

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
July 30, 2020**

A meeting of the Louisville Metro Planning Commission was held on July 30, 2020 at 1:15 p.m. at the Old Jail Building, located at 514 W. Liberty Street, Louisville, Kentucky.

Commission members present:

Marilyn Lewis, Vice Chair
Jeff Brown
Rich Carlson
Lula Howard
Robert Peterson
Ruth Daniels
Pat Seitz – Arrived at approximately 1:23 p.m.

Commission members absent:

Vince Jarboe, Chair
Jim Mims

Staff Members present:

Emily Liu, Director, Planning and Design Director
Joe Reverman, Planning and Design Assistant Director
Brian Davis, Planning and Design Manager
Joe Haberman, Planning and Design Manager
Julia Williams, Planning Supervisor
Dante St. Germain, Planner II
Jay Lockett, Planner I
Laura Ferguson, Legal Counsel
Beth Stuber, Transportation Planning
Pamela M. Brashear, Management Assistant

The following matters were considered:

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**PUBLIC HEARING
CASE NO. 20-ZONE-0030**

Request: Change in zoning from UN to C-1, with Detailed District Development Plan and Binding Elements and associated Variance and Waiver

Project Name: Smoketown Hopebox

Location: 534 – 538 East Breckinridge Street

Owner: Young Adult Development

Applicant: Young Adult Development

Representative: Youthbuild/Young Adult Development

Jurisdiction: Louisville Metro

Council District: 4 – Barbara Sexton Smith

Case Manager: Dante St. Germain, 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:

00:15:46 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Lynn Rippy, Youthbuild, 800 South Preston Street, Louisville, Ky. 40203
Patti Clare, Youthbuild, 800 South Preston Street, Louisville, Ky. 40203
Kelli Jones, Sabak, Wilson and Lingo, 608 South 3rd Street, Louisville, Ky. 40202

Summary of testimony of those in favor:

00:24:24 Ms. Rippy stated the plan has not changed much since the last meeting. The proposal is for a laundromat to be run by a resident of the Smoketown neighborhood. There are 3 small business startups for people in the neighborhood. The Compassion Clinic is a partnership with the University of Louisville and they work with neighbors making sure there is access to health care in the neighborhood.

00:26:25 Ms. Clare gave a power point presentation. The building was hit and damaged in June but it did not affect the structural stability of the entire building. It did affect the façade but will be repaired because it adds character to the neighborhood.

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The building will be restored and there will be an addition. The building will be set back to be consistent with the other structures on the block. The door will remain but will not be used for the Hopebox (Hancock side). The back wall of the laundromat will remain clear in order to participate in the Smoketown Mural Project. There will be parking and a playground as well.

00:31:35 Commissioner Carlson asked if the use may change. Ms. Rippy said the back of the building will be a laundromat and the front that faces Breckinridge and the 2nd floor will be the business incubator and the Compassion Clinic. The building may have different uses in the future. It's an open concept work space on the first floor and the 2nd floor will be set up for offices. It's set up to support neighborhood growth revitalization. Ms. Clare added, the neighborhood indicated a desire for a laundromat and hopefully will be utilized for a long time. Commissioner Carlson said he's trying to think of a way that the applicant/representatives don't have to continue coming to the Planning Commission every time the use changes. Ms. Rippy said she would like this to be a one-time process as well. We also own the property next door and are requesting a conditional use permit (CUP) for it as well. Ms. Clare added, C-1 use is the right fit for this project.

The following spoke in opposition to this request:

Travis Provencher, 623 East Breckinridge, Louisville, Ky.

Summary of testimony of those in opposition:

00:36:56 Mr. Provencher stated he bought his property after the Housing and Urban Development (HUD) and Homeownership and Opportunity for People Everywhere (HOPE 6) Project started and was promised there would be site owner occupied single family housing. This neighborhood has approximately 70% rental, less than 30% owner occupied. HUD says a healthy community should have over 60% owner occupied housing. The proposal for the property with the conditional use permit (CUP) will be a dormitory-type housing. A dormitory and laundromat in the middle of a transitioning neighborhood will be a disaster. A grocery store or corner market would be better choices.

00:41:30 Mr. Provencher stated there are elderly people who have lived in Smoketown for generations and have just now started seeing their property values increase. Placing a single family house on a street with 90% low income rental would make a huge (positive) difference.

00:43:23 Mr. Provencher stated the remark about zoning these to commercial so they don't have to come back before the Planning Commission is not right. The idea of Urban Neighborhood (UN) is that a CUP requires neighborhood input and is a plus, not

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a hindrance or burden. It gives the community a stake and ability to voice complaints or opinions on some of the issues. Also, the proposed park is not necessary because there's already a park (Ballard Park) nearby. The applicants can add security lighting to Ballard Park instead of fencing/gating themselves off from the neighbors. That mentality has led to racist zoning policy in Smoketown and other communities like it all over this country.

Rebuttal

00:46:05 Ms. Rippy stated the property will not be a duplex. The CUP will keep it as a single family dwelling. The 9 properties along the 600 block of E. Breckinridge are intended to be affordable single family homes. There need to be supports in this neighborhood to build business.

00:47:39 Ms. Jones said she listened to the neighbors at the neighborhood meeting about preferring it be a single family use and tried to make that adjustment. The case today is different because there's already a non-residential building on that site and it will be expanded. The Smoketown Neighborhood Plan calls for residential neighborhood serving retail and that is the proposal. It will be inclusive and the property will be secure. The playground will be used by the people receiving services.

00:50:01 Ms. Clare added, the playground is geared toward small children.

00:50:26 Chair Lewis reminded the commissioners that tract 1 is not a part of the decision being made today. It is a CUP that will be handled by the Board of Zoning Adjustment (BOZA).

Deliberation

00:50:50 Commissioner Carlson stated that the neighborhood services are needed in the proposed area. It will help make it more vibrant.

00:52:49 Commissioner Brown said he supports the C-1 because it's identified in the neighborhood plan and corner commercial is something every urban neighborhood needs.

00:53:37 Commissioner Daniels stated Youth Build, in the past, has been a good neighbor and they do good work. The neighborhood is already a mixed use.

00:54:24 Commissioner Peterson stated the zoning change is appropriate.

00:54:58 Commissioner Seitz said most of the neighbors should welcome a laundromat in the neighborhood.

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00:55:44 Chair Lewis agrees.

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 UN to C-1

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Plan 2040 Staff Analysis and Applicant's Testimony was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposal would not constitute a non-residential expansion into a residential area, as the site is already partially zoned C-1 and is the site of an existing activity center; the site is located one block from S Jackson Street, a transit corridor; the proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with restrictions in the Land Development Code and Louisville Metro Ordinances; the proposed zoning district would not permit uses which generate noxious odors, particulates and emissions; the site is located on E Breckinridge Street, a primary collector; noise impacts will be mitigated by the use of the abutting residential property as transitional housing; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the site is already a small existing activity center, and is located at the corner. The design and density should be compatible with the desired form, adjacent uses, and existing and planned infrastructure; the site is located on the corner of a primary collector (E Breckinridge) and a local road (S Hancock) and has appropriate access and connectivity; the neighborhood is mixed-use with a number of existing small activity centers; the proposed zoning district would permit a more compact pattern of development in an activity center that would result in efficient land use and cost-effective infrastructure investment; the proposed zoning district would permit a mixture of compatible land uses; the proposal includes residential zoning in proximity to an activity center; the proposal includes reuse of existing buildings for commercial and/or residential uses; the placement, design and scale of the proposed center is appropriate for the location; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, no natural features are

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evident on the subject site; no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the proposal re-uses existing structures; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the site is located on a small existing activity center and near a transit corridor at S. Jackson Street; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, access to the site is not achieved through areas of significantly lower intensity or density; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district would permit a mix of complementary neighborhood serving businesses and services; the proposed zoning district would permit a mixture of compatible land uses. The site is accessible by bicycle, car, transit, pedestrians and people with disabilities; Transportation Planning has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the relevant utilities have approved the proposal; Louisville Water Company has approved the proposal; MSD has approved the proposal; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, the proposal is unlikely to generate high volumes of traffic; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site is not located on karst terrain; the site is not located in the regulatory floodplain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal would support aging in place by permitting neighborhood-serving commercial uses in an established neighborhood, in addition to increasing the variety of housing in the area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed zoning district would permit inter-generational mixed-income and mixed-use development. The site is

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connected to the neighborhood and the surrounding area; the site is within proximity to S. Jackson Street, a transit corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, no existing residents will be displaced by the proposal; and the proposal would permit innovative methods of housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from UN, Urban Neighborhood to C-1, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

**YES: Commissioners Brown, Carlson, Daniels, Peterson, Seitz and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Howard, Mims and Jarboe**

Variance from 5.5.1.A.2 to allow a non-residential structure on a corner lot to be more than 5' from the property line (20-VARIANCE-0038)

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and Applicant's Testimony was adopted.

WHEREAS, the requested variance will not adversely affect public health safety or welfare as exceeding the required maximum yard will not affect sight lines at the corner; and

WHEREAS, the requested variance will not alter the essential character of the general vicinity as the proposed setback is similar to the setback of the house on the abutting property to the west; and

WHEREAS, the requested variance will not cause a hazard or nuisance to the public as the increased setback is not hazardous and will not constitute a nuisance; and

WHEREAS, the requested variance will not allow an unreasonable circumvention of zoning regulations as the setback is similar to the setback of the house on the abutting property to the west, and the property will be a single corner lot only when the lots are consolidated; and

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WHEREAS, the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone because the site is currently three separate lots and the lot currently on the corner does comply with the 5' setback rule. It is only when the three lots are consolidated that the building on the other portions of the site will be required to comply with the 5' setback rule; and

WHEREAS, the Louisville Metro Planning Commission finds, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant by requiring the applicant to pull the building forward on the lot and diminishing the utility of the front courtyard; and

WHEREAS, the Louisville Metro Planning Commission further finds the circumstances not are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no construction has yet taken place and the variance is being sought at this time.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Variance from 5.5.1.A.2 to allow a non-residential structure on a corner lot to be more than 5' from the property line (20-VARIANCE-0038).

The vote was as follows:

**YES: Commissioners Brown, Carlson, Daniels, Peterson, Seitz and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Howard, Mims and Jarboe**

Waiver from 5.5.1.A.1.b to allow a non-residential structure on a corner lot to have a principal entrance that faces only one abutting street (20-WAIVER-0051)

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as an entrance is being provided which faces S Hancock Street; and

WHEREAS, the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages the development of guidelines for the relationship of proposed development to the street. The building has a relationship with the street with a proposed building entrance facing S Hancock Street; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the interior

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layout of the proposed building is conducive to a principal pedestrian entrance facing S Hancock Street, and not for one facing E Breckinridge Street; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the interior layout of the structure would have to be rearranged so as to provide for a pedestrian entrance along E Breckinridge Street.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** a Waiver from 5.5.1.A.1.b to allow a non-residential structure on a corner lot to have a principal entrance that faces only one abutting street (20-WAIVER-0051).

The vote was as follows:

**YES: Commissioners Brown, Carlson, Daniels, Peterson, Seitz and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Howard, Mims and Jarboe**

Revised Detailed District Development Plan with Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Standard of Review and Staff Analysis and Applicant's Presentation was adopted.

WHEREAS, no natural resources are evident on the subject site. The existing structure is proposed to be preserved with a large addition provided; and

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

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

WHEREAS, the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community; and

WHEREAS, the Louisville Metro Planning Commission finds, the overall site design is compatible with the existing and future development of the area; and

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WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Land Development Code with the exception of the requested variance and waiver.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised 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. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - 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. Final elevations/renderings shall be submitted for review and approval by

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Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
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 Brown, Carlson, Daniels, Peterson, Seitz and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Howard, Mims and Jarboe**

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STANDING COMMITTEE REPORTS

Land Development and Transportation Committee

No report given.

Site Inspection Committee

No report given.

Planning Committee

No report given.

Development Review Committee

No report given.

Policy and Procedures Committee

No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

The meeting adjourned at approximately 4:13 p.m.

Chair

Planning Director

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DOCKET NO. 9-81-02

WHEREAS, based on testimony and evidence submitted with the application, the staff report, and to the Planning Commission at various meetings, including LD&T Committee meeting, and the public hearing, the Commission finds that the application complies with Guideline 1 of the Cornerstone 2020 Comprehensive Plan because the proposed areas of rezoning lie in the Traditional Neighborhood Form District; because the area is characterized by predominantly residential land uses; because higher density residential uses are encouraged in the center of the neighborhood; because the current lot pattern is too dense for traditional single-family residential zoning; because original land uses which required the current zoning have changed in some cases; because there is a significant range of housing opportunities in the neighborhood; and because the Conceptual Master Plan encourages residential areas in the neighborhood core and commercial and mixed use areas to the outside; and

WHEREAS, the Commission further finds that the application complies with the intent of Guideline 2 because, in the Traditional Neighborhood Form District, centers should be located at intersections or corners with established non-residential use; and because areas currently having established commercial uses in the neighborhood core and located along certain intersections will retain their commercial zoning in order to encourage the development of neighborhood-serving retail "nodes"; and

WHEREAS, the Commission further finds that the application complies with the Goals and Objectives of Guideline 3 because a mixture of land uses and densities is encouraged as long as they are near one another; because the neighborhood currently contains a variety of housing types, including appropriate and inclusive housing; because the rezonings will be more compatible with existing land use; and because the Conceptual Master Plan and the areawide rezoning provide for an area of transition between the residential core and the mixed use/commercial perimeter; and

WHEREAS, based on the foregoing, the Commission finds that the proposal is also in compliance with all other applicable guidelines of the Cornerstone 2020 Comprehensive Plan;

WHEREAS, The Commission finds that the proposal has received preliminary approval from the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District; and

WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

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RESOLVED, that the Louisville and Jefferson County Planning Commission does hereby **RECOMMEND** to the Board of Aldermen of the City of Louisville that the change in zoning from OR-2 Office/Residential to U-N Urban Neighborhood; and C-3 Commercial to C-2 Commercial; and from C-2 Commercial to R-7 Multi-Family Residential; and from M-2 Industrial to U-N Urban Neighborhood; and from OR-2 Office Residential to R-6 Multi-Family Residential; and from OR-2 Office Residential to U-N Urban Neighborhood; and from C-1 Commercial and R-8A Multi-Family Residential to U-N Urban Neighborhood; and from OR-3 Office/Residential to U-N Urban Neighborhood; and from R-8A Multi-Family Residential to U-N Urban Neighborhood; and from M-2 Industrial to C-2 Commercial on property described in the attached legal description be **APPROVED**, with the exclusion of the following properties: 700, 704 and 706 East Kentucky Street, and 707 Lampton Street; and the **INCLUSION** of 505 Columbus Avenue from **OR-2 Office/ Residential to U-N Urban Neighborhood**.

The vote was as follows:

YES: Commissioners Crawford, Cash, Norton, Abstain, Ernst, Adams, Thieneman, and Herron.

NO: No one.

NOT PRESENT: Commissioners Matheny and Howard.

ABSTAINING: No one.

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the neighborhood and find out what is going on, because they didn't know. She said the first meeting she attended was October 8th. Commissioner Norton asked her who called the October 8th meeting and who lead it. Ms. David-Hyde said the meeting was hosted by the Presbyterian Community Center and Tim Berry from the Housing Authority was explaining things at the meeting.

REBUTTAL:

Jon Henney clarified what happened at the October 8th meeting at the Presbyterian Community Center. He said that one of the difficulties they are facing with this rezoning is moving forward with the reapplication for the Hope Six Grant for the redevelopment of Clarksdale. The meeting of October 8th was hosted by the Housing Authority of Louisville to begin a dialogue with the Smoketown residents about this grant. At this meeting HAL also talked about the properties the City owns in the Smoketown-Shelby Park area. There seemed to be some confusion about this area-wide rezoning and the redevelopment under the Hopw Six Grant. Mr. Henney said the two are unrelated. He said that, under the current OR-2 zoning, should there be redevelopment related to the relocation of Clarksdale residents, a private developer could begin building multi-family units in Smoketown now. Under the U-N zoning, a developer would be limited to single family units unless they came to the Planning Commission and had a public hearing to discuss some issues that residents are concerned about (specifically, the quality of residential development that has been done by private developers.)

A transcript of the public hearing is on file in this docket.

DISCUSSION:

Commissioner Cash said it was unfortunate that there was some confusion about the HAL grant and this area-wide rezoning. He said the main point of the U-N zoning is to support single family housing on small lots. He said it is very appropriate to support the residential core in Smoketown. He said there is a reference to "spot-zoning"; that properties that are selectively rezoned raises some ethical questions. This plan focuses on keeping commercial and industrial development at the periphery and residential development at the core is essential to positive development in the area.

In a business session subsequent to the public hearing on this request, the Commission took the following action.

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

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LaQuita Washington spoke. She had several plans documents, etc. describing the neighborhood. She was concerned about Clarksdale residents being relocated to Smoketown, and about crime, drugs, etc. She said that Clarksdale now has 728 apartments. Only 150 families will be allowed to return, leaving 578 families who will be relocated, many of them to Smoketown. She said that, currently, Smoketown is full of vacant lots and boarded-up houses, and said there is no need to preserve any character. She said Smoketown needs mixed-income housing instead. She also said that many residents of the area have not had binding elements explained to them and do not understand that these run with the land, not with the owner. She disputed the statement that residents were notified about the zoning process in July and said that the first time anyone heard about the zoning was nine days before this hearing. She wants a delay in the rezoning until a complete review by the residents is scheduled. The residents need to understand binding elements and zoning. She said that the Archdiocese of Louisville gave St. Peter Claver church to the City of Louisville. The church will be preserved, but the City intends to put in multi-family housing on the property. She objected to building multi-family residences on the St. Peter property, which she said is the only greenspace in Smoketown. She wants to know what the City will do with the old Stewart Building, and to see drawings or renderings of what will be built in Smoketown.

Amy Judkins spoke. She said she also does not understand the zoning laws. However, she is mostly concerned that substandard housing will be built in the neighborhood. She said she bought a new home in the area eight years ago that is now falling apart, and has been in litigation for four years to try to get her home fixed. She is concerned that homes built for lower-income residents will be substandard, and then the residents will have to go through what she has gone through for four years.

SUMMARY OF TESTIMONY OF INTERESTED PARTIES: (See transcript for text in full.)

Juanita Moore spoke. She had questions about one of her properties, 505 Columbus Avenue, and wondered why it was left out of the rezoning. After some discussion, Jon Henney said that, in the PVA records, 505 is shown as being part of another property (one parcel instead of two separate ones.) This is why only one notice went out. Ms. Moore said she wanted the 505 Columbus property included in the rezoning, to match the other properties on the block.

Ruby David-Hyde, a former resident of the Smoketown area, spoke. She is also concerned that many residents seem to be unaware of this zoning change. She said she got many calls from current residents who asked her to come back to

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expand the notification list for any attempts at expansion and/or building modification; and this notification will include the Coalition and neighborhood associations. In response to a question from Commissioner Cash, Mr. Schnell said there was a meeting on October 9th at the Mount Olive Church, and that the neighborhood association seemed satisfied with the binding elements.

Ella Roberts, a neighbor, spoke. She said she spoke on behalf of the Shelby Park Coalition, Task Force, and Shelby Park Neighborhood Association. She said they support the area-wide rezoning. She feels it will be beneficial for businesses while preserving the residential core.

Ann Ames spoke. She said that, as a member of the task force for two years. She said they worked very hard to educate and get the word out to all Smoketown-Shelby Park residents. She said the neighborhood is ready to be revitalized, and is in favor of the plan.

Steve Jenkins, Executive Director of the Presbyterian Community Center, spoke in favor of the plan. He also feels the plan will be good for economic development in this area.

Bill Gatewood spoke. He is a member of the PCC Board and has been a consultant with the Neighborhood Task Force, working on this project for seven years. He said that the Task Force has tried to have meetings in every quarter of the neighborhood and has tried to get input on the plan. He said there are many housing and economic development issues that will be addressed by the plan strategy and that the Task Force has been working with the City on that. There are also code enforcement issues that can address problems with shoddy housing.

Edward Hammond spoke in favor of the project. He has worked with Ms. Hyde and other neighborhood residents. Their group has called many public meetings, tried to make the plan easily understandable to laypersons, having dinners and "coffee" gatherings, having night meetings and noon meetings, and tried to get people out in the neighborhood to discuss this issue. He said the Smoketown-Shelby Park Coalition has worked very hard to make Smoketown a safe place to live and trying to get businesses to invest in the area. He feels that this plan will protect the residents and the economic development in the area.

SUMMARY OF TESTIMONY OF OPPONENTS: (See transcript for text in full.)

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LaQuita Washington, 751 South 43rd Street, Louisville, KY 40211

Interested Parties:

Ella Roberts, 714 Shelby Parkway, Louisville, KY 40203

Juanita Moore, 4209 Gingerwood, Louisville, KY 40220

Honey Lou Woods, 618 East Breckinridge Street, Louisville, KY 40203 [Signed up but did not speak.]

SUMMARY OF TESTIMONY OF PROPONENTS: (See transcript for text in full.)

Staff presented the case from the staff report. He said the impetus for this rezoning was a study conducted to update the Smoketown-Shelby Park Neighborhood Plan.

Jon Henney, speaking for the City of Louisville Development Authority, first gave a Power-Point presentation. He said this rezoning process began in 1993 as a broad-based effort to identify and implement opportunities to improve the area's socioeconomic condition. In 1995, the Smoketown-Shelby Park Neighborhood Partnership was formed, which established goals and implementation strategies for the area. He said there has been considerable public participation in this plan. There have been monthly meetings held by the Smoketown-Shelby Park Neighborhood Coalition, public meetings, informational "coffee" meetings held in the neighborhood, a neighborhood informational packet that was assembled and mailed out to key stakeholders. All information concerning the neighborhood plan in a neighborhood calendar of events. They have contacted those who called the Planning Commission with questions. On July 22nd, there was an informational meeting that was held in the neighborhood. He explained the conceptual master plan using drawn maps. He noted for the record that 707 Lampton Street was not properly notified; Mr. Henney asked that this property be omitted from the rezoning. He said it is a very small property and probably cannot be effectively developed under OR-2. He also asked that 700, 704 and 706 East Kentucky Street be excluded (Rogers Machine Company.) When Rogers Machine Company was rezoned M-2 in 1993, there were several binding elements that were included that protect the residential character of the neighborhood.

Tony Schnell spoke, representing Derrick Currens, who is the owner of Rogers Machine Company. He said the company agreed to amend a binding element to

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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 Development Services offices, 900 Fiscal Court Building.)

The following spoke in favor of this request:

Patricia Bell, 739 South Shelby Street, Louisville, KY 40203 [Signed up but did not speak.]

Jon Henney, 239 South 5th Street Suite 1200, Louisville, KY 40202

Anthony Schnell, 1700 PNC Plaza, Louisville, KY 40202

Ann Ames, 436 Camp, Louisville, KY 40203

Steve Jenkins, 735 South Second Street, Louisville, KY

Bill Gatewood, 661 South 44th Street, Louisville, KY

Jennifer Jewell-Hudson, 715 Speckert Court, Louisville, KY 40203 [Signed up but did not speak.]

Terry Coward, 729 Speckert Court, Louisville, KY 40203 [Signed up but did not speak.]

Edward Hammond, 7408 Tangelo Drive, Louisville, KY 40228

The following spoke in opposition:

Rhonda Matheis, 641 South 42nd Street, Louisville, KY 40211 [Signed up but did not speak.]

Mary Campbell, 722 East Lampton, Louisville, KY 40203 [Signed up but did not speak.]

Amy L. Judkins, 766 South Shelby Street, Louisville, KY 40203

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630, 632, 634, 636, 638, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 719, 720, 721, 723, 725, 726, and 728 Lampton Street; 811 Lyles Alley; 704, 708, 709, 710, 711, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, and 725 Roselane Street; 612, 614, 616, 618, 620, 622, 624, and 626 Russell Alley; 752, 754, 756, 758, 760, 762, 766, 768, 772, 774, 776, 778, 780, 782, 784, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, and 968 S. Shelby Street; 711, 714, 719, 721, 723, 725, 726, 727, 728, 729, and 730 Speckert Court; 958, 959, 960, 962, and 963 St. Paul Court; 514 and 516 Strater Alley; the following properties which have no address: Tax Block 21G, Lots 56, 79, 94, and 196; Tax Block 22A, Lots 83, 117, and 202; Tax Block 22B, Lots 255 and 258; and 5 parcels which have no address or Tax Block and Lot number, and; from C-3 Commercial to C-2 Commercial on the following properties: 641 and 643 E. Jacob Street, and; from C-2 Commercial to R-7 Multi-Family Residential at 743 E. Breckinridge Street, and; from M-2 Industrial to U-N Urban Neighborhood on the following properties: 700, 704, and 706 E. Kentucky Street, and; from OR-2 Office/Residential to R-6 Multi-Family Residential at 1024 S. Shelby Street, and; from OR-2 Office/Residential to U-N Urban Neighborhood on the following properties: 1100, 1102, 1104, 1106, 1108, 1110, 1114, 1116, and 1118 S. Shelby Street, and; from C-1 Commercial and R-8A Multi-Family Residential to U-N Urban Neighborhood at 431 E. St. Catherine Street, and; from OR-3 Office/Residential to U-N Urban Neighborhood on the following properties: 1022, and 1026 S. Jackson Street, and one parcel with no address, being Tax Block 22F, Lot 136, and; from R-8A Multi-Family Residential to U-N Urban Neighborhood on the following properties: 416, 420, 422, 424, 426, 428, 430, 432, 434, and 436 E. Kentucky Street; 1000 S. Jackson Street; and one parcel with no address, being Tax Block 22F, Lot 130, and; from M-2 Industrial to C-2 Commercial on the following properties: 300, 301, 302, 304, 306, 307, 308, 309, 310, 313, 315, 316, 318, 319, 320, 321, 322, 325, 326, 328, 329, and 400 E. Breckinridge Street; 835 S. Floyd Street; 901, 907, 909, 911, 913, 915, 917, 919, 921, 923, 925, 927, 929, 931, 933, 935, 937, and 941 S. Preston Street; and four parcels having no address, being Tax Block 22A, Lot 182; Tax Block 30D, Lot 83; Tax Block 30F, Lots 108 and 109, and being in the City of Louisville.

Applicant:

City of Louisville

Staff Case Manager:

Christopher French, AICP

Notice of this public hearing appeared in The Courier Journal on September 26, 2002, a notice was posted on the property, and notices were sent by first class

properties, as an area-wide re-zoning, pursuant to the Southern Parkway Community Plan for the Parkway corridor in the Beechmont, Oakdale and Wilder Park Neighborhoods, that the Planning Commission hold a public hearing on said re-zoning in the manner prescribed by law, and that it make its recommendation respecting each property described herein whether or not the zoning classification of each said property should be changed as proposed herein, or whether or not it should be changed to an intermediate zoning classification, or whether the property's zoning classification should remain unchanged.

The specific properties requested to be subject to this area wide rezoning are as follows:

FROM R-6 RESIDENTIAL MULTI-FAMILY TO R-5 RESIDENTIAL SINGLE FAMILY:

3749, 3751, 3757, 3759, 3761, 3763, 3765, 3767, 3769, 3771, 3819, 3821, 3823, 3825, 3829, 3831, 3833, 3839, 3844, 3845, 3846, 3850, 3852, 3854, 3856, 3860, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3909, 3911, 3913, 3915, 3919, 3928, 3930, 3932, 3934, 3936, 3938, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4010, 4011, 4012, 4013, 4014, 4016, 4017, 4020, 4101, 4103, 4105, 4107, 4113, 4115, 4149, 4151, 4703, 4705, 4707, 4708, 4709, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717, 4718, 4719, 4720, 4721, 4722, 4723, 4725, 4726, 4729, 4731, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4740, 4742, 4744, 4901 and 4905 Southern Parkway.

FROM R-7 RESIDENTIAL MULTI-FAMILY TO R-5 RESIDENTIAL SINGLE FAMILY:

3802, 3804, 3806, 3810, 3812, 3814, 3814 1/2, 3816, 3816 1/2, 3818, 3820, 3822, 3824, 3826, 3828, 3828 1/2, 3830, 3832, 3834, 3838, 3840 Southern Parkway, as per David Banks 7/1/02

Section 2. This Resolution shall be effective upon its passage and approval.

Kathleen J. Hesson C.B.A. *Dennis Bentley* P.B.A.
APPROVED: 6-27-02 *Dennis Bentley* MAYOR
ATTEST:

APPROVED AS TO FORM:

David Banks
David Banks, Board Attorney

BOARD OF ALDERMEN
ADOPTED
June 25, 2002

9-63-02

PLANNING COMMISSION MINUTES

OCTOBER 17, 2002

DOCKET NO. 9-81-02

Ordinance for an area-wide rezoning from OR-2 Office/Residential to U-N Urban Neighborhood on the following properties: 428, 432, 434, 436, 500, 501, 508, 512, 513, 515, 516, 517, 518, 519, 520, 521, 522, 524, 525, 526, 527, 528, 530, 531, 532, 533, 534, 537, 538, 541, 600, 602, 603, 604, 614, 616, 617, 618, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 633, 634, 636, 638, 645, 700, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 731, 733, and 735

E. Breckinridge Street; 412, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 500, 506, 525, 528, 529, 530, 532, 534, 536, 538, 540, 602, 603, 604, 605, 607, 609, 611, 612, 613, 615, 619, 621, 623, 625, 627, 633, 635, 637, 639, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 721, 722, 723, 724, 725, 726, 727, 728, 729, and 730 Caldwell Street; 751, 753, 755, 757, 759, 761, 763, 765, 767, 769, 771, 777, 779, 801, 802, 803, 805, 807, 808, 809, 810, 811, 812, 814, 815, 816, 817, 818, 819, 820, 821, 823, 906, 908, 910, 912, 913, 915, 917, 919, 921, 922, 923, 925, 927, 929, 931, 933, 935, 937, 939, 941, 943, 945, 947, 949, 951, 952, 953, 954, 956, and 958 S. Clay Street; 501, 515, 521, 613, 615, 618, 620, 621, 622, 623, 625, 626, 627, 707, 708, 711, 712, 714, 719, 722, 724, 727, 728, and 729 Coke Street; 503, 507, 509, and 511 Columbus Avenue; 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, and 428 Conrad Street; 527 and 528 Glenn Alley; 741, 760, 807, 809, 810, 811, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 833, 835, 837, 907, 909, 910, 911, 913, 915, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 928, 930, 932, 934, 937, 944, 946, 948, 950, 951, 952, 954, 956, and 958 S. Hancock Street; 708, 709, 710, 712, 713, 716, 717, 718, 719, 720, 721, 722, 724, 725, 728, and 730 Henry Firpo Street; 737, 766, 807, 811, 817, 819, 821, 823, 825, 827, 828, 829, 831, 833, 835, 837, 904, 905, 906, 907, 908, 909, 911, 912, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 935, 937, 939, 944, 946, 948, 950, 952, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, and 967 S. Jackson Street; 418, 706, 708, 710, 712, 714, 716, 718, 722, 724, 726, 728, 730, and 732 E. Jacob Street; 916, 918, 920, and 922 Kahn Alley; 413, 415, 417, 419, 423, 425, 427, 429, 433, 437, 443, 501, 507, 509, 511, 513, 515, 517, 519, 527, 531, 533, 535, 537, 539, 541, 543, 601, 603, 605, 609, 611, 613, 615, 617, 621, 623, 625, 627, 629, 631, 633, 635, 701, 703, 705, 709, 711, 713, 715, 717, 719, 721, 723, 725, 727, 729, 731, 733, 735, 737, and 739 E. Kentucky Street; 504, 506, 508, 510, 512, 514, 516, 526, 528, 530, 532, 534, 536, 538, 540, 542, 600, 612, 614, 616, 618, 619, 620, 622, 624, 626, 628,

Docket Number: 9-4-90

Request: Ordinance to change the zoning from OR-2 Office/
Residential to C-1 Commercial at 536 and 538 East
Breckinridge Street in the City of Louisville.

Date of Approval: August 14, 1990

By: Board of Aldermen

Approved Binding Elements:

1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.
2. The liquor store shall not exceed 1,738 square feet of gross floor area. The second floor above the liquor store shall not be used.
3. Before any construction is begun:
 - a) The development plan must be reapproved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
 - b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - c) The owner shall make improvements to the porch on the west side of the building.
 - d) All necessary recording fees shall be paid.
4. The only permitted signs shall be attached as shown on the approved district development plan.
5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
6. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
8. The above binding elements may be amended as provided for in the Zoning District Regulations.
9. The existing sidewalk on the subject property shall be repaired at the owner's expense to specifications approved by the Director of Public Works.