

**PLANNING COMMISSION MINUTES  
MARCH 29, 2018**

**PUBLIC HEARING**

**CASE NUMBER 17ZONE1055**

Project Name: Highview PDD Text Amendments  
Location: Highview Neighborhood/Town Center  
Jurisdiction: Louisville Metro  
Council District: 23 – James Peden  
Case Manager: Joel P. Dock, Planner II

Notice of this public hearing appeared in The Courier-Journal.

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:**

**04:28:38** Joel Dock discussed the request for text amendments to the Highview Planned Development District land use and design standards.

**The following spoke in favor of this request:**

John Torsky, Councilman James Peden's office, 601 W Jefferson St., Louisville, KY 40202

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

**04:39:23** John Torsky spoke on behalf of Councilman James Peden's office. He stated that Councilman Peden's main concern was to make sure that nothing has changed since this request was last presented to the Commissioners. Mr. Dock stated that no changes have been made since this was heard at the February 22, 2018 LD&T meeting.

**The following spoke in opposition to this request:**

No one spoke.

**Deliberation:**

**04:44:05** The Commissioners concur that the amendments are justified.

**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.**

**04:47:10** On a motion by Commissioner Howard, seconded by Commissioner Carlson, based on the Staff Report, testimony heard today, and the Highview PDD Plan, the following resolution was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposed amendments are in keeping with the vision of the Highview Neighborhood Plan as the amendments further the

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creation of a “Downton Highview” by focusing commercial and higher density uses into a designated center, along with the creation of a pedestrian-friendly and well connected network of walkways. The proposed amendments are supported by the following recommendations of the Neighborhood Plan; now, therefore be it

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **ADOPT** the text amendments to the Highview Planned Development District (PDD) land use and design standards pursuant to Land Development Code, part 2.8.5.A.4 as referenced below:

**Amendment 1**

*RESIDENTIAL USE RESTRICTIONS*

*In the Highview PDD, land development having frontage along the Rights-of-Way of Fegenbush Lane, Vaughn Mill Road, Outer Loop, Peppermill Lane, and Beulah Church Road shall be limited to non-residential uses. Mixed use development that includes a residential component is encouraged and shall be allowed, providing that the first floor is dedicated to a non-residential use and oriented towards the public way. Civil and/or institutional uses shall be permitted following a Community Facilities Review. Residential development shall be allowed without a non-residential component, provided that sufficient frontage and/or out-lot(s) is made available for future non-residential development.*

**Amendment 2**

**GATEWAY**

All *Outer Loop* uses except:

- Automobile rental agencies shall be limited to no more than 25 rental passenger vehicles stored on site, and no more than two service bays for cleaning or maintenance, and having no repair or storage/dispensing of fuel
- Automobile service stations shall be limited to service bays for repair of no more than two vehicles (see definition of Automobile Service Station for the type of repairs permitted)

**CENTRAL CORRIDOR**

All *Gateway* uses except for the following:

- Automobile sales agencies
- Automobile service stations
- Boat Sales and related storage
- Building materials, storage and sales provided all operations are totally enclosed in a building (Outdoor sales, display and storage as referenced in Section 4.4.8 is not permitted in association with a contractor’s shop in this zoning district)
- Drive-in restaurants where all or part of the service or consumption is inside a vehicle

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- Used car sales areas, provided that no repair or reconditioning of automobiles or storage of parts shall be permitted except when enclosed in a building
- Drive through facilities

**Amendment 3**

*SIDEWALKS*

*In addition to those applicable sidewalk requirements of the Town Center Form District as contained in Land Development Code, Chapter 5, sidewalks shall also be required in accordance with Metro Public Works design standards for the following:*

1. *Expansion of the cumulative existing gross floor area of all buildings (accessory or primary) on a development site by 50% or more, or 2,000 square feet or more, whichever is less*
2. *Increase in the number of dwelling units of an existing residential development site*
3. *Conversion of any non-residential space to a residential use*
4. *Change of use from residential to non-residential*
5. *Construction of 5 or more new parking spaces*

*The Planning Director or designee is authorized to grant a waiver of these additional sidewalk requirements contained in items 1 through 5 above, provided that the applicant can demonstrate that existing conditions are such that construction of a sidewalk is not feasible or would deprive the applicant of reasonable use of the land or create an unnecessary hardship. The applicant or Planning Director or designee may request consideration of the request before the Planning Commission or designee. In such instances, the request shall follow the standards outlined in Land Development Code, section 6.2.6.B.*

*Right-of-way dedication or public sidewalk easement may be required to accommodate installation of sidewalks.*

**Amendment 4**

**A. Dimensional Standards**

Dimensional standards for the Highview Town Center PDD Sub-Areas shall be as follows:

i. **Outer Loop Sub-Area**

Conform to the *Neighborhood* Form District dimensional standards, Chapter 5, Part 3, Sub- Section 5.3.1 with the following exceptions:

1. **Building Height**

Maximum building height for any use shall be 35' or 2-stories

ii. **Gateway Sub-Area**

Conform to the *Neighborhood* Form District dimensional standards, Chapter 5, Part 3, Sub- Section 5.3.1 with the following exceptions:

1. Maximum building height for any use shall be 35' or 2-stories

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2. Front and Street Side Yard Setback (all uses) maintain a minimum Front and Street Side Yard setback/build-to line of 15' from the edge of right-of-way.

iii. Central Corridor Sub-Area

Conform to the Town Center Form District dimensional standards, Chapter 5, Part 2, with the following exceptions:

1. Building Height

Maximum building height for any use shall be 35' or 2-stories

2. Front and Street Side Yard Setback (all uses) maintain a maximum Front and Street Side Yard setback/build-to line of 65' from the edge of right-of-way.

**Amendment 5**

B. Lot Standards

i. Maximum Floor Area Ratio (FAR)

The maximum FAR for the Highview Town Center PDD shall be 1.0, regardless of Sub-Area.

ii. The maximum density for the Highview Town Center PDD shall be as follows:

1. Outer Loop Sub-Area

Maximum Density: 12.01 dwellings per acre (note: R5A equivalent)

2. Gateway and Central Corridor Sub-Areas

Maximum Density: 17.42 dwellings per acre (note: R6 equivalent)

iii. Use Mix

Office and Residential Uses –a specified percentage of any development site may be allocated to residential development without any corresponding decrease in the maximum allowable square footage or intensity of non-residential uses allowed, provided that all other development standards set forth in this code are complied with. In addition, office and residential uses situated above ground level retail uses are permitted and shall be excluded from calculation of the site's permissible floor area ratio.

Calculation of permissible residential density shall be based on the net site area, regardless of the amount of non-residential floor area constructed on the site.

iv. Lot Area

Min: None

**Amendment 6**

D. Building Facades (applicable to new structures or when replacing 50% or more of an existing building façade)

i. Buildings shall have articulated facades with animating features (i.e., columns, piers, pilasters, or similar elements) every 20 to 40 feet to create an architectural rhythm. *Rear*

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*facades shall not be required to comply with this part, unless located within the form district transition zone or abutting a residential use.*

ii. At least 70% of the building façade facing the public right-of-way shall be located between the minimum and maximum setback/build-to-line. *This shall only apply to new construction/enlargement of the building footprint.*

iii. A minimum of fifty percent (50%) of the street level facade shall be transparent.

iv. Blank, unarticulated walls shall not extend for distances greater than twenty-five feet (25').

Note: Rear facades shall not be required to comply with this part, unless located within the form district transition zone or abutting a residential use.

v. Buildings on corner lots *shall* use windows, doors or architectural detail to address facade design on both street frontages.

vi. Multi-family structures shall not have attached front facing garages. Garages shall be accessed from alleys or, in the case of a development consisting of multiple units, from an internal drive accessible from the rear

**Amendment 7**

As noted in the existing conditions analysis of the Highview PDD, bicycle and pedestrian systems in this area are fragmented and in many cases nonexistent. As such all future developments should encourage pedestrian and bicycle systems to the fullest extent, and at a minimum what is required by the *Land Development Code*. Providing continuous sidewalk systems, bike parking in convenient, even covered locations will play an integral role in making Highview a more well connected, healthy and sustainable neighborhood.

**The vote was as follows:**

**YES: Brown, Howard, Tomes, Carlson, Jarboe, and Ferguson**

**NOT PRESENT: Lindsey, Peterson, Smith, and Lewis**