

**Planning Commission Minutes  
June 16, 2016**

**Public Hearing**

**Case No. 15ZONE1025**

**Request:** Change in zoning from R-7 to C-N on 0.11 acre with Waivers

**Project Name:** Best Choice Office Residential

**Location:** 3151 West Broadway

**Owner/Applicant:** Best Choice LLC  
Katrena Scott, Representative  
1839 Cypress Street  
Louisville, KY 40210

**Representative:** Best Choice LLC  
Katrena Scott, Representative  
1839 Cypress Street  
Louisville, KY 40210

**Jurisdiction:** Louisville Metro

**Council District:** 5 – Cheri Bryant Hamilton

**Case Manager:** Brian Davis, AICP, Planning Manager

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

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

**An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Agency Testimony:**

00:26:01 Brian Davis presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**Planning Commission Minutes  
June 16, 2016**

**Public Hearing**

**Case No. 15ZONE1025**

00:31:23 Commissioner Howard asked about a sign pole that was shown on the development plan – will there be signage there? Mr. Davis said the applicant did want to have some signage, and discussed what could be permitted in the proposed zoning category.

00:34:10 In response to a question from Commissioner Brown, Mr. Davis discussed access to the parking area.

**The following spoke in favor of the proposal:**

Katrena Scott, 1839 Cypress Street, Louisville, KY 40210

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

00:35:10 Katrena Scott, the applicant, discussed temporary activities that she was interested in having on the site. She said she was going to apply for a temporary activities permit.

**The following spoke in opposition to the proposal:**

No one spoke.

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

No one spoke.

**Deliberation:**

00:38:02 Commissioners’ deliberation.

00:41:02 Mr. Davis read a revised binding element #6 into the record, as follows:

“There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site, unless a Temporary Activity Permit has been requested and approved by the appropriate Louisville Metro agency.”

**Zoning**

On a motion by Commissioner Brown, seconded by Commissioner Turner, the following resolution was adopted:

**Planning Commission Minutes  
June 16, 2016**

**Public Hearing**

**Case No. 15ZONE1025**

**WHEREAS**, the Louisville Metro Planning Commission finds that, based on the evidence, testimony, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from R-7 to C-N on property described in the attached legal description, be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Lewis, Brown, Turner, Jarboe, Howard, and Smith. .**

**NO: No one.**

**NOT PRESENT: Commissioners Blake, Peterson, Tomes, and Kirchdorfer.**

**ABSTAINING: No one.**

**Waiver of Section 10.2.4 for Property Perimeter Landscape Buffer Area; Detailed District Development Plan, and Binding Elements (includes revised binding element #6)**

00:43:01 On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

**(Waiver) WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners. The applicant states in their justification there is currently less than two feet between the adjoining property to the east. The applicant is not proposing changes to the structure, so the building will remain residential in character and the proposed use will have little to no effect on the adjoining property owners; and

**WHEREAS**, the Commission further finds that, because of the residential character of the structure and lot, and because the applicant is not altering the site, the waiver will not violate any guidelines of Cornerstone 2020; and

**WHEREAS**, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. Not granting the waiver would require the applicant to demolish the existing structure. The applicant wishes to keep the structure because it is in good condition and is a contributing structure to the historic district; and

**Planning Commission Minutes  
June 16, 2016**

**Public Hearing**

**Case No. 15ZONE1025**

**WHEREAS**, the Commission further finds that the applicant stated at LD&T that she intends to construct a privacy fence along the east and north property lines. This will provide some of the buffering normally required by the required landscape buffer; and

**(Development Plan) WHEREAS**, the Commission further finds that the property is located within the Marlowe Place Bungalow Historic District and the existing house is a contributing structure. The applicant is not proposing any changes to this structure. 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 have been provided, and Metro Public Works has approved the preliminary development plan; and

**WHEREAS**, the Commission further finds that there are no open space requirements with the current proposal; and

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

**WHEREAS**, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that, with the exception of the Landscape Waiver, all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Section 10.2.4 for Property Perimeter Landscape Buffer Area and the Detailed District Development Plan, **SUBJECT** to the following binding elements:

**Binding Elements**

**Planning Commission Minutes**  
**June 16, 2016**

**Public Hearing**

**Case No. 15ZONE1025**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 1,296 square feet of gross floor area.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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.
6. ~~There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.~~ There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site, unless a Temporary Activity Permit has been requested and approved by the appropriate Louisville Metro agency." *(Revised at June 16, 2016 Planning Commission hearing.)*
7. There shall be no direct access to the site from West Broadway.

**Planning Commission Minutes**  
**June 16, 2016**

**Public Hearing**

**Case No. 15ZONE1025**

8. 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.
  
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 16, 2016 Planning Commission meeting.

**The vote was as follows:**

**YES: Commissioners Lewis, Brown, Turner, Jarboe, Howard, and Smith. .**

**NO: No one.**

**NOT PRESENT: Commissioners Blake, Peterson, Tomes, and Kirchdorfer.**

**ABSTAINING: No one.**