

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1051

Project Name: Architype Gallery
Location: 1764 Frankfort Avenue
Owner(s): 1764 Frankfort, LLC - Brad Stengel
Applicant: 1764 Frankfort, LLC - Brad Stengel
Representative(s): 1764 Frankfort, LLC - Brad Stengel
Project Area/Size: 0.19 acres
Jurisdiction: Louisville Metro
Council District: 9 – Bill Hollander
Case Manager: Joel P. Dock, 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:

00:52:21 Joel Dock discussed the case summary, standard of review, and staff analysis from the staff report.

The following spoke in favor of this request:

Brad Stengel, 4301 River Hill Ln, Louisville, KY 40207
Mike O’Leary, 1963 Payne St, Louisville, KY 40206

Summary of testimony of those in favor:

00:58:40 Brad Stengel summarized the applicant’s proposal to convert an existing art gallery into a champagne bar with gallery space and showed a presentation.

01:02:53 Mike O’Leary is the Vice President of the Clifton Community Council and Chair of the Clifton Community Council Land Use & Preservation Committee. He stated the Council is in support of this proposal.

01:05:13 Mr. Stengel responded to questions from the Commissioners.

The following spoke in opposition to this request:

No one spoke.

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Deliberation

01:08:37 The Commissioners concur that the proposal is justified. Parking is a concern, but the applicant has provided alternative parking arrangements.

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 Change from C-1 to C-2

01:11:44 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Cornerstone 2020 Staff Checklist and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposed zoning district incorporates into the pattern of development as it surrounded by a mixture of uses of similar intensity. The proposal includes buildings that have little or no setback, and are oriented to the street. No change to the exterior of the building is proposed at this time. The building contributes to the historic context of the area. The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees On-street parking is restricted immediately abutting the subject site. Tenant parking is provided at the rear of the lot. The site is located along a transit corridor and commercial ribbon where uses support each other and the neighborhood, and the corridor is the destination. Further, sidewalks with shade trees and street furniture exist along the corridor. The applicant also proposes additional street furniture for customers. The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor as no change to the exterior is proposed at this time. The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development as no change to the exterior is proposed at this time, and

WHEREAS, the Commission further finds that the proposal meets the Centers guideline because the subject site is located along an existing commercial corridor and contributes to the mixture of uses in the area. The area has sufficient population to support the use which is created by surrounding neighborhoods and consumers of nearby commercial establishments, as well as local and non-local traffic along the corridor. Similar to the majority of the surrounding uses and historic patterns the majority of the lot is utilized for non-residential purposes on the first floor specifically. The proposed center includes a mix of compatible land uses that will reduce trips,

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support the use of alternative forms of transportation and encourage vitality and sense of place as the site contains residential dwelling along a transit corridor within close proximity to a mixture of consumer goods and services, as well as recreational opportunities. The requested change-in-zoning allows for an evolution in the current concept at the subject site to increase attractiveness along the corridor. The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings as the second story contains four residential dwellings. The proposal is for a single use at a small scale along a commercial corridor at an intersection. The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns as parking facilities will be shared with a nearby law office at 1752 Frankfort Avenue to meet the minimum needs of parking for the subject site. Utilities appear to be available as the site is currently in operation and the area surrounding is fully developed. The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as tenant parking is provided at the rear of the lot and the site is located along a major transit corridor with sufficient pedestrian infrastructure to promote the movement of users. Further, vehicular parking is readily available on-street throughout the neighborhood, and

WHEREAS, the Commission further finds that proposal meets the Compatibility guideline because there are no changes proposed to the exterior of the building, except an outdoor dining area along the front sidewalk. This is consistent with development in the area. The proposal does not constitute a non-residential expansion into an existing residential area as the site is located in an existing commercial area and is zoned C-1. The requested change in zoning will facilitate the incorporation of a new supportive use in a manner compatible with the area. The proposal will not appear to have any adverse impacts from odor or emissions in the area. Adverse impacts from traffic would not appear to be generated from the proposal as it is located along a major transportation corridor with sufficient pedestrian/vehicular/transit infrastructure supporting a wide array of users. The proposal would not appear to create any adverse impacts of its lighting on nearby properties, and on the night sky. The proposal is a slightly higher intensity than the current use and is located along a major transportation corridor and commercial ribbon. The use proposed will not substantially alter the existing character of the structure/subject site or necessitate greater transitions between adjacent users. The proposed use is compatible with surrounding uses and does not create a conflict between itself and potential buffering between adjacent uses. Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards as the structure exists and is compatible with the traditional form of the area. No additional parking facilities are proposed. Parking is being jointly used between the subject site and an adjacent property at 1752 Frankfort Avenue to meet the minimum needs for off-street parking. No screening or

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buffering is needed for existing parking facilities. No parking garages are proposed. Signs will meet Clifton Preservation District and form district guidelines, and no free standing signage is permitted, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because open space or tree canopy is not required and the surrounding urban neighborhood has ample space for recreation. There are no natural features to be incorporated into the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because there are no environmentally sensitive features to be considered on-site. The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value as the current building is being utilized for modern services and goods. The subject site does not contain wet or highly permeable soils, or contain any other environmentally sensitive features, and

WHEREAS, the Commission further finds that the proposal meets the Economic Growth and Sustainability guideline because the use is appropriately and conveniently located for ease of vehicular, pedestrian, and transit access, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because the applicant will dedicate right-of-way as needed to place sidewalks in the public right-of-way. The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation as bike parking will provided in a convenient location, sidewalks are easily traversed, and TARC routes are available. The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands as facilities exists and support the use. The applicant will dedicate right-of-way as needed to place sidewalks in the public right-of-way. The proposal includes adequate parking spaces to support the use as parking is reserved on-site for residential tenants and parking facilities will be shared with a nearby user, and

WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because Frankfort Avenue is an arterial level roadway providing primary access to the site. The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site as access to roadways is provided from existing points. No additional streets or access is requested, and

WHEREAS, the Commission further finds that the proposal meets the Bicycle Pedestrian and Transit guideline because The proposal provides, where appropriate, for

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the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity as the subject site abuts sidewalks on each public facing side, multiple TARC routes are available from the arterial level roadway, surrounding residential neighborhoods provided supportive population, and commercial establishments along the corridor generate consumers from near and beyond, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has preliminarily approved the development plan with no site construction, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because the proposal has been reviewed by APCD and found to not have a negative impact on air quality, and

WHEREAS, the Commission further finds that the proposal meets the Landscape Character guideline because natural corridors are not impacted by this proposal due to existing conditions and surrounding corridor, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because it would appear based on existing infrastructure that utilities are available. The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Change in Zoning from R-4, Single-Family Residential to C-N, Commercial-Neighborhood on 1.97 acres on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Lewis, Brown, Howard, Smith, Lindsey, Ferguson, Carlson, and Jarboe
NOT PRESENT: Tomes and Peterson

Detailed District Development Plan

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01:12:26 On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any significant natural features on site. No change to the exterior of the building is proposed at this time and the building contributes to the historic context of the area, and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided as sidewalk are present along all public frontages, multiple TARC routes are readily accessible, and the site is located along an arterial level roadway, and

WHEREAS, the Commission further finds that open space is not required for this application, but the surrounding urban neighborhoods have ample space for recreation and outdoor engagement, 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 surrounding area as no changes to the exterior of the site are proposed, with the exception of an outdoor dining area, and

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan as demonstrated in the *Cornerstone 2020 Staff Review Checklist* for the change in zoning request contained in *Attachment 3* of the staff report; now, therefore be it

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.

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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 Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. Right-of-way dedication by deed or plat shall be recorded to incorporate the sidewalks along Frankfort Avenue and Pope Street. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services
 - d. A Joint-use/off-site parking agreement shall be recorded to secure the minimum parking requirements per Chapter 9 of the Land Development Code. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services.
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, 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: Lewis, Brown, Howard, Smith, Lindsey, Ferguson, Carlson, and Jarboe
NOT PRESENT: Tomes and Peterson**