

PLANNING COMMISSION MINUTES
September 6, 2018

PUBLIC HEARING

CASE NO. 17ZONE1058

Request: Change in zoning from R-6 to C-2 with a waiver
Project Name: Bar of Soap
Location: 2070 South Preston Street

Owner: Wettig Properties, LLC
Anthony Yent Wettig
213 Brown Avenue
Louisville, Ky. 40207

Applicant: Wettig Properties, LLC
Anthony Yent Wettig
213 Brown Avenue
Louisville, Ky. 40207

Representative: BTM Engineering
Chris Brown, AICP
3001 Taylor Springs Drive
Louisville, Ky. 40220

Frost Brown Todd, LLC
Glenn Price
400 West Market Street, Suite 3200
Louisville, Ky. 40202

Jurisdiction: Louisville Metro
Council District: 15- Marianne Butler
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:

01:23:55 Ms. Williams discussed the case summary, standard of review and staff analysis from the staff report.

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The following spoke in favor of this request:

Glenn Price, Frost, Brown, Todd, LLC, 400 West Market Street, Suite 3200, Louisville, Ky. 40202

Chris Brown, BTM Engineering, 3001 Taylor Spring Drive, Louisville, Ky. 40220

Gail Linville, 526 Atwood Street, Louisville, Ky. 40217

Ian Luijk, 609 Briar Hill Road, Louisville, Ky. 40206

Summary of testimony of those in favor:

01:30:12 Mr. Price gave a power point presentation. There will be 3 uses; a bar, arcade and laundromat. The area is eligible for being listed in the national registry. The existing building is in very poor condition. The building will be demolished but the existing grid pattern of the streets will be preserved. The intent for hours of operation is Monday through Thursday until 2:00 a.m., Friday and Saturday, until 4:00 a.m. and Sunday either midnight or 2:00 a.m.

01:39:48 Commissioner Carlson asked why there are 2 overhead doors. Mr. Price explained that it can be opened to let some air flow in the building and main entrance. Commissioner Carlson said he's concerned about noise and would like a binding element saying there will be no live music. Mr. Price agreed.

01:43:27 Chris Brown explained the locations of the bar, laundromat and arcade. The 3 are calculated out for parking purposes because each is listed in the parking table, 9.1.3i.

Commissioner Carlson asked if they considered using brick, which would be more consistent with the original building. Mr. Brown said the original building was a mixture. The proposal will be consistent with the current commercial structures along Preston Hwy.

01:46:47 Commissioner Brown asked if the building is a pre-finished panel or will color be added. Mr. Brown said it is a pre-finished white panel. Also, is the sign internally illuminated or backlit? Mr. Brown said it is backlit. It will be compliant with chapter 8 of the Land Development Code.

01:48:23 Ms. Linville, President of the St. Joseph's Association, stated they support the proposal. The laundromat is needed since there are lots of students in the area. Regarding the hours of operation, just follow ABC's guidelines and it should be fine.

01:50:19 Mr. Luijk said he's very excited about the plan. It's nice that it's in a residential area so people can walk to the establishment.

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01:58:26 Commissioner Carlson requests a binding element for the overhanging doors to be closed by a certain time. Chris Brown stated he doesn't think that would be enforceable.

Deliberation

02:01:17 Commissioner Howard stated it's a very unique proposal for the site. The overhang doors add ambience. The proposal is in a traditional neighborhood.

02:02:58 Commissioner Brown supports the change in zoning and the waiver is justified.

02:03:13 Commissioner Carlson said the proposal is a very interesting concept but we should be careful so as not to end up with unintended consequences.

02:04:14 Commissioner Daniels stated she likes the unique concept of the proposal.

02:04:19 Chair Lewis agrees with the other commissioners.

02:04:39 Commissioner Brown requests a binding element for the license agreement on the bike rack to read as follows: A license agreement for the bike rack within the right-of-way shall be obtained prior to issuance of Certificate of Occupancy.

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 R-6 to C-2

On a motion by Commissioner Brown, seconded by Commissioner Carlson, the following resolution based on the Cornerstone 2020 Staff Analysis, testimony heard today and the applicant's findings was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal does not affect the existing street pattern; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is part of a commercial node that has been in existence in the neighborhood for some time; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is for the commercial zoning of a historic commercially used site. No existing open spaces will be altered with the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal is for the new construction of building to be used for commercial. The proposed building design is consistent with the scale of other structures in the area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal will not create a new center. The proposal involves new construction for commercial use on a lot that has historically been used as commercial; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because this is a non-retail commercial use and there is sufficient population to support it, as it is in a well-established traditional neighborhood and is located within a mile of the University of Louisville; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposed zoning results in an efficient land use pattern as there is other C-2 zoning in the vicinity and the site is currently an existing non-residential site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because this proposal is a center and includes a mix of commercial uses which will serve the neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the proposal does not include any additional curb cuts and will have no on-site parking; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because utilities for the site are existing; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Centers guideline because the site has sidewalks and transit located in close proximity; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the building materials are similar to materials found in the area. The architecture is more modern so as not to replicate a historical structure; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is not a non-residential expansion into a residential area because the site is historically commercial; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because APCD has no issues with the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because Transportation Planning has not indicated any issues with traffic with the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because lighting will meet LDC requirements; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is located in a developed urban neighborhood with a mix of uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposal is utilizing the existing building footprint where a buffer between the existing commercial and adjacent residential has never existed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because the proposed building will not further encroach into the buffer. The site condition is the proposed building to use the existing footprint; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because setbacks and the building heights are similar to nearby developments. Development in the area is mainly one and two story structures with commercial structures occupying the majority of the lots; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because there is no parking or loading areas proposed on site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because there is no parking on site. Street parking will be used; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Compatibility guideline because signs will meet LDC requirements; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because the provision of open space for this proposal is not required by the LDC and is not appropriate for this site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Open Space guideline because as there is no new footprint construction, any natural features of the site are being left intact; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because as there is no new footprint construction, any natural features of the site are being left intact; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Natural Areas and Scenic Historic Resources guideline because soils are not an issue for the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because this site is within an established neighborhood with existing vehicular, pedestrian and transit infrastructure; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Economic Growth and Sustainability guideline because this proposal is a commercial development near a commercial corridor and fronts on a minor arterial level road, although the proposed use is not a huge traffic generator; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because roadway improvements are not required; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because there is an existing sidewalk network and nearby transit stops; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because this proposal does not constitute additional transportation facilities, as it is a small site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because additional ROW is not required; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Circulation guideline because parking requirements are being met; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because a stub street is not necessary because the site is within an existing developed neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because access to the development is through public rights of way; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Transportation Facility Design guideline because the existing roadways provide the appropriate linkages to other development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because sidewalks are provided for transit users and pedestrians. Existing sidewalks are located along the street frontage and the structure is set close to the road; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Flooding and Stormwater guideline because MSD has no issues with the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Landscape Character guideline because natural corridors are not evident in or around the proposal; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because existing utilities serve the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because water is available to the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Infrastructure guideline because the health department has no issues with the proposal.

WHEREAS, the Applicant and Owner, Wettig Properties, LLC, a Kentucky limited liability company, has proposed a map amendment ("zone change") from R-6 Multi-family Residential to C-2 Commercial District on a 0.067-acre property located at 2070 South Preston Street for a laundromat/arcade/tavern, and

WHEREAS, the Louisville Metro Planning Commission (the "Planning Commission") Finds That the proposed map amendment (the "Proposal") conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan, as detailed in the submitted Demonstration of Appropriateness; and the Proposal conforms with the specific Goals, Objectives, Guidelines and Policies of the Comprehensive Plan, as discussed in these Findings of Fact; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy I.B.2. because the site lies within the Traditional Neighborhood Form District and the proposal is consistent therewith; because the proposal is for a "shop" as that term is used in the Traditional Neighborhood District; because the proposal does not affect the existing street pattern; because the Proposal, part of a commercial node existing in the neighborhood has been historically used for commercial purposes and the building design will be consistent with the scale of other structures in the area; because the proposed scale of the development is appropriate for the area; and because South Preston Street is a minor arterial; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 11 and 15 because the Proposal is situated in a well-established neighborhood located within a mile of the University of Louisville Belknap Campus; because the zone change will result in an efficient land use pattern; because utilities for the site are existing; and because the site has sidewalks and transit facilities located in close proximity; and

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WHEREAS, the Planning Commission further finds that the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 23, and 28 because building materials for the building will remain brick, and similar building materials are found throughout the area; because all site lighting will conform to Land Development Code ("LDC") Part 4 and will be directed away from adjacent residential areas; because South Preston Street is a transit corridor and is served by Transit Authority of River City ("TARC") Express Route 45 and Routes 27 and 18; because the Proposal conforms to all setback requirements; because no free-standing sign is proposed; because there will be no changing-image signs; and because even though the building will encroach into the perimeter buffer it will not encroach further than does the existing building; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, and 6 because the site is not located in an area with natural, cultural or historic features; and because the site has no soils or slopes that would make development difficult or otherwise be prone to soil erosion; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable policies adopted thereunder, including Policies 2, 3, 4, 6 and 11 because this established neighborhood has existing vehicular, pedestrian and transit availability throughout; because the Proposal is not located in the downtown area or an industrial area; however, it is located in an older neighborhood with existing commercial and residential uses; because the Proposal fronts on a minor arterial roadway, Preston Highway, even though it will not be an intense generator of traffic; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 1, 2, 3, 6, 9 and 10 because the site can accommodate traffic generated to and from the site; because pedestrian facilities are provided to accommodate walkers and transit riders; because bicycle storage facilities will be provided on-site; because additional right-of-way dedication is not required; because parking requirements pursuant to the Land Development Code have been met; and because the development plan was approved by Transportation Review; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable policies adopted thereunder, including Policy 1, 2, 3 and 4; because sidewalks are located along South Preston Street and Lynn Street; because bicycle storage facilities will be provided on

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site; and because South Preston Street is a transit route, on which TARC provides service for Express Route 45 and Routes 27 and 18; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable policies adopted thereunder, including Policies 1, 3, 6, 7, 10 and 11 because surface water management has been analyzed using a watershed-wide model; because impervious surfaces have been minimized wherever possible; because the Metropolitan Sewer District does not have any issues with the proposed development, which indicates, among other things, that stormwater run-off has been adequately accommodated, that “through” drainage systems have been accommodated, and that peak stormwater run-off rates or volumes after development will be consistent with regional or watershed plans or are being mitigated on-site; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Air Quality Guideline 12 and all applicable policies adopted thereunder, including Policies 1, 2, 3 and 8 because the Louisville Air Pollution Control District approved the proposal on June 6, 2018, which indicates that sufficient measures have been taken to reduce the impacts of air pollution, including the enabling of alternate modes of transportation such as walking and biking; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 2, 5 and 6 because natural corridors of plantings and vegetation are not evident on or around the Proposal; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7 because an adequate supply of potable water and water for fire-fighting purposes will be provided; because sewer service will be provided by the Metropolitan Sewer District; because utilities will be provided in easements as designated by each utility; and because existing utilities serve the Proposal; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Community Facilities Guideline 15 and all applicable policies adopted thereunder, including Policy 9 because the site will be adequately served by fire-fighting services of Louisville Fire Protection District #4;

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-6, Multi-family Residential to C-2, Commercial on .067 acre of property described in the attached legal description be **APPROVED**.

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The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Lewis

NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe

ABSTAINING: Commissioner Daniels

Waiver from chapter 10.2.4 to eliminate the 15' LBA along the north and west property lines

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

WHEREAS, the waiver will not adversely affect adjacent property owners since the applicant is utilizing an existing footprint of a historically commercial structure; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The proposal is utilizing the existing building footprint where a buffer between the existing commercial and adjacent residential has never existed. The historic nature of the commercial nature of the site and the adjacent historical residential suggests that these uses are compatible without a buffer; and

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WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant is utilizing an existing building footprint; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the applicant is utilizing an existing building footprint.

WHEREAS, the requested waiver will not adversely affect adjacent property owners because the building was originally built to the extremities of the property lines so that a perimeter landscape buffer cannot be planted. This situation has always existed - even before the adoption of LDC §10.2.4; and

WHEREAS, the requested waiver will not violate the Comprehensive Plan. The only Comprehensive Plan Elements that apply to this request are Compatibility Guideline 3 and Policies 21 and 22, and Landscape Character Guideline 13 and Policy 6. The Subject Property is part of the St. Joseph's Area (i.e., neighborhood) where properties along South Preston Street are typically commercial shops which serve the neighborhood, and the residential neighborhood is situated generally to the east and west of South Preston Street. The existing building has existed for years as a non-residential building and has never had landscaping. The proposed use (i.e., the "Bar of Soap") a unique combination laundromat/bar will not constitute a development that is substantially incompatible with the existing residential neighborhood; and

WHEREAS, the Louisville Metro Planning Commission finds the existing building was originally built to the property lines. Thus, the request constitutes the minimum necessary to afford relief to the applicant; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant because strictly applying the regulation would require the removal of the building.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** waiver from chapter 10.2.4 to eliminate the 15 foot landscape buffer area along the north and west property lines.

YES: Commissioners Brown, Carlson, Howard and Lewis

NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe

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ABSTAINING: Commissioner Daniels

Development Plan and Binding Elements

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, there do not appear to be any environmental constraints on the subject site. The existing building is National Register eligible if the area were to seek nomination. Tree canopy requirements of the Land Development Code will be provided on the subject site; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision 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 Louisville Metro Planning Commission finds, the overall site design and land uses are compatible with the existing and future development of the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

WHEREAS, the Applicant and Owner, Wettig Properties, LLC, a Kentucky limited liability company, has proposed a map amendment ("zone change") from R-6 Multi-family Residential to C-2 Commercial District on a 0.067-acre property located at 2070 South Preston Street for a laundromat/arcade/tavern, and

WHEREAS, the Louisville Metro Planning Commission (the "Planning Commission") Finds That the proposed map amendment (the "Proposal") conforms to KRS 100.213 because it is in agreement with the Comprehensive Plan, as detailed in the submitted Demonstration of Appropriateness; and the Proposal conforms with the specific Goals,

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Objectives, Guidelines and Policies of the Comprehensive Plan, as discussed in these Findings of Fact; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy I.B.2. because the site lies within the Traditional Neighborhood Form District and the proposal is consistent therewith; because the proposal is for a "shop" as that term is used in the Traditional Neighborhood District; because the proposal does not affect the existing street pattern; because the Proposal, part of a commercial node existing in the neighborhood has been historically used for commercial purposes and the building design will be consistent with the scale of other structures in the area; because the proposed scale of the development is appropriate for the area; and because South Preston Street is a minor arterial; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Centers Guideline 2 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, 11 and 15 because the Proposal is situated in a well-established neighborhood located within a mile of the University of Louisville Belknap Campus; because the zone change will result in an efficient land use pattern; because utilities for the site are existing; and because the site has sidewalks and transit facilities located in close proximity; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 23, and 28 because building materials for the building will remain brick, and similar building materials are found throughout the area; because all site lighting will conform to Land Development Code ("LDC") Part 4 and will be directed away from adjacent residential areas; because South Preston Street is a transit corridor and is served by Transit Authority of River City ("TARC") Express Route 45 and Routes 27 and 18; because the Proposal conforms to all setback requirements; because no free-standing sign is proposed; because there will be no changing-image signs; and because even though the building will encroach into the perimeter buffer it will not encroach further than does the existing building; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 4, and 6 because the site is not located in an area with natural, cultural or historic features; and because the site has no soils or slopes that would make development difficult or otherwise be prone to soil erosion; and

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WHEREAS, the Planning Commission further finds that the proposal conforms to Economic Growth and Sustainability Guideline 6 and all applicable policies adopted thereunder, including Policies 2, 3, 4, 6 and 11 because this established neighborhood has existing vehicular, pedestrian and transit availability throughout; because the Proposal is not located in the downtown area or an industrial area; however, it is located in an older neighborhood with existing commercial and residential uses; because the Proposal fronts on a minor arterial roadway, Preston Highway, even though it will not be an intense generator of traffic; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 1, 2, 3, 6, 9 and 10 because the site can accommodate traffic generated to and from the site; because pedestrian facilities are provided to accommodate walkers and transit riders; because bicycle storage facilities will be provided on-site; because additional right-of-way dedication is not required; because parking requirements pursuant to the Land Development Code have been met; and because the development plan was approved by Transportation Review; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable policies adopted thereunder, including Policy 1, 2, 3 and 4; because sidewalks are located along South Preston Street and Lynn Street; because bicycle storage facilities will be provided on site; and because South Preston Street is a transit route, on which TARC provides service for Express Route 45 and Routes 27 and 18; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Flooding and Stormwater Guideline 10 and all applicable policies adopted thereunder, including Policies 1, 3, 6, 7, 10 and 11 because surface water management has been analyzed using a watershed-wide model; because impervious surfaces have been minimized wherever possible; because the Metropolitan Sewer District does not have any issues with the proposed development, which indicates, among other things, that stormwater run-off has been adequately accommodated, that “through” drainage systems have been accommodated, and that peak stormwater run-off rates or volumes after development will be consistent with regional or watershed plans or are being mitigated on-site; and

WHEREAS, the Planning Commission further finds that the proposal conforms to Air Quality Guideline 12 and all applicable policies adopted thereunder, including Policies 1, 2, 3 and 8 because the Louisville Air Pollution Control District approved the proposal on June 6, 2018, which indicates that sufficient measures have been taken to reduce the impacts of air pollution, including the enabling of alternate modes of transportation such as walking and biking; and

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WHEREAS, the Planning Commission further finds that the proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 2, 5 and 6 because natural corridors of plantings and vegetation are not evident on or around the Proposal; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7 because an adequate supply of potable water and water for fire-fighting purposes will be provided; because sewer service will be provided by the Metropolitan Sewer District; because utilities will be provided in easements as designated by each utility; and because existing utilities serve the Proposal; and

WHEREAS, The Planning Commission further finds that the proposal conforms to Community Facilities Guideline 15 and all applicable policies adopted thereunder, including Policy 9 because the site will be adequately served by fire-fighting services of Louisville Fire Protection District #4;

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.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District (if applicable).
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.

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4. 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. 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.
7. A license agreement for the bike rack within the public right-of-way shall be obtained prior to issuance of a Certificate of Occupancy.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard and Lewis

NOT PRESENT FOR THIS CASE: Commissioners Peterson, Robinson, Smith, Tomes and Jarboe

ABSTAINING: Commissioner Daniels