

PLANNING COMMISSION MINUTES
August 2, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

Request: Change in zoning from C-1 to C-2 for existing tavern/bar
Project Name: T. Eddie's
Location: 1154 Logan Street

Owner: Thomas Combs
1154 Logan Street
Louisville, Ky. 40204

Applicant: Thomas Combs
1154 Logan Street
Louisville, Ky. 40204

Representative: Thomas Combs
1154 Logan Street
Louisville, Ky. 40204

Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
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:

00:20:22 Mr. Dock discussed the case summary, standard of review and staff analysis from the staff report.

Deliberation

00:23:04 Commissioner Howard stated it's an existing land use, the change is appropriate and agrees with the staff report and development plan.

00:23:27 Commissioner Brown said the applicant is bringing the site into conformance.

PLANNING COMMISSION MINUTES
August 2, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

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Zoning Change from C-1 to C-2

On a motion by Commissioner Howard, seconded by Commissioner Robinson, the following resolution was adopted based on the Cornerstone 2020 Staff Analysis and staff presentation.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because it preserves the existing grid pattern of streets, sidewalks and alleys as the existing facilities exhibit traditional corner commercial development at the intersection of minor arterial roadways; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed district is appropriately located along a mixed-use corridor in an urban neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal preserves existing open spaces on the lot for the general public to gather as customers of the facility; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because no new development is proposed on-site. The proposal preserves existing buildings consistent with the predominate neighborhood building design; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because a new center is not being created. The proposed zoning district incorporates into the exiting mixed-use pattern along the Logan Street corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because sufficient population in the area exists to support a large variety of commercial uses permitted within the C-2 zoning district; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposed zoning district utilizes the existing facilities on-site which are developed as traditional corner commercial; and

PLANNING COMMISSION MINUTES
August 2, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the subject site is located in a walkable urban neighborhood supported by TARC service; thus, supporting the use of alternative forms of transportation and encourage vitality and sense of place; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the second story is currently vacant. An opportunity exists to renovate for residential, office, of commercial use which is not hindered by the proposed district; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because no parking facilities are present; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because utilities are present for this use currently in operation; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the structure and its materials are not proposed to be changed; 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 as the existing zoning district of the subject site and surrounding area are non-residential; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because no changes to the subject site have been proposed that would increase potential odor or emissions; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because no changes to the subject site have been proposed that would increase adverse impacts of its associated traffic on nearby existing communities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because no changes to the subject site have been proposed that would increase adverse impacts of its lighting on nearby properties, and on the night sky; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because while the use is not changing, the intensity of the

PLANNING COMMISSION MINUTES
August 2, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

district is slightly increasing. The proposal is located along a transit corridor and at the intersection of minor arterial roadways; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because surrounding land uses are compatible with the proposed zoning district as they consist of commercial, industrial, and office districts; 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 no parking facilities are present on-site and the site does not adjoin residential development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because no additional landscaping or screening is required as the intensity classification of the zoning districts is not a change which necessitates landscaping; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because any new signs shall be in conformance with zoning district regulations; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the proposal preserves existing open spaces on the lot for the general public to gather as customers of the facility; 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 the proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value. The use is currently in operation; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because the development site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

PLANNING COMMISSION MINUTES
August 2, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the subject site is accessible by multiple means of transportation; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because the proposed C-2 zoning district is appropriately located at an intersection of minor arterial roadways and a transit corridor running from downtown to residential neighborhoods South of the urban core; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because existing conditions do not necessitate the need for contributions; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because right-of-way dedications have not been required; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because the rezoning does not require additional parking facilities as the use remains the same; and

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

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because the proposal does not change existing hierarchy of streets; and

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 APCD had no immediate concerns; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because no natural corridors are apparent on-site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because utilities are available; and

PLANNING COMMISSION MINUTES
August 2, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because there would appear to be an adequate supply of water as it is located in an urban area; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the Infrastructure guideline because there would appear to be an adequate means of sewage treatment as it is located in an urban area.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Planning Council the change in zoning from 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, Howard, Robinson, Smith and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Jarboe

Detailed District Development Plan and Binding Elements

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

WHEREAS, the Louisville Metro Planning Commission finds no site improvements have been proposed and the development plan represents existing conditions of a traditional corner commercial structure; and

WHEREAS, the Louisville Metro Planning Commission finds provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as the subject site is located in a walkable urban neighborhood supported by TARC service; and

WHEREAS, the Louisville Metro Planning Commission finds open space is not a required for the proposed development. An existing outdoor patio area to the rear of the primary structure exists as shown on the development plan; and

WHEREAS, the Louisville Metro Planning Commission 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

PLANNING COMMISSION MINUTES
August 2, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

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 as the site is appropriately located along a mixed-use corridor in an urban neighborhood. Surrounding land uses are compatible with the proposed zoning district as they consist of commercial, industrial, and office districts. The proposal preserves existing buildings consistent with the predominate neighborhood building design; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in *Attachment 3* of the staff report.

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. 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, Howard, Robinson, Smith and Tomes

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Lewis, Peterson and Jarboe

PLANNING COMMISSION MINUTES
July 19, 2018

PUBLIC HEARING
CASE NO. 18ZONE1000

Request:	Change in zoning form C-1 to C-2 for existing tavern/bar
Project Name:	T. Eddie's
Location:	1154 Logan Street
Owner:	Thomas Combs
Applicant:	Thomas Combs
Representative:	Thomas Combs
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Joel P. Dock, AICP, Planner II

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:

00:16:36 Mr. Dock stated signs were posted on the site but the applicant failed to pick up/mail out notices and post the legal ad. Notices have since been sent and a legal advertisement posted for the August 2, 2018 Planning Commission public hearing.

Deliberation

00:17:23 Planning Commission deliberation.

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On a motion by Commissioner Brown, seconded by Commissioner Tomes, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **SCHEDULE** this case to be heard at the August 2, 2018 Planning Commission public hearing.

The vote was as follows:

YES: Commissioners Brown, Lewis, Peterson, Smith, Tomes and Jarboe

NO: No one

NOT PRESENT AND NOT VOTING: Commissioners Carlson, Howard and Robinson