

**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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APPROVAL OF MINUTES

JULY 16, 2020 PLANNING COMMISSION REGULAR MEETING MINUTES

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted.

RESOLVED, that the Planning Commission does hereby **APPROVE** the minutes of its meeting conducted on July 16, 2020.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Peterson and Lewis

NOT PRESENT FOR THIS CASE: Commissioners Mims, Seitz and Jarboe

ABSTAINING: Commissioner Brown

AUDIO ISSUES: Commissioner Howard

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CONSENT AGENDA
CASE NO. 20-STRCLOSURE-0009

Request: Closure of public right-of-way
Project Name: West Louisville YMCA Anderson Street Closure
Location: Anderson Street and associated alley right-of-way east of
Dixie Highway and South of Broadway
Owner: Louisville Metro
Applicant: YMCA of Greater Louisville
Representative: Lockett and Farley
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith
Case Manager: Jay Lockett, AICP, Planner I

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.)

Discussion:

00:09:04 Mr. Lockett discussed the case summary, standard of review and staff analysis from the staff report.

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.

Closure of public right-of-way

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution was adopted.

WHEREAS, adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property; and

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WHEREAS, any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer; and

WHEREAS, the Louisville Metro Planning Commission finds, the request to close multiple rights-of-way is in compliance the Goals, Objectives and Plan Elements of the Comprehensive Plan as Mobility Goal 2, Policy 2 states to coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users; Mobility Goal 2, Policy 7 states that the design of all new and improved transportation facilities should be accessible and; Mobility Goal 3, Policy 1 states to provide transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling; Mobility Goal 3, Policy 2 seeks to improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers; Mobility Goal 3, Policy 3 to evaluate developments for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices; Mobility Goal 3, Policy 5 to evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality; and Mobility Goal 3, Policy 12 states to ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments. Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer. Adequate public facilities are available to serve existing and future needs of the community. Any facility required to be placed in an easement or relocated will be done so by the developer. Transportation facilities have been provided to accommodate future access and to not dispossess property owners of public access. All adjacent lands maintain access to public infrastructure and utility services will continue to be provided to these lands; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no other relevant matters to be considered by the Planning Commission.

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CONSENT AGENDA
CASE NO. 20-STRCLOSURE-0009

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the consent agenda item.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Peterson and Lewis
NOT PRESENT AND NOT VOTING: Commissioners Mims and Jarboe
ABSTAINING: Commissioner Seitz
AUDIO ISSUES: Commissioner Howard

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BUSINESS SESSION LDC REFORM RESOLUTION

NOTE: MOVED TO THE END OF THE DOCKET

Project Name: Land Development Code Reform Resolution
Staff Case Manager: Christopher French, Planning and Design Supervisor

Discussion

02:57:03 Ms. Liu stated there is no resolution today. It will probably be presented in late August or early September because Planning and Design will wait until Metro Council adopts theirs first. The resolutions need to be consistent. Planning and Design has recently performed a study called Land Development Code Diagnosis to be presented by Chris French.

02:58:15 Mr. French presented the Land Development Code Diagnosis with Housing Focus, which was conducted by the Opticos Design Firm. There are 8 issues identified in the study. Mr. French discussed the following 4 which concern missing middle housing: Code is overly complex; Land use tables are long and complex, not current best practices; Standards limit delivery of housing choices; and intended/desired form is not clear.

03:07:27 Ms. Liu added, Louisville has a lot of single family development taking place right now as well as apartment complexes. The middle housing is missing. Other cities are facing the same issue. The Land Development Code, LDC is partially to blame and needs to be updated. The resolution will be sent to the commissioners in a few weeks and it will initiate a review of the LDC to see what changes can be made to address this issue.

03:09:17 Commissioner Howard asked, if the LDC is going to be changed, will it require citizens' input or will there be a Planning Commission hearing? Ms. Liu said we definitely want public engagement. There will be changes but those changes will not implemented all at once. There are 5 Metro Council members that are ready to sponsor the resolution and to ask the Planning Commission and Planning and Design to look at the LDC from an equity perspective.

03:10:58 Commissioner Carlson asked if there are other resolutions from Metro Council that may have LDC changes. Ms. Liu said yes, there are approximately 5-6 pending at this time. Also, everything needs to be worked on together so one solution doesn't negatively affect another solution. Ms. Liu said yes that is preferred - to work on issues holistically.

NO VOTE

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PUBLIC HEARING
CASE NO. 18ZONE1089

Request: Change in zoning from R-4 to OR-1, with Detailed District Development Plan and Binding Elements, and associated Variance and Parking Waiver

Project Name: Stony Brook Offices

Location: 5206 Stony Brook Road

Owner: Stony Brook Drive LLC

Applicant: Stony Brook Drive LLC

Representative: Bluestone Engineers

Jurisdiction: Louisville Metro

Council District: 22 – Robin Engel

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:

00:11:39 Ms. St. Germain stated that the applicant requests this case be continued to the August 20, 2020 Planning Commission meeting. There was an issue regarding parking – the applicant was unable to complete the parking study due to COVID-19.

On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the August 20, 2020 Planning Commission meeting.

The vote was as follows:

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

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PUBLIC HEARING
CASE NO. 19-ZONE-0086

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements and associated Variance

Project Name: South Park Road Apartments

Location: 4011 and 4201 South Park Road, 9007 Blue Lick Road

Owner: Joseph and Jacinta Kenny, LDG Development LLC, LDG Land Holdings LLC

Applicant: LDG Development LLC

Representative: Dinsmore & Shohl LLC

Jurisdiction: Louisville Metro

Council District: 24 – Madonna Flood

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:

01:01:06 Ms. St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

01:12:04 Commissioner Peterson asked if the gate accesses are as follows: Delee Way – emergency access only; Narcissus Dr. – fenced off and no access; and South Park – emergency access only. Ms. St. Germain said it's her understanding that all the gates are intended for residents and emergency access.

The following spoke in favor of this request:

Cliff Ashburner, Dinsmore and Shohl, 101 South 5th Street, Louisville, Ky. 40202
Michael Gross, LDG Development, 1469 South 4th Street, Louisville, Ky.
Diane Zimmerman, 12803 High Meadows Pike, Prospect, Ky. 40059

Summary of testimony of those in favor:

01:13:08 Mr. Ashburner gave a power point presentation. It's a gated community but still connected to the roads surrounding it.

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Mr. Ashburner stated, Mr. Davis just sent an email that he received this morning (regarding this case). Information/emails need to be provided sooner to allow the applicant time to review and respond to them. We try to strike a balance between LDG Development's objectives, the requirements of the Comprehensive Plan, Land Development Code and comments from agencies and neighbors.

01:16:47 Mr. Ashburner said there is a commercial node at South Park and Blue Lick and surrounding the commercial node are slightly less intense uses.

The geotechnical specialists hired could not find any tunnels.

There is an access point on South Park (gated entrance) and on Blue Lick with a gate behind the parking area. Both will be for resident and emergency access. The neighbors don't want access through their neighborhood. There will be no access on Narcissus but there will be gated access on Galee.

There will be a turnaround and road improvements as well as some amenity areas outside the apartment building – dog area and trail.

Some existing trees will be preserved on the north side of the property and there will be new plantings to provide additional screening.

There will be windows on the end of the buildings and the balconies in the outdoor areas associated with the dwelling units are along the sides.

The geotechnical specialists have been to the site twice and conducted 2 different boring tests and reported findings. The geotechnical specialist will be on site when construction starts. A traffic study has been performed.

01:35:59 Commissioner Carlson asked if sidewalks will be provided for people to walk to Meijers or the closest largest retail establishment. Mr. Ashburner said there are a number of businesses close to the subject property and they will be accessible by existing sidewalks and sidewalks that connect to the proposed development.

Commissioner Carlson asked if they will provide a left-in and right-in turn signal. Mr. Ashburner said the traffic study makes no recommendation for a turn lane into the subject property.

01:40:13 Commissioner Carlson asked why this part of town is being over-saturated with apartments instead of a more diverse mix. Are more apartments really needed? Mr. Ashburner stated Comprehensive Plan 2040 indicates that multi-family is appropriate throughout the community. Mr. Gross added, this is a substantial investment and the banks will make sure it's supported by demand before lending

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money to build it. Commissioner Carlson stated, there's also a demand for single family housing and that demand is more than the supply, therefore driving the price up for single family housing.

Commissioner Carlson asked if the applicant is willing to decrease the height of the building from 3 to 2-stories. Mr. Gross stated the 3-stories is permitted under the form district and R-6 zoning. The extra height will make the inside of the apartments more attractive. Commissioner Carlson said that's a design choice, not a necessity.

01:49:03 Commissioner Carlson asked about the timing of construction with respect to the Blue Lick Rd. widening. Mr. Ashburner said he believes the Blue Lick Rd. widening will be complete, or close to completion, by the time site work is completed on the subject property. Commissioner Carlson asked if that could be verified with the State Highway Dept. Mr. Ashburner said they have to get through this process first. The slated date was at the end of 2021 for the completion of those improvements. Ms. Zimmerman added, an email from Russell Watley, Utility Relocation Coordinator, stated they should be wrapping up that phase and moving to construction this year and finishing in 2022.

01:50:11 Commissioner Carlson asked about the resolution regarding the gates. Mr. Ashburner stated, we agreed that the gate requirement document you provided to Ms. St. Germain was something LDG Development could comply with. Commissioner Carlson asked if there will be a binding element. Mr. Ashburner stated, if it's a part of the State Fire Code, does it need to be a binding element? Mr. Gross stated, being on the record should suffice.

Commissioner Carlson stated he's still concerned about the caves on the property. Mr. Gross said he doesn't know what else can be done because the geotechnical specialists did not find anything.

Commissioner Carlson asked if construction would begin before completion of the Blue Lick Rd. widening. Mr. Gross said they will start construction prior to the widening, but no units will be occupied until 2022.

02:00:33 Mr. Ashburner stated, the Geotechnical Engineer conducted an electric resistivity study to determine whether there were issues and didn't find the tunnels, which may mean they exist but are so deep that they're not an issue for construction.

The following spoke in opposition to this request:

Carol Hadley, 4207 South Park Road, Louisville, Ky. 40219

Summary of testimony of those in opposition:

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02:06:04 Ms. Hadley lives on the side next to the apartment buildings and requests the buildings be 2-stories instead of 3-stories. The balconies will be facing out and looking onto my property.

Ms. Hadley asked if the gates will be left open for safety purposes.

The applicant is planting trees for screening, but they will not be 3-stories tall.

02:08:42 Ms. Liu said she received a phone call from Councilperson Madonna Flood. She is concerned about the process of this case, mainly not enough time for residents to request a night hearing during COVID-19.

The following spoke neither for nor against the request:

Jason Stanford, 4220 South Park Road, Louisville, Ky. 40219

Summary of testimony of those neither for nor against:

02:02:36 Mr. Stanford provided pictures (Okolona Library) of the caves along South Park Rd. The geotechnical people, Carmen Engineering, Bentley Surveyors and LDG Development were all made aware of the caves.

Mr. Stanford stated that MSD doesn't maintain the fence around the quarry.

02:10:30 Commissioner Peterson asked for the location of the fence that is not being maintained properly. Mr. Stanford said it goes all the way across the property on South Park behind Meijers along the Gene Snyder and behind the boat dealership on Blue Lick back to South Park. Commissioner Peterson asked if the concern is that the people in the neighborhood will be trespassing and there may be a potential for an accident on the quarry property. Mr. Stanford said yes. It's almost daily that people are cutting the wires. The front gate is barely hooked together with a chain and people will want to come and swim because the proposed apartments will not have a pool.

Rebuttal

02:12:41 Mr. Ashburner said there will be a pool. Mr. Stanford or MSD will need to maintain their own fence. Regarding the process, this case was delayed for several months and the neighborhood meeting was well before March. That was ample time to get a petition together to request a night hearing. The property to the east (Ms. Hadley's property) will have adequate screening. LDG Development has agreed to provide an additional 20-30 trees on the Hadley property and a fence. LDG has tried to provide road improvements that will improve life within the neighborhood to the north of

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the subject property that will allow emergency access and allow LDG to produce a nice multi-family community. There was no request from Public Works for a turn lane and no warrant for it in the traffic study. This plan does provide meaningful connectivity without some of the burdens.

02:17:53 Commissioner Carlson asked if there will be a binding element for the gate. Ms. St. Germain read the language for the binding element into the record as follows: The gates at all entrances shall be compliant with all requirements and gate requirements for emergency access to residential areas as included in the case file and as may be amended from time to time by emergency service providers in Louisville Metro. Mr. Ashburner disagrees with the proposed binding element ('from time to time'). It will be almost impossible to keep up with standards changing. The gate requirements as listed are comprehensive. Ms. St. Germain revised the binding element as follows: The gates at all entrances shall be compliant with all requirements and gate requirements for emergency access to residential areas as included in the case file. The applicant and Commissioner Carlson agree to the revised binding element.

02:19:49 Ms. Ferguson, legal counsel, stated there could be a more general binding element stating: The gate access would be approved by the Fire Dept., Police Dept. and EMS. Mr. Gross said he prefers this general binding element. Commissioner Carlson disagrees.

Deliberation

02:22:58 Commissioner Brown stated he can't support the rezoning or development plan because it lacks connectivity.

02:24:43 Commissioner Howard stated she's not a fire or transportation expert but can speak on land use and looking out for the general welfare of all citizens in a community. The Comprehensive Plan calls for more diverse and affordable housing. Express buses function best when there are at least 4,500 people within walking distance to a transit access point. Lastly, the proposed apartments are near the interstate and this type of housing should be encouraged. The site is appropriate. An area of right-of-way, on South Park Rd., to be dedicated was not discussed.

02:28:46 Commissioner Peterson stated he likes the plan and is not concerned about connectivity.

02:31:33 Commissioner Daniels stated connectivity is important to bring neighborhoods together. Connectivity also provides walkability. The sidewalks should be extended.

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02:32:25 Commissioner Seitz stated there are people that can't afford single family housing. The proposal is appropriate for this site.

02:33:29 Commissioner Carlson stated the proposal is out of character with the neighborhood due to mass and scale. Also, we're missing a connectivity opportunity. It's very hard for a fire truck to maneuver South Park Rd. and it needs to be widened. It may not be warranted, but is needed. This project does not allow for any type of diversity in housing beyond that which is already there. It would be nice if the applicant made an agreement that construction wouldn't start until Blue Lick is widened.

02:39:49 Acting Chair Lewis stated there is R-6 and R-7 in the area. Also, it's not fair to hold up the plans of the developer because MSD is not maintaining their fence. Regarding the issue of needing more apartments or not, if it's not needed, they wouldn't be investing all the money to build it. A connection from Deelee Way is needed.

02:42:20 Mr. Ashburner asked Acting Chair Lewis to come out of deliberations to further address the commission. Acting Chair Lewis agreed. Mr. Ashburner stated, there seems to be a consensus on the zoning but less consensus about the design. Mr. Ashburner stated he would like to think about some of the comments and bring this case back in 2 -4 weeks with an alternate plan.

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.

On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the August 6, 2020 Planning Commission public hearing to allow the applicant an opportunity to present an alternate plan for connectivity and allow opposition and others a chance to speak as well. Motion died for lack of a second.

02:47:54 Ms. Williams said the August 6, 2020 Planning Commission meeting is only 1 week away and would not allow time for staff to review a new plan. The next available date is August 20, 2020, which is already full.

02:50:30 Ms. Williams said September 3, 2020 would be the next available meeting date. Also, it should not be to discuss 1 or 2 issues because changing the plan may result in issues that will need to be discussed. We would want to respond to all the concerns.

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02:51:33 Mr. Reverman stated it needs to be verified with the applicant that they do want a continuance and if there will be changes made to the plan. Mr. Ashburner said he would like a continuance for September 3, 2020.

02:55:37

On a motion by Commissioner Howard, seconded by Commissioner Seitz, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the September 3, 2020 Planning Commission public hearing to allow the applicant time to address issues and/or change the plan.

The vote was as follows:

YES: Commissioners Brown, Carlson, Howard, Peterson, Seitz and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Mims and Jarboe

AUDIO ISSUES: Commissioner Daniels

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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

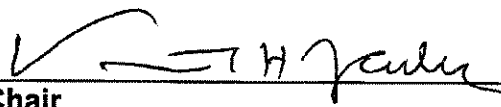
No report given.

CHAIRPERSON/DIRECTOR'S REPORT

No report given.

ADJOURNMENT

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



Chair



Planning Director

**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