

**PLANNING COMMISSION MINUTES**  
**October 7, 2021**

**PUBLIC HEARING**

**CASE NO. 21-ZONE-0090**

Request: Change in zoning form R-6 to CR with detailed plan and waiver  
Project Name: 1944 W. Jefferson Street  
Location: 1944 W. Jefferson Street  
Owner: Ouidab, LLC - Brigitte Owens  
Applicant: Ouidab, LLC - Brigitte Owens  
Representative: Ouidab, LLC - Brigitte Owens  
Jurisdiction: Louisville Metro  
Council District: 4 - Jecorey Arthur  
Case Manager: **Joel P. Dock, AICP, Planning Coordinator**

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

**Agency Testimony:**

00:12:33 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

**The following spoke in support of the request:**

Brigitte Owens, 9462 Brownsboro Road, Louisville, KY 40241

**Summary of testimony of those in support:**

00:17:11 Brigitte Owens, the applicant, presented the case (see recording for detailed presentation.)

00:20:04 In response to a question from Commissioner Mims, Ms. Owens said there are two existing dwelling units in the building, which will be updated. She noted that a representative from the Urban League will be coming at the end of this month to do a walk-through.

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**The following spoke in opposition:**

No one spoke.

**Deliberation:**

00:22:17 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.**

**Zoning**

00:25:19 On a motion by Commissioner Howard, seconded by Commissioner Seitz, on, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because the proposal does not encroach upon a residential neighborhood as the structure appears to be built as a corner-commercial use and such uses provide for neighborhood goods and services. The proposed change in zoning will enable the property to be put back to commercial use; the proposed use is located along an arterial roadway and at the corner of a residential block where demand and infrastructure are adequate; the size of the lot will limit traffic impacts and the site is along an arterial in a walkable neighborhood; and significant noise producing uses are not permitted in CR zoning district; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because The proposed district is located appropriately for its intensity at the corner of an arterial roadway; the subject property is in the Traditional neighborhood form at a corner. The proposal will allow for corner commercial development in an area with sufficient population; the proposal will result in compact development as no improvements are proposed; the proposed district allows for the incorporation of a mixture of compatible land uses in a walkable and well-connected neighborhood; thus, supporting alternative modes of travel, and encouraging vitality and a sense of place; and the proposed district will allow for the rehabilitation of corner commercial development in a traditional neighborhood; and

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**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because the subject site does not appear to possess any recognizable natural features as it is a previously developed site; the subject site does not have any recognizable wet soils, steep slopes or issues that may result in erosion; and the subject site does not have any recognizable natural features and no improvements are proposed which negatively impact flood prone areas; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the proposed district will allow for the reintroduction of a distinctive cultural feature in traditional neighborhoods – corner stores; and

**WHEREAS** the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the proposed higher intensity district is located on an arterial at the corner of a residential block which supports transit- oriented development and an efficient public transportation system; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because access to the site is from an arterial and access does not encroach upon residential areas; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because the proposed district encourages neighborhood serving uses within proximity to residents and encourage short trips easily made by walking or bicycling; the proposed district encourages neighborhood serving uses within proximity to residents. The site appears is accessible based on pedestrian and transit network; the proposal will have a limited impact on transit while providing another destination for users; any improvements necessary of the development will be made as required; and existing transportation facilities and services are adequate in the area to serve a wide variety of densities and intensities; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because the proposed district is in an area served by existing utilities; an adequate supply of potable water and water for fire-fighting purposes is available; and preliminary plan approval has been received by the Metropolitan Sewer District to ensure an adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; and

**WHEREAS**, the Commission further finds that the proposal meets Land Use & Development Goal 1: Economic Development because the proposed higher intensity district is located abutting on a corner along an arterial roadway; now, therefore be it

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**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from R-6 multi-family residential to CR Commercial-Residential be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Carlson, Daniels, Seitz, Sistrunk, and Lewis.**

**Waiver**

00:26:31 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as the existing structure encroaches upon the buffer and the proximity between structures on this parcel and the next makes the buffer impractical. The applicant will provide the required screen fence at the rear and side lines where structures aren't present; and

**WHEREAS**, the Commission further finds that the waiver will not violate specific policies of Plan 2040 as buffers are to be used to mitigate incompatible uses and the two uses for which the buffer is required have existed alongside each other for many decades. Screening is being provided at the rear but no development in the rear has been proposed; 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 as the structures are existing and a screen will be provided in the rear yard; and

**WHEREAS**, the Commission further finds that the strict application of the regulation would deprive the applicant of the reasonable use of the land as the existing structure encroaches upon the buffer and the proximity between structures on this parcel and the next makes the buffer impractical. The applicant will provide the required screen fence at the rear and side lines where structures aren't present; now, therefore be it

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**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver of Land Development Code (LDC), section 10.2.4 to waive the required landscape buffer area and plantings between existing structures and provide a 6' screen fence at the rear and side only as shown on the development plan.

**The vote was as follows:**

**YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Carlson, Daniels, Seitz, Sistrunk, and Lewis.**

**Detailed District Development Plan**

00:27:44 On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposed development does not appear to impact natural resources; and

**WHEREAS**, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community has been provided. The site is in a walkable and well- connected neighborhood served by transit; and

**WHEREAS**, the Commission further finds that no additional open space beyond the existing rear yard is necessary; 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 area and no changes have been proposed; and

**WHEREAS**, the Commission further finds that the development plan conforms to the comprehensive plan and land development code, except where relief has been appropriately requested and justified; now, therefore be it

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**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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. 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 Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
  - c. 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.
3. 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.
4. 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,

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contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

**The vote was as follows:**

**YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Carlson, Daniels, Seitz, Sistrunk, and Lewis.**