

**Planning Commission Minutes
January 16, 2014**

Public Hearing

Case No. 13ZONE1020

Project Name: Germantown Mill Lofts

Location: 900, 910, and 946 Goss Avenue and 1318 McHenry Street

Owner: Fincastle Investment Company

Applicant: Underhill Associates / JTJ LLC
Colin Underhill
808 Lyndon Lane
Louisville, KY 40222

Representative: Kevin Young
Land Design & Development
503 Washburn Avenue
Louisville, KY 40222

Architect/Engineer: Randy E. Pimsler
Pimsler-Hoss Architects
1383 Spring Street NW
Atlanta, GA 30309

Jurisdiction: Louisville Metro

Council District: 10 – Jim King

Case Manager: **Julia Williams, 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.)

Request:

Change in Form District from Traditional Workplace to Traditional Neighborhood and a change in zoning from M-2 Manufacturing to CR Commercial/Residential

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on property located at 900, 910, and 946 Goss Avenue and 1318 McHenry Street (Tax Block 26A, Lot 65) containing 7.7 acres and being in Louisville Metro. A Variance to exceed the height requirements for signage and a Waiver to permit an existing building to encroach into a landscape buffer area are also being requested.

Agency Testimony:

01:42:35 Julia Williams presented the case and showed a Power Point presentation, which included maps and photos of the site and surrounding areas (see staff report and audio-visual recording for detailed presentation.) She added that one sign will be removed from the plan along the McHenry Road frontage – it was left on the plan in error. The applicant has already agreed to do this and correct the plan.

The following spoke in favor of this request:

Kevin Young, Land Design & Development, 503 Washburn Avenue, Louisville, KY 40222

Randy E. Pimsler, Pimsler-Hoss Architects, 1383 Spring Street NW
Atlanta, GA 30309

Colin Underhill, Underhill Associates / JTJ LLC, 808 Lyndon Lane, Louisville, KY 40222

Mike Morris, 947 Goss Avenue, Louisville, KY 40217

Summary of testimony of those in favor:

01:50:58 Colin Underhill, the applicant, gave a brief history of the project. The plan is to build 180 residential apartments, plus 15,000 square feet of commercial space that would complement the neighborhood. He showed a Power Point presentation which included renderings and explained the proposal in more detail (see audio-visual recording for detailed exhibits; Kevin Young also used this presentation to explain the project.)

01:55:28 Kevin Young said the form district for this site is currently Traditional Workplace. It was a manufacturing business when it was originally constructed and is currently zoned M-2; however, he explained why the applicant feels that a form district change to Traditional Neighborhood is more appropriate and better reflects how the neighborhood has changed.

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02:00:03 Randy Pimsler said the applicant hoped that this project would revitalize the building as well as the surrounding neighborhood. He discussed the proposed demolition of three buildings on the site and why the applicant did not want to keep them as part of this project. He emphasized that the three buildings are not in keeping with the historic character of the site.

02:02:21 Mr. Pimsler discussed the signage variance request and showed rendering of the signs that the applicant is proposing. He said the applicant would like to place some signage on the existing smokestack, because it is "an icon" for the neighborhood and the property. He said the proposed signage there would be backlit metal lettering. He showed photos of a project that his office had completed in the Atlanta area which he said is very similar to what is being proposed for this site.

02:04:14 Mike Morris, President of the Schnitzelburg Area Community Council, said his neighborhood association has voted to "enthusiastically" support the change in zoning and this proposal. He distributed copies of a letter from the Germantown Neighborhood Association, which also supports the proposal.

02:06:06 Commissioner Kirchdorfer asked if the smokestack was still being used for anything. Mr. Pimsler said it is not, nor is it being considered for any other use. He added that it will be repaired and restored only because it is an "iconic" feature on the property.

02:06:59 In response to a question from Commissioner Turner, Mr. Pimsler discussed the proposed illumination of the lettering on the smokestack. This is meant to be subtle lighting with no glare and no impact on the adjoining properties. There will be no spotlights.

The following spoke in opposition to this request:

No one spoke.

The following spoke neither for nor against this request:

Elizabeth Hatchett, 968 Samuel Street, Louisville, KY 40204

Summary of testimony of those neither for nor against:

02:08:45 Elizabeth Hatchett said she would have preferred condominiums instead of apartments, but was basically all right with the project. She asked if there could be a bigger buffer between the parking lot and the daycare center.

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She said that, right now, there is only a chain-link fence between the play area and the parking lot. She also said that, based on the plan posted online, she only saw two commercial uses besides the apartments. Are there plans for any more commercial uses? She expressed concerns about the renovation of a very old structure disturbing "rats and varmints" and making them "invade" adjoining properties. She asked how this would be kept under control if it becomes an issue.

02:11:46 Regarding the pest control issue, Commissioner Blake said he was sure the Health Department would be involved in that. He said that, usually, when renovations are being done on old buildings, the applicant enlists someone in the pest control industry to manage that.

Rebuttal:

02:12:14 Mr. Underhill said that, over the last 10-15 years, the Underhill have been involved in "a significant amount" of apartment-to-condominium conversion work. He said that, if the market demand for condominiums would have supported it, this whole project might have been condos. However, the market demand right now is for apartments. He said they will be developed with finishes that could enable them to be converted to condominiums in the future if the market demand comes back.

02:13:32 Mr. Young said that there is a 20-foot separation between the entrance drive and the daycare; also, the handicap parking spaces will probably be rearranged to give a safer entrance into the daycare. He said that above-ground detention is shown on the plan; however, a determination has since been made that the detention should be underground. That will open up a greenspace for the daycare play area (can also be used as community greenspace.)

02:14:51 In response to a question from Commissioner Kirchdorfer, Mr. Young said the daycare drop-off driveway is off McHenry Street. Mr. Young pointed out the location of the daycare and the driveway on the plan.

02:15:55 Mr. Pimsler said there is more than one entry into the site, and discussed entry points, traffic flow, and how these relate to the childcare facility. He discussed landscaping how it relates to the retention of the historic character of the site. He said Historic Preservation had examined the site plan and said the applicant might be doing too much landscaping. He discussed current commercial proposals for this project, which include office uses, a fitness center (available to anyone, not just apartment residents), and at least one restaurant. There is also a community room that is open for public utilization.

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02:18:58 Jeff Underhill also discussed current and future retail possibilities. He said putting primarily residential uses on this property, as well as commercial uses, will encourage future commercial development in the area.

02:20:48 Mr. Young said the neighborhood has changed over the years and that this proposal practices adaptive re-use.

02:21:40 In response to a question from Commissioner Turner, Mr. Young discussed the existing sidewalks along Goss Avenue and connectivity.

Discussion:

02:22:18 Commissioner Jarboe said he thought the proposed changes and waiver requests are appropriate. He said he remembers this case from LD&T, and that all questions asked of the applicant have been answered satisfactorily. He was supportive at the reuse of the historic property. Commissioners Turner, Peterson, Kirchdorfer, Tomes, Brown, White, and Blake all agreed and stated that this is an appropriate use and potentially beneficial for the neighborhood. Commissioner Tomes added that the proposed signage is "sophisticated" and good looking. Commissioner Blake said he agreed with the applicant's compliance statement/s, included in the applicant's booklet.

02:26:08 Jonathan Baker, legal counsel for the Planning Commission, explained why he advised that the rezoning and the form district change requests could be voted on together.

An audio/visual recording of the Planning Commission hearing related to this case is available in the Planning & Design Services offices. Please contact the Customer Service staff to view the recording or to obtain a copy. The recording of this hearing will be found on the CD of the January 16, 2014 public hearing proceedings.

Zoning and Form District

On a motion by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposed redevelopment of this site is to create a more vibrant mixed use complex, containing primarily residential units to complement the existing surrounding low density residential uses. Amenities on the site are proposed to be open to the

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public, further integrating the development into the community. Surrounding property values are anticipated to rise due to the investment in the proposed development, enhancing the neighborhood and surrounding communities; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 1 .– Community Form**. The subject property is located within a designated Traditional Workplace Form District (TWFD), which in this case is characterized by the industrial nature of the existing site and related structures. At one point, the subject property was likely well integrated into the surrounding neighborhood as the structure provided employment opportunities to the surrounding residential occupants. While the district standards encourage adaptive reuse and investment in the form district, proposed uses for the redevelopment of this site are more compatible with a proposed Traditional Neighborhood Form District (TNFD). Given that this is an existing site, there is no proposed modification to the compatibility related issues of scale and / or form. The Traditional Neighborhood Form District (TNFD) promotes the redevelopment of properties to promote a mixture of uses, in this case office, commercial / restaurant and additional non-residential uses (fitness center, community meeting space) that effectively integrate these uses within traditional neighborhoods. The proposed redevelopment readily promotes appropriate and compatible uses and development, primarily residential in nature. By maintaining, in large part, the existing historic structures and adaptively reworking these structures to various proposed uses, high quality design will be brought to the site with new interior materials, finishes, fenestration, lighting. Site amenities and open spaces will also be developed in an appropriately qualitative manner. Where possible, additional public transit amenities shall be pursued and incorporated into the proposed development. The development team will work with Transit Authority of River City (TARC) to enhance connectivity to the existing mass transit stops as well as to provide for new access points if possible, adjacent to the proposed development. This will facilitate greater access to public transit by the residents of the subject property as well as adjacent neighbors; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 .– Centers**. The proposed redevelopment of the Louisville Cotton Mill provides for many of the intents of this guideline. Not only is the existing infrastructure to be maintained and reused, the proposed redevelopment will maintain and reuse the existing site and structures to a great extent. Existing utilities shall need to be reworked to provide for the modernization of the existing structures, but new extensions should not necessarily be required. Commute times should not be impacted and as noted above, the hope is to further enhance the existing transportation opportunities in and around the main thoroughfares surrounding the site. The proposed mixed use development readily provides for

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an opportunity for a mixture of housing types, incomes and age groups in that each structure has a unique set of floor plans and unit configurations allow for one and two bedroom units for individual, shared / roommate housing and / or family occupancies. The redevelopment allows for some diversity within the subject site with residential, office, community and restaurant uses currently proposed. Vitality is enhanced and revitalization likely accomplished, as much of the existing site is underutilized and a sense of place is readily reestablished by the adaptive reuse of the existing historic structures. This project is in itself a compact development, utilizing the existing structures and site to maximize the density of new residential units in a cost effective and efficient manner. The impact to the adjacent residential properties is anticipated to be minimal and in most ways, is considered to be an existing and desirable focal point for the community, as noted in the policies section of this guideline; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 3 .– Compatibility**. The intent of this guideline is to provide for a mixture of land uses and densities near each other as long as they are designed to be compatible with each other. The proposed redevelopment enhances compatibility by bringing new residential development to the existing site which is essentially surrounded by single family residential uses. Compatibility is further enhanced in that the subject property provides a buffer to the commercial industrial zoned lands to the west of the property along Shelby Street. The proposed mixed use of the existing site and structures does not suggest a sensitive use nor one that will impact negatively with noise, lighting and / or odors. The proposed uses should not diminish the existing conditions surrounding the site and will visually improve the quality of the existing site and structures through the adaptive reuse. Windows will be repaired and / or replaced, buildings that are not salvageable shall be removed, the site will be landscaped and the property fully occupied and utilized based on the proposed master plan. The redevelopment of the existing site is an exercise in preservation of the existing site and the surrounding properties. There are no proposed modifications to the surrounding and / or adjacent properties and parking and related site amenities are contained within the boundaries of the existing site. Buffers to the adjacent properties along the proposed parking area shall be provided by means of landscaping along the perimeter of the property. This will also enhance the visual character and quality of proposed development. Setbacks and building heights are respected via existing conditions which are not proposed to be modified. There are no buildings / structures proposed for this site and thus the buildings remain compatible with surrounding properties as it has for its entire history. By placing trash collection and pick up at the northeast intersection of the site and Ash Street, the impact of possible odors and truck traffic is minimized. Residential deliveries and the minimal deliveries required for

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the proposed commercial uses are anticipated to be less than those currently impacting the neighborhood as vehicles service the existing antique mall occupancy. Signs will for the most part be monumental or low lying signs, in keeping with the residential character of the surrounding neighborhood. Proposed signage at the existing tower will highlight this feature and become a landmark for the surrounding neighborhoods. Additional signage is proposed at the front facade along Goss Avenue, announcing both the project name and address; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 4 .– Open Space**. The design of the open space on this site will be consistent with the Traditional Neighborhood and will be less formal and provide for greens and interconnected interior open spaces throughout the site. The perimeter open space will be provided with low fencing, trees and appropriate landscape treatments. Approximately twenty percent of the site is to remain as open / landscaped area. Outdoor recreation shall be provided for the proposed development with green spaces, pool, gathering places and small outdoor court activities such as bocce and the like. It is anticipated that common outdoor spaces, such as those provided for in the redevelopment, will be maintained through a management company employed by the developer of the property; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 5 - Natural Areas and Scenic and Historic Resources**. The subject property has been designated as a historic landmark by the Louisville Historic Preservation Agency, The State Historic Preservation Office (SHPO) and the National Park Service (NPS). A Part One application for site specific designation has been filed with SHPO and the redevelopment will pursue historic tax credits as a means of financing the project. A Part Two application will outline the proposed redevelopment in an effort to maintain the landmark designation. Protecting the existing historic features of the site and buildings is a foremost concern in the redevelopment of this property. The existing tower will be rebuilt to the extent possible and remain a landmark element of the site. The intent to guide public and private economic development, investment, and preservation within areas identified as an important resource by the community is clearly met and adhered to as a major project goal of this redevelopment effort; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 6 .– Economic Growth and Sustainability**. Economic growth and sustainability guidelines are readily adhered to in the proposed redevelopment since the reuse of the existing structures and infrastructure, as noted above, will readily reduce staff time for comment in all areas of department review. Surely, existing elements require less time than new ground up elements given the

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nature of the required reviews and based on known and / or existing conditions. This guideline also speaks to encouraging the redevelopment, rehabilitation and reinvestment opportunities in older neighborhoods and / or in industrial areas. The subject property is an excellent example of just this type of redevelopment effort. As noted in the guidelines, encouraging adaptive reuse as a means of sustainable development is yet another hallmark of this project, as proposed; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 7 - Circulation**. The subject property is located on a minor arterial street (Goss Avenue) and surrounded on the two remaining sides by local roads (Ash and McHenry Streets). The existing infrastructure readily supports the commercial traffic to and from the site at this time. It is anticipated that the pattern of traffic will be modified somewhat to a more regular traffic pattern with morning departures from the site and evening return visits to the site by residents of the property. The property is also tangential to the Transit Authority of River City (TARC) on the northwest corner of the site (Logan Street and Goss Avenue) as well as at the southwest corner of the site (Shelby Street and Ash Street) allowing for a variety of transportation opportunities from this site. If possible, the option of relocating a transit stop closer to this site shall be pursued as a long term goal for this redevelopment as enhanced ridership would likely be anticipated. As occupancy takes place on this site, a greater number of residential commuters are readily available to TARC with likely commutes to the downtown area and surrounding business centers. Parking on site is anticipated to be adequate for the proposed development and will contain landscaped areas and appropriately sized curb cuts for vehicular access to and from the site. Street intersections are respected and on street parking shall be limited to avoid conflicts at these locations; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 8 .- Transportation Facility Design**. As noted above, it is anticipated that a new transportation stop might be provided in coordination and cooperation with the Transit Authority of River City (TARC) along Goss Avenue, if possible. If provided for this facility, it might allow for enhanced access by residents throughout this development along with users in the adjacent neighborhood. Roadwork redesign is anticipated to be minimal if at all. Access points are limited, considering the site occupies nearly eight acres of land and is bounded by three public streets. Internal traffic patterns do not include any new streets, with circulation provided simply via paved aisles in the proposed parking areas; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 9 .- Bicycle, Pedestrian and Transit**. Pedestrian movement is

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enhanced in the proposed development with a combination of carefully planned parking and related access points that respect pedestrian movement. An internal network of sidewalks proposed to connect to the existing sidewalks along the street right of ways greatly enhances movement into and around the subject property. Existing sidewalks will be maintained and / or enhanced at the perimeter of the site. Bicycle racks will be provided for resident use in strategic placed locations and storage amenities for bicycles and related equipment will be provided for in the proposed development plan; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 10 .– Flooding and Stormwater and Guideline 11 - Water Quality**. Land Design and Development, the civil engineer for the project, will work with the Metropolitan Sewer District (MSD) to create a plan that effectively manages and treats stormwater. On site storm water detention is planned and will mitigate any issues related to the potential for flooding from the subject property. The site contains a great deal of open space and landscaped area, accounting for approximately seventy six thousand square feet of area or an estimated twenty percent of the site. There is a necessary balance of required parking and impervious lot coverage and the development strives to minimize the impervious areas while satisfying the need for accommodating vehicles on site. It is a goal of the development to find opportunities to enhance the management of storm waters by incorporating underground detention, cisterns, possible roof gardens and the like in effort to make the project a demonstration site for sustainable design, where possible and appropriate; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 12 - Air Quality**. The project under consideration will strive to reduce and / or minimize the level of air pollution by a series of measures, several of which have been mentioned previously in other guideline sections of this document. Traffic patterns on and around the site will be managed, via proposed curb cuts and access points which will facilitate the flow into and out of the site and minimize or alleviate potential traffic congestion. To the extent possible, utilization of mass transit will be enhanced and encouraged for residents of project. Sidewalks will be maintained and enhanced in the right of way and pedestrian walkability shall be facilitated by a series of new on site sidewalks that connect to the existing public system. Landscape amenities and plantings will also reduce the impact from air born particulates; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 13 - Landscape Character**. In an effort to enhance the existing landscape character, the proposed site plan provides for approximately eight percent of the parking area to be landscaped (fifteen thousand square feet of

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area). A tree canopy is provided along the perimeter of the site and strategically placed landscape materials shall be provided throughout the open space areas. Appropriate landscape design standards shall be adhered to in the proposed site plan, incorporating the use of native and indigenous plant materials in an appropriate manner. A buffer shall be developed along the western boundary with the rail corridor; and

WHEREAS, the Commission further finds that the proposal meets the intent of **Guideline 14 – Infrastructure**. In keeping with the policies of this guideline, this redevelopment is not only located within an area served by existing utilities, it is currently served by existing utilities. Public water and sanitary service is available and has adequate capacity, based on initial reviews. New tie-ins for service will be required and provided along with the updating of existing lines, on site. Where possible and appropriate, underground utilities will be implemented; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, portions of the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore
be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the legislative council of Louisville Metro Government that the change in zoning from M-2 to CR, and a change in form district from Traditional Workplace to Traditional Neighborhood, on property located at 900, 910, and 946 Goss Avenue and 1318 McHenry Street (Tax Block 26A, Lot 65) containing 7.7 acres on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Blake, Brown, Tomes, Jarboe, Kirchdorfer, Turner, and Peterson.

NO: No one.

NOT PRESENT: Commissioners Hughes and Proffitt.

ABSTAINING: Commissioner White.

Variance to exceed the minimum height requirement for signage

On a motion by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance will not adversely affect the public health, safety or welfare. The

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variance is to permit a sign to be located on an existing smokestack associated with the historic structure. The sign will be located where it will not interfere with the public; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity. Having a sign located on the existing smokestack will not alter the character of the area because the smokestack is existing and already part of the character of the area. Adding a sign to the smokestack will identify the historic use of the site as well as the neighborhood; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public. The smokestack sign is not located where it will affect the public as it is located on an existing structure interior to the site; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations.

WHEREAS, the Commission further finds that the proposed sign is to be located on an existing smokestack where the letters will both identify the historic nature of the site and the neighborhood which it is located. The sign is not a type of advertising sign that motorists would be familiar or where the sign would be a distraction to motorists. The type of letters proposed compliment the architecture and identify the site for its historic nature within the neighborhood. Information on the sign is limited as the sign will just be letters; and

WHEREAS, the Commission further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone. The following design guidelines further clarify this criterion:

1. Elevation changes between properties and adjacent streets should be reviewed to ensure that signage is appropriately visible to the street;
2. The transportation department responsible for the adjacent public streets must review the plans for freestanding signs to ensure conformance with safety standards prior to approval by the board.

The circumstance of the variance is that the smokestack and associated buildings are historic which is unique for the neighborhood to have a large previously industrial building so close to residential. The signage will be visible further down the street but would not likely be visible to a pedestrian on the

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street. The proposal is for attached signage that will not affect transportation and sight distance; 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 create an unnecessary hardship on the applicant. The following design guidelines further clarify this criterion:

1. The transportation department responsible for the adjacent public streets must review the plans for freestanding signs to ensure conformance with safety standards prior to approval by the board.
2. The SRB should review the layout of the land and surrounding property to determine whether relief is warranted.

Not granting the variance would not be a hardship on the applicant but the purpose of the sign is to identify the historic nature of the site in the neighborhood and to identify the neighborhood; 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. The exceptional signage and its location is an action taken by the applicant after the adoption of the regulation. The circumstance of the signage is to identify the historic nature of the site and neighborhood; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, portions of the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore
be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance to exceed the minimum height requirement for signage

The vote was as follows:

YES: Commissioners Blake, Brown, Tomes, Jarboe, Kirchdorfer, Turner, and Peterson.

NO: No one.

NOT PRESENT: Commissioners Hughes and Proffitt.

ABSTAINING: Commissioner White.

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Waiver from Chapter 10 to permit an existing building to encroach into a landscape buffer area along the north property line and to not provide the 6' screen.

On a motion by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners because the adjacent property is a railroad and commercial property; and

WHEREAS, the Commission further finds that the waiver will not violate specific guidelines of Cornerstone 2020, because the site will still be providing the planting materials required for the buffer with the exception of the 6' screen; 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. The existing building encroaches into the buffer. The relief associated here is so that the applicant does not have to demolish a portion of the historic structure to accommodate the full buffer; 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. Demolishing part of a historic structure to provide the buffer would be an unnecessary hardship; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, portions of the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore
be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10 to permit an existing building to encroach into a landscape buffer area along the north property line and to not provide the 6' screen.

The vote was as follows:

YES: Commissioners Blake, Brown, Tomes, Jarboe, Kirchdorfer, Turner, and Peterson.

NO: No one.

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NOT PRESENT: Commissioners Hughes and Proffitt.

ABSTAINING: Commissioner White.

Permit exceptional signage on the existing buildings smokestack/tower

The following design guidelines further clarify this criterion:

1. Proposals for sign area and height modifications in excess of 25% of what is permitted by chapter 8 should be carefully scrutinized to ensure compatibility with surrounding development.
2. The proposed sign is in compliance with the underlying form district as described within Cornerstone 2020, typically the type of neighborhood, character of the area and traffic speeds should be considered in the design of a sign.
3. The proposed sign should be visually consistent with the architecture, materials, colors and overall design of the building(s) which it identifies.
4. Generally, all colors, except fluorescent, may be allowable depending on their relationships to architecture, the business, and the surrounding neighborhood.
5. Signs should have an individual character and should not be designed to mimic signs on adjacent properties.
6. Signs should be clearly readable, information should be limited.
7. For attached signage the architectural design of the building may influence the location of the sign on the structure.
8. Light backgrounds are discouraged on internally illuminated signs because visibility is lowered by a "wrap around" effect.
9. Signs located within overlay districts and/or local landmarks district should be reviewed in accordance with guidelines of the applicable district.
10. Lighted signs should be designed so that they are not unnecessarily bright.
11. The scale of signs should be appropriate for the building on which they are placed and the area in which they are located. The size and shape of a sign should be proportionate with the scale of the structure.
12. Because residential and commercial uses generally exist in close proximity, signs should be designed and located so that they have little or no impact on adjacent residential neighborhoods.
13. Place wall signs to establish facade rhythm, scale and proportion where facade rhythm doesn't exist. On buildings that have a monolithic or plain facade, signs can establish or continue appropriate design rhythm, scale, and proportion.
14. Pedestrian-oriented signs are encouraged. It is desirable and encouraged to include a pedestrian-oriented sign as one of the permitted signs for a

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business. Pedestrian-oriented signs are signs that are designed for and directed toward pedestrians so that they can easily and comfortably read the sign as they stand adjacent to the business.

15. Select colors carefully. Color is one of the most important aspects of visual communication -- it can be used to catch the eye or to communicate ideas or feelings. Colors should be selected to contribute to legibility and design integrity. Even the most carefully thought out sign may be unattractive and a poor communicator because of poor color selection. Too many colors used thoughtlessly can confuse and negate the message of a sign.
16. Use contrasting colors. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible.
17. Limit the number of letter styles. The number of lettering styles should be limited in order to increase legibility. A general rule to follow is to limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.
18. Significant signage. The preservation of designated signature signs may be used to justify increases in overall sign area limits as long as the integrity of the signature sign is maintained and any new signage is deemed to be compatible to the signature sign; and

On a motion by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that, based on the evidence and testimony presented, portions of the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the request to permit exceptional signage on the existing buildings smokestack/tower.

The vote was as follows:

YES: Commissioners Blake, Brown, Tomes, Jarboe, Kirchdorfer, Turner, and Peterson.

NO: No one.

NOT PRESENT: Commissioners Hughes and Proffitt.

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ABSTAINING: Commissioner White.

District Development Plan

On a motion by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal preserves a historic site and structures for residential and commercial repurposing; and

WHEREAS, the Commission further finds that pedestrian and vehicular connectivity is found throughout the proposal; and

WHEREAS, the Commission further finds that open space is provided on the site to meet the needs of the development and neighborhood; and

WHEREAS, the Commission further finds that the plan provides adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. MSD has preliminarily approved the proposal; and

WHEREAS, the Commission further finds that the site's only change is the addition of parking in the rear of the site. The parking will be buffered from the adjacent residential located across the roadways where there is currently parking and no buffering; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, portions of the staff report, and the applicant's justification and findings of fact that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore
be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the 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

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Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. The development shall not exceed 246,643 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to receiving a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

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8. 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: Commissioners Blake, Brown, Tomes, Jarboe, Kirchdorfer, Turner, and Peterson.

NO: No one.

NOT PRESENT: Commissioners Hughes and Proffitt.

ABSTAINING: Commissioner White.