

PLANNING COMMISSION MINUTES
July 21, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0037

Request: TO BE CONTINUED TO THE AUGUST 18, 2022
PLANNING COMMISSION - Change in zoning from R-5B to
C-R with a landscape waiver
Project Name: 969 Barret Avenue
Location: 969 Barret Avenue
Owner: Red Mushroom Holdings, LLC
Applicant: Red Mushroom Holdings, LLC
Representative: Land Design and Development; Goldberg Simpson PLLC
Jurisdiction: Louisville Metro
Council District: 8 - Cassie Chambers Armstrong
Case Manager: Julia Williams, AICP, Planning Supervisor

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:26:23 Jay Luckett, speaking on behalf of Julia Williams, said the applicant has requested a continuance of this case to the August 18, 2022 Planning Commission public hearing.

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.

00:27:27 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the August 18, 2022 Planning Commission public hearing.

LANNING COMMISSION MINUTES
July 21, 2022

PUBLIC HEARING

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The vote was as follows:

YES: Commissioners Mims, Sistrunk, Brown, Clare, Howard, Carlson, Daniels, Cheek, Price, and Lewis.

PLANNING COMMISSION MINUTES

June 30, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0037

Request: Change in zoning from R-5B to OR-1 with a landscape waiver
Project Name: 969 Barret Avenue
Location: 969 Barret Avenue
Owner: Red Mushroom Holdings, LLC
Applicant: Red Mushroom Holdings, LLC
Representative: Land Design and Development; Goldberg Simpson PLLC
Jurisdiction: Louisville Metro
Council District: 8 – Cassie Chambers Armstrong
Case Manager: Julia Williams, 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:

00:18:47 Julia Williams said the applicant is requesting a continuance to the July 21, 2022 Planning Commission meeting because the legal ad was not published (see recording for detailed presentation).

Deliberation

Planning Commission deliberation.

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.

On a motion by Commissioner Carlson, seconded by Commissioner Clare, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the July 21, 2022 Planning Commission meeting.

The vote was as follows:

PLANNING COMMISSION MINUTES
June 30, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0037

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Price and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Cheek and Sistrunk

PLANNING COMMISSION MINUTES
May 26, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0037

Request: Change in Zoning from R-5B to C-R with a Landscape Waiver
Project Name: 969 Barrett Avenue
Location: 969 Barrett Avenue
Owner: Red Mushroom Holdings, LLC
Applicant: Red Mushroom Holdings, LLC
Representative: Land Design and Development, Inc.; Goldberg Simpson PLLC
Jurisdiction: Louisville Metro
Council District: 8 – Cassie Chambers Armstrong
Case Manager: **Julia Williams, AICP, Planning Supervisor**

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:27:35 Julia Williams stated the applicant has requested this case be continued to the June 30, 2022 Planning Commission meeting.

The following spoke in favor of this request:

None

Summary of testimony of those in favor:

None

00:28:20 Commissioners' deliberation.

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.

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

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** 20-ZONE-0037 to the **June 30, 2022 Planning Commission** meeting.

PLANNING COMMISSION MINUTES
May 26, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0037

The vote was as follows:

YES: Commissioners Mims, Brown, Carlson, Clare, Daniels, Sistrunk, Price, and Lewis

NO: None

ABSTAIN: None

ABSENT: Commissioners Cheek and Howard

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
April 14, 2022

OLD BUSINESS

Case No. 20-ZONE-0037

Request:	Cont'd from the March 24, 2022 LD&T meeting - Change in Zoning from R-5B to C-R with a Landscape Waiver
Project Name:	969 Barret Avenue
Location:	969 Barret Avenue
Owner:	Red Mushroom Holdings, LLC
Applicant:	Red Mushroom Holdings, LLC
Representative:	Land Design & Development; Goldberg Simpson PLLC
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Julia Williams, AICP, Planning Supervisor

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:17:26 Jay Lockett, on behalf of Julia Williams, presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.) Staff finds the case is ready for a public hearing date to be set.

Commissioner Mims asked if there was a comprehensive rezoning of the area. Jay Lockett said the whole of the original Highlands area was for the most part downzoned and went into more detail on the neighborhood plan passed in 2013.

Commissioner Brown asked if C-R was the lowest zoning class they could use and maintain the nonconforming use. Jay Lockett explained they could probably use O-R, but it doesn't allow for as many commercial uses as C-R.

The following spoke in support of the request:

Michael McClain, Goldberg Simpson, 9301 Dayflower Street, Prospect, KY 40059

Anne Richard, Land Design & Development, 503 Washburn Ave, Louisville, KY 40222

Summary of testimony of those in support:

01:22:56 Michael McClain, the applicant's representative, summarized the history of the case.

LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE
April 14, 2022

OLD BUSINESS

Case No. 20-ZONE-0037

Rebuttal:

01:38:28 Mr. McClain addressed the opposition's concerns.

Max Bridges asked if the curb would be going in or out. Ms. Richard said it would be reducing the curb toward the alley.

01:42:01 Commissioners' deliberation.

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.

The Committee by general consensus scheduled this case to be heard at the **May 26, 2022** Planning Commission public hearing.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

February 11, 2021

Old Business

Case No. 20-ZONE-0037

Request:	Change in zoning from R-5B to C-1 with detailed plan and landscape waiver
Project Name:	969 Barrett Avenue
Location:	969 Barrett Avenue
Owner:	Red Mushroom Holdings, LLC
Applicant:	Red Mushroom Holdings, LLC
Representative:	Pitt, Frank, Distler, Bearden; LD&D
Jurisdiction:	Louisville Metro
Council District:	8 - Cassie Chambers Armstrong
Case Manager:	Joel P. Dock, AICP, Planner II

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:05:09 Joel Dock said the applicant has requested an indefinite continuance while they consider the appropriateness of the zoning district; and the compatibility of both the C-1 or the C-R zoning districts.

The following spoke in favor of the request:

Alex Gaddis, Pitt & Frank, 500 N Hurstbourne Pkwy Suite 130, Louisville, KY 40222

Ann Richard, Land Design & Development (signed in but did not speak)

Summary of testimony of those in favor:

00:06:08 Alex Gaddis, the applicant's representative, reiterated what Mr. Dock stated and said the applicant is working with interested neighbors to determine what could be more appropriate zoning for this site.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

February 11, 2021

Old Business

Case No. 20-ZONE-0037

00:08:17 Mr. Dock added that, because the request being made today is to continue this case to a date uncertain, new notice will be sent in advance of that hearing. He noted that Mr. Max Bridges contacted him before today's meeting, and Mr. Dock confirmed with Mr. Bridges that the case was being continued today.

The following spoke in opposition to the request:

No one spoke.

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.

00:08:46 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to a date uncertain, with new notice to be sent out when the case is ready for re-docketing.

The vote was as follows:

YES: Commissioners Sistrunk, Carlson, Brown, Daniels, and Peterson.

NO: No one.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

January 14, 2021

New Business

Case No. 20-ZONE-0037

Request:	Change in zoning from R-5B to C-1 with detailed plan and landscape waiver
Project Name:	969 Barret Avenue
Location:	969 Barret Avenue
Owner:	Red Mushroom Holdings, LLC
Applicant:	Red Mushroom Holdings, LLC
Representative:	Pitt, Frank, Distler, Bearden; LD&D
Jurisdiction:	Louisville Metro
Council District:	8 - Cassie Chambers Armstrong
Case Manager:	Joel P. Dock, AICP, Planner II

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 LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:08:50 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the request:

Ann Richard, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Alex Gaddis; Pitt, Frank, Distler, & Bearden and Henderson; 500 N Hurstbourne Pkwy Suite 130, Louisville, KY 40222

Summary of testimony of those in favor:

00:13:49 Ann Richard, the applicant's representative, said she was present to answer any technical questions.

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

January 14, 2021

New Business

Case No. 20-ZONE-0037

00:14:12 Alex Gaddis, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

00:21:47 Mr. Dock provided clarification as to what is allowed in C-R and C-1 zoning classifications regarding restaurants and outdoor alcohol sales/service.

00:23:51 Mr Gaddis suggested concerns about outdoor alcohol sales could be addressed via binding element. Commissioner Peterson requested that, prior to a public hearing, a binding element should be proposed.

The following spoke in opposition to the request:

James Schorch, 1503 East Breckinridge Street, Louisville, KY 40204

Max Bridges, 1306 Highland Avenue, Louisville, KY 40204

Joan Kallay, 1310 Highland Avenue, Louisville, KY 40204

Bette Niemi, 971 Barret Avenue, Louisville, KY 40204

Summary of testimony of those in opposition:

00:24:31 James Schorch referenced a letter [on file] from the Original Highlands Neighborhood Association opposing C-1 zoning (see recording for detailed presentation.) He noted that the Original Highlands Neighborhood Plan leaves open the possibility of C-R zoning, but not C-1 or C-2.

00:28:29 Max Bridges, one of 7 properties adjacent to this site, said this site has been an office use since at least 2012 and there has been no change in the use or the property to justify a zoning change. He said the change would have a detrimental impact on the surrounding neighbors, notably parking, traffic, and noise. He said the applicant told neighbors they were going to remain an office; if so, why are they asking for C-1? (See recording for detailed discussion.)

00:31:51 Joan Kallay said reiterated what Mr. Bridges said and emphasized that there are eight homes surrounding this site. She reiterated concerns about traffic, parking, and noise, and said that Commercial zoning precludes expansion (see recording for detailed discussion.)

**MINUTES OF THE MEETING
OF THE
LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE**

January 14, 2021

New Business

Case No. 20-ZONE-0037

00:36:01 Bette Niemi said her house is three feet away from the parking lot that is being proposed. She said she opposes C-1 zoning (see recording for detailed discussion.)

Rebuttal:

00:37:40 Mr. Gaddis presented his rebuttal, and requested a continuance of this case to the **February 11, 2021 LD&T** Committee meeting to re-visit some concerns noted today by those in opposition (see recording for detailed discussion.)

00:40:08 Mr. Bridges discussed the 2012 area-wide rezoning, which specifically addressed downzoning the properties across the street. This site is different because it is completely surrounded by homes.

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.

00:42:41 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted:

RESOLVED, the Louisville Metro Land Development and Transportation Committee does hereby **CONTINUE** this case to the **February 11, 2021** Land Development and Transportation Committee meeting.

The vote was as follows:

YES: Commissioners Carlson, Brown, Daniels, Sistrunk, and Peterson.