

**Planning Commission Minutes
July 6, 2017**

Public Hearing

Case No. 17NEIGHPLAN1002

(NOTE: This case was heard with Case No. 17NEIGPLAN1003)

Request: Irish Hill Neighborhood Plan Update

Council District: 9 – Bill Hollander and
4 – Barbara Sexton Smith

Case Manager: Kendal Baker, AICP, Planning Manager

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 Planning Commission public 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.

Agency Testimony:

00:13:15 Ken Baker presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) He emphasized that the only updates being proposed today are the Land Use Community Form component of the Irish Hill Neighborhood Plan. The Executive Summary, which summarizes the land use form component, would also be updated (see "Case No. 17NEIGHPLAN1003".)

00:17:50 Patti Clare gave a summary of the background and process of the update to the neighborhood plan (see recording for detailed presentation.)

00:33:03 Mr. Baker resumed the podium and summarized staff findings for the proposal (see staff report.) He noted that, although the action being requested today is for an update to a neighborhood plan, an areawide rezoning request will probably follow at a later date.

00:35:31 In response to a question from Commissioner Carlson, Mr. Baker clarified the location of the proposed cement/concrete plant and said the proposal as recommended would not permit that use in its location.

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00:37:03 Ms. Clare reviewed the uses in portions of the affected area. Mr. Baker discussed the PDD (Planned Development District) zoning category and how it affects development and design standards.

00:39:32 Commissioner Lindsey said there seemed to be community support for light industrial/commercial, but not heavy industrial, uses. Ms. Clare reviewed some of the uses that could be permitted, with performance standards that would be in effect if the use was adjacent to residential uses.

00:41:35 In response to a question from Commissioner Tomes, Mr. Baker confirmed that a PDD zoning district would exclude M- and M-3 uses. An areawide rezoning would follow as a separate case/process from the neighborhood plan level.

The following spoke in favor of the request:

Brian Evans, 300 Distillery Commons Suite 200, Louisville, KY 40206

Melanie McCormick, 1321 Hull Street, Louisville, KY 40204

Lisa Santos, 1318 Hull Street, Louisville, KY 40204

Lisa Dettlinger, 1305 Lexington Rd., Louisville, KY 40204

Sondra Powell, 1399 Lexington Rd., Louisville, KY 40206

Summary of testimony of those in favor of the request:

00:43:38 Brian Evans spoke in support, as a member of the advisory committee.

00:44:42 Melanie McCormick spoke in support; she particularly agreed with the downsizing of the heavy industrial uses and the re-development of industrial areas.

00:46:33 Lisa Santos, co-chair of the Irish Hill Neighborhood Association and also on the advisory committee, said she is also in favor of "downsizing" heavier industrial uses. She said the neighborhood has changed a great deal and is now more residential. Supports increased walkability.

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00:49:13 Lisa Dettlinger, an Irish Hill resident, spoke in support. She also supports the downsizing of industrial uses in this area and building the residential core.

00:52:49 Sondra Powell, a business owner in the area, discussed industrial traffic and how it adversely impacted her business. She said the downsizing of industrial uses and the other proposals are beneficial to residents and small business owners who provide services.

The following spoke neither for nor against:

Cliff Ashburner, Dinsmore & Shohl, 101 South 5th St. Suite 2500, Louisville, KY 40202

Summary of testimony of those neither for nor against :

00:55:25 Clifford Ashburner, representing Barrelhouse Lofts, said a large concern are the "performance standards" in the plan (air quality, etc.) These should be left to other agencies that handle these items (APCD, etc.). He discussed how these performance standards could limit uses and property flexibility (see recording for detailed presentation.) He also addressed parking ratios for some neighborhood-serving uses

The following spoke in opposition to the request:

Glenn Price, Frost Brown Todd, 400 West Market Street, Louisville, KY 40202

Wanda Ballard Repasky, Environmental Attorney for River Metals Recycling, 8207 Montero Drive, Prospect, KY 40059

Bruce Simpson, Stoll Keenen Ogden, (attorney for Ready-Mix Concrete of Nashville), 300 West Vine Street Suite 2100, Lexington, KY 40507

Mark Wardlaw, NIA Fortis Group, 462 S. 4th Street Suite 400, Louisville, KY 40202

Greg Underwood. 1500 Lexington Rd., Louisville, KY 40206

David George, 1387 Lexington Rd., Louisville, KY 40206

Jeff Hollingshead (representing Smyrna Concrete), 1136 2nd Ave. North Nashville, Tennessee 37208

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Summary of testimony of those in opposition to the request:

01:03:02 Glenn Price, representing River Metals Recycling, spoke in opposition (see recording for detailed presentation.) He objected that the process was too rushed – a three week process, with one charrette. He said the business owners were inadequately represented in the study and in the advisory group process. He proposed allowing “M” uses (M-1, M-2, and M-3.) He discussed how each use has its own intensity and performance standards, and should each be judged on its own merits and standards.

01:10:40 Wanda Repasky, environmental attorney for River Metals, said this has been a restricted industrial site since the mid nineteenth century. She discussed industrial uses on the site prior to its purchase by River Metals, which cleaned up and stabilized the site. She said the site has been used for industrial for so long that it is not fit for anything other than industrial uses. She added that the company has been trying to sell this site for a while; the old buildings have been razed, and it is now a vacant site. Smyrna Concrete has made a proposal.

01:15:59 Bruce Simpson, representing Smyrna Concrete, handed out an exhibit to the Commissioners. He said passage of this plan would bar Smyrna from going forward with their business plan. He also said this process was too rushed, and that businesses were not well-represented on the advisory committee (see recording for detailed presentation.)

01:27:04 In response to a question from John Carroll, legal counsel for the Planning Commission, Mr. Simpson showed a Power Point presentation which detailed the proposed uses by Smyrna (see recording for detailed presentation.)

01:33:16 Mark Wardlaw, representing River Metals, described the process River Metals has gone through to sell it. He said this plan “significantly reduces” the value of the land and the ability to get it redeveloped.

01:36:00 Greg Underwood said he is concerned about property devaluation if all heavy uses were excluded. He also complained that this proposal went very fast and felt he was not given enough time for input or response. In response to a question from Commissioner Howard, Mr. Underwood pointed out the location of the property he owns. He reiterated that he was not notified about this neighborhood plan or the potential rezoning. Mr. Baker noted that Mr. Underwood attended the neighborhood charrette.

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01:40:03 David George, a business owner, also said he was not notified about the potential changes to his property. He said he heard about today's Planning Commission meeting via a letter from Smyrna.

01:41:30 In response to a question from Commissioner Carlson, Mr. Price discussed the history of River Metals and what this site has been used for.

01:44:10 In response to a question from Commissioner Carlson, Mr. Simpson and Jeff Hollingshead discussed why this property was considered a critical location for Smyrna Concrete, as opposed to a location in a more industrial area (see recording for detailed presentation.)

01:46:21 In response to a question from Commissioner Lewis, Mr. Simpson discussed railroad access and trips that could be potentially generated by this new business (a traffic study is in progress.)

01:48:59 In response to a question from Commissioner Tomes, Mr. Price and Ms. Repasky discussed how long River Metals had been marketing the property (approximately since 2002.)

01:52:40 In response to a question from Commissioner Lindsey, Mr. Hollingshead discussed a possible future for the concrete plant, once the large construction projects downtown are finished. Mr. Price added the average tax paid on the property. He also discussed the opinions from some business owners about the "rushed" process of this plan, and the inability to present the business owners' side.

02:00:42 Mr. Simpson clarified that the Nashville Smyrna plant was built in the 1930's and is much larger than that which was going to be proposed for this site.

02:02:36 In response to a question from an audience member, Ms. Clare described the composition of the advisory group.

Rebuttal:

02:03:26 Mr. Baker addressed notice questions, and information put out about the meetings and the proposal. He emphasized that this is a neighborhood plan, not an individual rezoning, so notices were not sent to individual property owners. He said the business owners who spoke today did

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attend the charrettes. He said Metro Council had imposed a moratorium, and wanted a short process to make any moratorium as short as possible.

02:08:07 In response to a request from Commissioner Jarboe, Mr. Baker responded to Mr. Ashburner's concerns about performance standards, and also parking requirements for some neighborhood-serving uses. Ms. Clare said a Planned Development District [PDD] would have the flexibility to regulate air quality, light, noise, character standards, etc. She briefly discussed the process of drafting a PDD during an areawide rezoning.

02:12:05 In response to a question from Commissioner Carlson, Mr. Baker reiterated that this is a neighborhood plan, a "concept", and specifics like zoning have not yet been worked out yet.

02:13:45 Emily Liu, Director of Planning & Design Services, explained the notification process for any proposed PDD.

02:14:11 Mr. Price cross-examined Mr. Baker, primarily about the moratorium (see recording for detailed discussion.)

Deliberation:

02:20:33 Commissioners' deliberation. See recording for detailed discussion.

02:46:50 On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **August 3, 2017** Planning Commission public hearing, to allow staff and legal counsel to resolve issues regarding administrative matters raised today.

The vote was as follows:

YES: Commissioners Howard, Carlson, Lindsey, Lewis, and Jarboe.

NO: Commissioners Brown, Ferguson, and Tomes.

NOT PRESENT: Commissioners Smith and Peterson.

ABSTAINING: No one.

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Public Hearing

Case No. 17NEIGHPLAN1003

(NOTE: This case was heard with Case No. 17NEIGPLAN1002)

Request: Irish Hill Neighborhood Plan Executive
Summary Update

Council District: 9 – Bill Hollander

Case Manager: Kendal Baker, 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 Planning Commission public 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.

***NOTE: All testimony, the motion, and the vote applicable to Case No. 17NEIGHPLAN1002 apply to this case.**