

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

Request: Change in zoning from R-6 to C-R with a Waiver  
Project Name: 841 East Washington Street  
Location: 841 East Washington Street  
Owner: Van Goat LLC  
Applicant: Van Goat LLC  
Representative: Van Goat LLC  
Jurisdiction: Louisville Metro  
Council District: 4 – Barbara Sexton Smith

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

**Agency Testimony:**

02:53:07 Julia Williams presented the case and showed a Power Point presentation (see recording for detailed presentation.)

02:57:49 Commissioner Brown asked about the “no parking” area on Campbell Street, and also the parking calculations/reductions. Ms. Williams said the applicant did revise the plan to meet the parking calculations, and she showed the revised plan to the Commissioners.

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

Nick Graziore, 1613 Rosewood Avenue, Louisville, KY 40204

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

02:58:17 Nick Graziore, the applicant, said this is a rezoning request to meet long-time existing uses.

02:59:45 In response to a question from Commissioner Jarboe, Mr. Graziore discussed possible uses – a small store, yoga studio, salon, or another small neighborhood-serving use.

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

**The following spoke in opposition to this request:**  
No one spoke.

**Deliberation:**

03:00:14 Commissioners' deliberation

03:02:13 Commissioner Carlson asked about binding element #4 regarding a Certificate of Occupancy. Ms. Williams explained that the applicant will still need a Certificate of Occupancy after the interior renovations are complete.

**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.**

**Change in Zoning**

**03:03:19** On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution based on the Staff Analysis, Cornerstone 2020 Checklist, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the proposal meets the intents of Guideline 1: Community Form because the proposal does not affect the existing street pattern; the proposal is for an existing corner commercial building and will be providing a neighborhood serving use that is very appropriately located in an existing historic neighborhood; this proposal includes no new construction and is utilizing an existing building, therefore is not impacting any open space; it is located about four blocks from the Extreme Park; and the proposal is for the reuse of an existing historic building and it does not appear that any of the primary design features will be altered; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 2: Centers because the proposal will not create a new center but it involves the repurposing of an existing building; the Butchertown neighborhood is a historic urban neighborhood with sufficient population to support a small commercial use; the proposal is efficient and cost effective because it is utilizing an existing building; this proposal is not a center but does provide a service which will serve the neighborhood. It is also a mixed-use proposal; this proposal proposes residential above commercial; the proposal is not a larger development within a center; the proposal does not include any additional curb cuts; utilities for the site are existing; and the site has sidewalks and

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

transit located in close proximity. TARC routes run along Main street, just one block south of the site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 3: Compatibility because no new construction is proposed; this is historically a corner commercial building and has continued to operate as such so there is no expansion into a residential area; APCD has no issues with the proposal; this site is located in a historic neighborhood with good transit, sidewalk and roadway connectivity; no mitigation is required for an existing commercial use; lighting will meet LDC requirements; the proposal is located on a corner and there are nearby mixed uses and a transit route; the proposal will not be able to provide the required 10' landscape buffer area due to existing conditions, but this buffer is not necessary as this is a continued use of a historically corner commercial building; the proposal will not be able to provide the required 10' landscape buffer area due to existing conditions, but this buffer is not necessary as this is a continued use of a historically corner commercial building; the building is existing and meets form district requirements; there is no parking or loading areas proposed on site; there is no parking on site; street parking will be used; a parking garage is not proposed; and signs will meet LDC requirements; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 4: Open Space because the provision of open space for this proposal is not required by the LDC and is not appropriate for this site; and as this is a previously developed site, any natural features of the site are being left intact; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 5: Natural Areas and Scenic and Historic Resources because, as this is a previously developed site, any natural features of the site are being left intact; the proposal is for the adaptive reuse of an existing structure; and soils are not an issue for the site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 6: Economic Growth and Sustainability because this site is within an established neighborhood with existing vehicular, pedestrian and transit infrastructure; the proposal is not located in a downtown; the proposal is not for industrial; and this proposal is a commercial and residential use and is located near other non-residential uses, as well as one block away from Main Street, a major arterial; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 7: Circulation because no roadway improvement requirements are anticipated; there is an existing sidewalk network and nearby transit stops; this proposal does not constitute additional transportation facilities, as it is a small site; dedication of right of way is not necessary in this location, as it is a developed site and the abutting

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

right of way has an existing, sufficient network of sidewalks and roadways; parking will be provided on street; and cross access is not appropriate in this situation; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 8: Transportation Facility Design because a stub street is not necessary because the site is within an existing developed neighborhood; access to the development is through public rights of way; and the Butchertown neighborhood has an existing, consistent network of streets and sidewalks that provides appropriate linkages between activity areas; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 9: Bicycle, Pedestrian and Transit 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 Commission further finds that the proposal meets the intents of Guideline 10: Flooding and Stormwater because MSD has no issues with the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 12: Air Quality because APCD has no issues with the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 13: Landscape Character because natural corridors are not evident in or around the proposal; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Guideline 14: Infrastructure because existing utilities serve the site; water is available to the site; and the health department has no issues with the proposal; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the proposed change in zoning from R-6 to C-R be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Peterson, Robinson, Tomes, Daniels, Carlson, Lewis, Brown, Howard, and Jarboe.**

**NOT PRESENT: Commissioner Smith.**

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

**Waiver from Chapter 10.2.4 to not provide a LBA or planting/screening materials along the west property line**

03:04:28 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution based on the Standard of Review and Staff Analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners since the building is existing and there are no proposed changes to the outside of the lot or structure; and

**WHEREAS**, the Commission further finds that 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 building is existing and there are no proposed changes to the outside of the lot or structure so the site is compatible with the adjacent property as it exists; 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 since the building is existing and there are no proposed changes to the outside of the lot or structure; and

**WHEREAS**, the Commission further finds that 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 building is existing and there are no proposed changes to the outside of the lot or structure; now, therefore be it

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10.2.4 to not provide a LBA or planting/screening materials along the west property line.

**The vote was as follows:**

**YES: Commissioners Peterson, Robinson, Tomes, Daniels, Carlson, Lewis, Brown, Howard, and Jarboe.**

**NOT PRESENT: Commissioner Smith.**

**Detailed District Development Plan with Binding Elements**

03:05:28 On a motion by Commissioner Carlson, seconded by Commissioner Robinson, the following resolution based on the Standard of Review and Staff Analysis, and the evidence and testimony heard today, was adopted:

**WHEREAS**, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints on the subject site. The existing building is a contributing structure in the existing Historic Preservation District; and

**WHEREAS**, the Commission further finds that 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**, the Commission further finds that there are no open space requirements pertinent to the current proposal; and

**WHEREAS**, the Commission further finds that 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 Commission further finds that the overall site design and land uses are compatible with the existing and future development of the area; and

**WHEREAS**, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

**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. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
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.

**The vote was as follows:**

**PLANNING COMMISSION MINUTES**  
**October 18, 2018**

**PUBLIC HEARING**

**CASE NO. 18ZONE1021**

**YES: Commissioners Peterson, Robinson, Tomes, Daniels, Carlson, Lewis,  
Brown, Howard, and Jarboe.**

**NOT PRESENT: Commissioner Smith.**