREAS, the Commission further finds that the proposal meets the Circulation, Transportation Facility Design, and Bicycle, Pedestrian and Transit guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 9, 10, 11, 13, 14 and 16 of Guideline 7, applicable Policies 4, 5, 7, 9, 10 and 11 of Guideline 8, and applicable Policies 1, 2, 3 and 4 of Guideline 9 because roads and sidewalks will be improved to assure safe, proper functioning and better aesthetics of existing street and sidewalk networks; the carrying-capacity of area streets will be maintained or improved; traffic congestion and air quality will be addressed by virtue of improved multi-modal access; all of this is well-shown on the development plan and in the PowerPoint presentation presented at the public hearing; a traffic impact study (TIS) was prepared to further assure all of this; and, of course, Metro Public Works and Transportation Planning (MPW&TP) has stamped the development plan as preliminarily approved prior to the this public review evidencing this application's compliance with these Guidelines' access, internal circulation, road capacity, road width, sidewalk and other multi-modal Policies and with the MPW&TP design requirements for both external and internal movements, and

WHEREAS, the Commission further finds that the proposal meets the Stormwater and Water Quality guidelines because this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11 of Guideline 10, and applicable Policies 1, 3, 4, and 5 of Guideline 11 because post development rates of runoff will not exceed predevelopment conditions, which are thus assured through on-site detention; MSD's floodplain ordinance will also be addressed via floodplain compensation basins designed to address floodplain filling; and water quality will be addressed through construction of water quality design measures; and soil erosion and sedimentation control practices will be emphasized during construction, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because the application complies with the Intents and applicable Policies 1 2, 3, 4, 6, 7, 8 and 9 of Guideline 12 because this is a mixed-use development, there will be lots of opportunities here for people visiting, working and living Downtown to recreate, shop and work, thereby reducing distances traveled and the times in vehicles, especially passenger cars, thereby benefiting air quality; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from M-3 to EZ-1 on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson
NOT PRESENT: Peterson, Ferguson, and Tomes

Variance

01:03:43 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's findings of fact, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity since the area is now a mix of industrial type uses, vacant land, or existing vacant buildings which are inconsistently located and not providing a consistent character, and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations since there will still be access to the buildings with the increased setbacks. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

WHEREAS, the Commission further finds that the site is surrounded by multiple roadways with surrounding development that has been under developed which is an unusual circumstance, and

WHEREAS, the Commission further finds that setting the buildings to the property lines could create an unnecessary hardship since several of the existing roadways will now have to accommodate pedestrian infrastructure. The additional setbacks are to accommodate retaining walls, additional sidewalk area, or greenspace, and

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WHEREAS, the Commission further finds that the circumstances are the result of action of the applicant taken subsequent to the adoption of the zoning regulations from which relief is sought, and

WHEREAS, the Commission further finds that the variance will not adversely affect the public health, safety or welfare because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and the location of all buildings relative to the public ways have been thoughtfully considered taking into account the location of landscaping, buildings, pedestrian ways, to assure the optimal public experience in terms of aesthetics, safety, and project viability, and

WHEREAS, the Commission further finds that the variance will not alter the essential character of the general vicinity because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site, and

WHEREAS, the Commission further finds that the variance will not cause a hazard or a nuisance to the public because it is actually intended to assure the protection of the public's safety while at the same time increasing the aesthetics and economic viability and practical usage of both every individual property and the overall Soccer Stadium District site, and

WHEREAS, the Commission further finds that the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this is a unique project designed in a unified manner taking into account characteristics barely, if at all, similar to anything else in Metro Louisville, even though given its location, mix of uses, and how these uses will need to interact one with another, and

WHEREAS, the Commission further finds that the Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as said above, everything about this project, both in terms of its location and mix of uses is really different than elsewhere, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would not be able to accomplish, what is explained above it needs to accomplish as this unique location, and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather, are the result of this unique project at this unique location; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the variance from 5.2.1.C.3-6 to allow for the proposed buildings to be setback from the property lines at variable distances as shown on the development plan.

The vote was as follows:

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YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson

NOT PRESENT: Peterson, Ferguson, and Tomes

Waivers and Overhead Walkway/Pedway

01:04:23 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis, the applicant's findings of fact, and testimony heard today, was adopted:

Waiver from 5.5.1.B.1.a.ii

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance, and

WHEREAS, the Commission further finds that Guideline 2, Policy 15 encourages the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 ensures compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is compatible with the pattern of development within the form district. Pedestrians are provided for in and around the site with new sidewalks proposed where they are not currently. Building expansion after initial development could be placed to replace the parking, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there are multiple rights of way frontages making parking around the structures inevitable but pedestrian connectivity is expanded, and

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WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and furthermore, it is important that the pedestrian experience to and from parking be safe and that, therefore, parking not be blocked from the public view, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because parking in front of buildings will occur only where thoughtfully designed with public safety in mind and because some parking will be in parking structures, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would otherwise be required to design parking not necessarily in compliance with the intents set forth in #1 above, and

Waiver from 5.8.1.B

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since a sidewalk will be provided along the west side of Campbell where one does not currently exist. A sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience, and

WHEREAS, the Commission further finds that Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. A sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since a sidewalk along the west side will keep pedestrians away from the railroad side creating a safer pedestrian experience, and

WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and furthermore, it is important that the pedestrian experience to and from parking be safe, and

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WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because sidewalks are located where thoughtfully designed with public safety in mind, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because it would otherwise be required to locate sidewalks not necessarily in compliance with the intents set forth in #1 above, and

Waiver from 5.2.1.C.2 and 5.2.1.C.5

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

WHEREAS, the Commission further finds that Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. There are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since there are multiple building frontages and pedestrian connections. Future buildings or expansions could be proposed along the frontages as the area expands, and

WHEREAS, the Commission further finds that the waiver will not adversely affect adjacent property owners because this Soccer Stadium District development project represents a unified plan of development such that all impacts are internal to the overall site; and furthermore, it is important that the pedestrian experience to and from parking be safe and that, therefore, parking not be blocked from the public view, and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable

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Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the rezoning application, and

WHEREAS, the Commission further finds that the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because street walls, if not in the form of a building itself will be eliminated wherever public safety is of concern; and, however, much of the street experience, otherwise addressed with street walls will be addressed with retail businesses, offices and parking structures themselves which unlike street walls that do not comprise actual uses like these will not compromise public safety, and

WHEREAS, the Commission further finds that strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because public safety is of paramount importance, particularly in this area of Louisville Metro which is a less than ideal condition today and which this project is intended to upgrade from both public safety and aesthetic standpoints; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE (1)** the waiver from 5.5.1.B.1.a.ii to permit parking in front of primary structures as shown on the development plan, **(2)** the waiver from 5.8.1.B to not provide a sidewalk on the east side of Campbell Street adjacent to the CSX Railroad, **(3)** the waiver from 5.2.1.C.2 and 5.2.1.C.5 to not provide a 3 story street wall for the length of the lot frontage, and **(4)** the overhead walkway/pedway over Campbell Street per 5.8.1.C.1.e.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson
NOT PRESENT: Peterson, Ferguson, and Tomes

General Plan/Detailed District Development Plan

01:05:40 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 Louisville Metro Planning Commission finds that 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, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and has approved the preliminary development plan, and

WHEREAS, the Commission further finds that the open space requirements are provided in the form of common areas and plazas, and

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WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community, and

WHEREAS, the Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, and

WHEREAS, the Commission further finds that the development plan generally 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 General Plan/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. Except for the soccer stadium property itself, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the overall development 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 a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A license agreement from Public Works for the pedway over Campbell Street shall be required prior to construction approval.

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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.
7. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
8. Amenity areas per LDC Chapter 5.12.2 shall be submitted and approved by a committee of the Planning Commission prior to obtaining a building permit.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Howard, Jarboe, Smith, and Carlson
NOT PRESENT: Peterson, Ferguson, and Tomes