

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION MEETING
JANUARY 4, 2018**

A meeting of the Louisville Metro Planning Commission was held on January 4, 2018 at 1:00 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, KY 40202.

Commissioners present:

Vince Jarboe, Chair
Marilyn Lewis, Vice Chair
Jeff Brown
Emma Smith
Lula Howard
Laura Ferguson
Ramona Lindsey
Rich Carlson

Commissioners absent:

David Tomes
Robert Peterson

Staff members present:

Emily Liu, Director, Planning and Design Services
Joseph Reverman, Assistant Director, Planning and Design Services
Brian Davis, Planning and Design Manager
Laura Mattingly, Planner II
Joel Dock, Planner II
John Carroll, Legal Counsel
Travis Fiechter, Legal Counsel
Kristen Padron, Management Assistant

The following matters were considered:

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

APPROVAL OF MINUTES

DECEMBER 21, 2017 PLANNING COMMISSION REGULAR MEETING MINUTES

00:11:03 On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on December 21, 2017.

The vote was as follows:

YES: Lewis, Brown, Howard, Smith, Ferguson, Carlson, and Jarboe

ABSTAINING: Lindsey

NOT PRESENT: Tomes and Peterson

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

S. 18TH STREET/DIXIE HIGHWAY APPLICATION RESOLUTION

Agency Testimony:

00:11:40 Brian Davis requested that the Planning Commission pass a resolution authorizing Director Liu to sign an application on behalf of the Planning Commission regarding a section of 18th Street that does not align. A partial closure of the 18th Street right-of-way between the proposed Passport and YMCA developments is needed to correct the alignment.

00:13:00 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the S. 18th Street/Dixie Highway Application Resolution.

The vote was as follows:

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

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17STREETS1013

Project Name: Denham Partial Closure
Location: A portion of Denham Road located northeast of the intersection of Denham Road and Drayton Drive
Owner: Louisville Metro
Applicant: Constance C. Spalding, David and Pamela Murrer
Representative: Joel B. Latto, OPS Engineering, LLC
Jurisdiction: City of Louisville
Council District: 8 – Brandon Coan
Case Manager: Laura Mattingly, AICP, Planner II

Agency Testimony:

00:13:55 Laura Mattingly stated that the applicant is requesting a continuance to the January 18, 2018 Planning Commission public hearing. The applicant was not able to post a legal ad with The Courier-Journal within seven days prior to this meeting.

00:14:19 On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** case number 17STREETS1013 to the January 18, 2018 Planning Commission public hearing.

The vote was as follows:

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

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1044

Project Name:	Nicklies – Old La Grange Rd
Location:	12413 Old La Grange Road
Owner(s):	Jeffersonville Commons, LLC; Ian, LLC
Applicant:	Jeffersonville Commons, LLC
Representative(s):	Nicklies Development; Land Design & Development
Project Area/Size:	7.1 acres
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Joel P. Dock, Planner II

Agency Testimony:

00:15:11 Joel Dock stated that the applicant is requesting a continuance to the January 18, 2018 Planning Commission public hearing. The applicant was not able to post a legal ad with The Courier-Journal within seven days prior to this meeting.

00:15:35 On a motion by Commissioner Carlson, seconded by Commissioner Lindsey, the following resolution was adopted:

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** case number 17ZONE1044 to the January 18, 2018 Planning Commission public hearing.

The vote was as follows:

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

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

Request: R-4 to C-N
Project Name: Pharmacy/Retail Store
Location: 10515 Taylorsville Road
Owner: Kevin Carrico, James P. Landherr & Hanken Corp, Inc
Applicant: Ken Lurie
Representative: Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction: Jeffersontown
Council District: 20 – Stuart Benson
Case Manager: Laura Mattingly, AICP, 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:

00:16:37 Laura Mattingly discussed the case summary, standard of review, and staff analysis from the staff report.

The following spoke in favor of this request:

Nick Pregliasco, 1000 N. Hurstbourne Pkwy, 2nd Floor, Louisville, KY 40223
Kevin Young, 503 Washburn Ave, Suite 101, Louisville, KY 40222

Summary of testimony of those in favor:

00:25:30 Nick Pregliasco summarized the applicant's proposal and showed a presentation. Because there is no proposed tenant at this time, the applicant will return to the Planning Commission for approval of building elevations and renderings.

00:38:34 Kevin Young responded to questions from Commissioner Brown regarding the Land Development Code site distance. He will make the necessary adjustments to the exhibit drawing and advise neighbors of the changes.

00:39:23 Mr. Pregliasco responded to questions from the Commissioners regarding exterior lighting and prospective tenants.

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

The following spoke in opposition to this request:

No one spoke.

Deliberation

00:43:43 The Commissioners concur that the proposal is justified. Commissioner Howard raised concern about tree preservation.

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-4 to C-N:

00:47:10 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 proposal is consistent with existing development in the area, as there is a mixture of low to medium density commercial and single family homes. Sidewalks and pedestrian connections are proposed and transit routes nearby. Bike racks are proposed in accordance with the Land Development Code. Shared access is not appropriate or required at this site. Buffering appears to be adequate. The use is compatible with those along the corridor as it is near other lower-intensity commercial and is a neighborhood serving use. The proposal is located within the Suburban Marketplace Form District, and

WHEREAS, the Commission further finds that the proposal meets the Centers guideline because the proposal is near an activity center and is new construction for commercial use. The Jeffersontown area is medium density and has sufficient population to support new retail. The proposal is utilizing a site that is near an activity center, providing for an efficient land use pattern. Shared entrances and parking is not appropriate or required in this case. The proposal will be utilizing existing infrastructure. Sidewalk, pedestrian connections and bike racks are all proposed. The site also has good transit access, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because the proposal is expanding into a residential area, but adequate buffering and site design is provided that will mitigate negative impacts. This proposal is not likely to produce odors and buffering should provide mitigation for emissions from cars. Safe and adequate access is provided and pedestrian facilities are provided to

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

encourage pedestrians and alleviate vehicular traffic. Lighting will be in accordance with Land Development Code standards. While there is a small encroachment into one of the required buffers, landscaping appears to be adequate and plantings/screening will be provided. All building heights, setbacks and lot dimensions are compatible with surrounding commercial development. Parking is located along the street frontages and no parking or delivery areas are adjacent to residential. The required Vehicle Use Area Landscape Buffer Areas are provided. Signage style, dimensions and location will be in accordance with Land Development Code standards, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because no tree canopy is proposed to be preserved but the all landscaping and tree canopy requirements will be met, and

WHEREAS, the Commission further finds that the proposal meets the Natural Areas and Scenic and Historic Resources guideline because LOJIC has not identified hydric soils, steep slopes or potential for erosion, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because sidewalks are provided within the public right of way. No other road improvements are required at this time. The proposal has met the requirement for providing bike racks and has provided sidewalks and adequate pedestrian connections. Transportation facilities are adequate. Parking calculations are code compliant. Crossover access is not appropriate or required, and

WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because access is being achieved from the abutting public right of ways. This proposal is located on an existing roadway network that is sufficient, and

WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian, and Transit guideline because the proposal is located near the Gaslight District of Jeffersontown, an activity center. Sidewalks, pedestrian connections and bike racks have been provided, making this a well-connected and located retail use, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has provided preliminary approvals, and

WHEREAS, the Commission further finds that the proposal meets the Air Quality guideline because APCD has no issues with the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because this area is developed and has adequate existing infrastructure for

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

the proposal. There is existing infrastructure in place for potable water and the Jeffersonville Fire Department has no issues with the proposal. MSD has approved the proposal; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Jeffersontown 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

00:48:04 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:

Waiver of Section 10.2.4 to allow vehicle use area to encroach into the required 25' Landscape Buffer Area along northern property line:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as this is only a partial encroachment and plantings and screening will still be provided, and

WHEREAS, the Commission further finds that the waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. These guidelines are not violated as the applicant will be providing all required plantings and screening that serve the intent of the regulation, 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 only a portion of the vehicle use area encroaches into the required LBA and plantings will still be provided, 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 and would

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

create an unnecessary hardship on the applicant as providing the full 25' LBA would require the drive-thru to be removed from the plan, and

Waiver of Section 5.9.2.A.1.b.i to not provide a pedestrian connection from Candlewood Way:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners as pedestrian connections have been provided along two other frontages and it has been expressed by neighbors that a pedestrian connection is not wanted along the Candlewood Way frontage, and

WHEREAS, the Commission further finds that Guideline 2, Policy 16 encourages activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Large activity centers should be considered for designation as transit nodes. Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 7, Policy 3 provides that development should be evaluated for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 7, Policy 4 encourages provisions for transportation services and facilities to promote and accommodate growth and change in activity centers rather than in a linear pattern. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated, as pedestrian connections have been made along the two other street frontages that are closer to the nearest transit stops, providing for adequate movement of pedestrians and access to mass transit, 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 pedestrian access has been adequately provided along both other frontages, 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 as providing this pedestrian access is

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

not wanted by neighbors and adequate pedestrian access is provided along the other two frontages; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Jeffersontown that **(1)** the Waiver of Section 10.2.4 to allow vehicle use area to encroach into the required 25' Landscape Buffer Area along northern property line and **(2)** the Waiver of Section 5.9.2.A.1.b.i to not provide a pedestrian connection from Candlewood Way be **APPROVED**.

The vote was as follows:

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

Variance from Section 5.3.2.C.2.b to allow vehicle use area to encroach into the required 25' non-residential to residential setback along the northern property line:

00:49:44 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 the variance will not adversely affect the public health, safety or welfare as the vehicle use area only encroaches on a portion of the required setback in a location that is farthest from the adjacent single family home, and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as the encroachment is on the rear of the site where it is not easily viewed by the public, and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public as the encroachment is along a property line shared with a private property and the vehicle use area is approximately 140' from the single family residence to the north at its closest point, and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the vehicle use area is encroaching into only a small portion of the required yard, and

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

WHEREAS, the Commission further finds that the requested variance does not arise from any special circumstances. The applicant is expanding into the required non-residential to residential yard with the proposed vehicle use area, and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the drive-thru, a typical feature of drug stores, could not be provided, and

WHEREAS, the Commission further finds that the circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, as the setback regulations have been in place prior to the rezoning request; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Variance from Section 5.3.2.C.2.b to allow vehicle use area to encroach into the required 25' non-residential to residential setback along the northern property line.

The vote was as follows:

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

Detailed District Development Plan with Binding Elements

00:50:45 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 the applicant is removing much of the tree canopy from the site but will be meeting all planting requirements and tree canopy requirements. LOJIC has not identified any other natural features on site, and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan. Sidewalks and pedestrian connections are proposed from Taylorsville Road and Ruckriegel Parkway, and

WHEREAS, the Commission further finds that there is no open space requirement for this proposal, and

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

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. Appropriate landscape buffering and screening will be provided to provide suitable transitions to adjacent properties and roadways, and

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

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the City of Jeffersontown that the Detailed District Development Plan be **APPROVED, 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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. 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 and the Metropolitan Sewer District.

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, 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.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.
8. Prior to obtaining a certificate of occupancy for the development, the applicant shall have: (i) installed the landscaping as shown on the Enhanced Landscape Buffer Exhibit presented at the January 4, 2018 Planning Commission public hearing with the Serbian Spruce and Green Giant Arborvitae shown thereon being a minimum height of 8-10 feet tall at time of installation; and (ii) installed the 8 foot wood privacy fence as shown on the Enhanced Landscape Plan.

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1057

9. The hours of operation are limited to 7 a.m. to 11 p.m. for all 7 days a week, excluding the drive thru pharmacy which can be open 24 hours (provided the store is closed between 11 p.m. and 7 a.m. with only the drive thru open).
10. In addition to the Land Development Code lighting requirements, half of the lights on the property shall be turned off after normal store hours from 11 p.m. to 7 a.m.
11. There shall be no signage on the Candlewood Way (East) side of the building other than a directional sign for the drive thru.
12. The applicant shall install trash cans along Taylorsville Road and Ruckriegel Parkway (working with the City of Jeffersontown as to the style and design).
13. Prior to obtaining a building permit, the applicant shall obtain approval from the Planning Commission for the proposed building elevations and renderings.

The vote was as follows:

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

**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.

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1051

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,

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1051

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

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1051

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

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1051

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 C-1 to C-2, Commercial 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

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:

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1051

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.
2. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

PUBLIC HEARING

CASE NUMBER 17ZONE1051

- 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**

**PLANNING COMMISSION MINUTES
JANUARY 4, 2018**

STANDING COMMITTEE REPORTS

Land Development & Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy & Procedures Committee

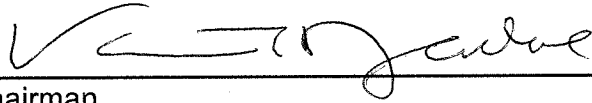
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given

ADJOURNMENT

The meeting adjourned at approximately 2:15 p.m.



Chairman



Division Director