

## PLANNING COMMISSION MINUTES

August 15, 2024

### PUBLIC HEARING

#### CASE NO. 24-ZONE-0040

Request: Change in Zoning from R-7 to OR-1 with Detailed District Development Plan and Binding Elements, and Waiver  
Project Name: Medical Office  
Location: 1308 16<sup>th</sup> Street  
Owner: Monica Morris  
Applicant: Monica Morris  
Representative: Monica Morris  
Jurisdiction: Louisville Metro  
Council District: 6 – Phillip Baker  
Case Manager: Molly Clark, 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 Office of Planning offices, 444 S. 5<sup>th</sup> Street.)

#### **Agency Testimony:**

01:24:00 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to Commission Members questions. (See recording for details).

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

Monica Morris, 1308 S 16<sup>th</sup> Street, Louisville, KY 40210

#### **Summary of testimony of those in support:**

01:29:00 Monica Morris spoke in favor of the request. Morris responded to Commission Members questions. (See recording for details).

#### **The following spoke in opposition of the request:**

**None**

#### **Deliberation:**

01:30:50 Planning Commission deliberation.

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**An audio/visual recording of the Planning Commission hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

#### **Change in zoning from R-7 multi-family to OR-1 office residential**

01:31:00 On a motion by Commissioner Sistrunk, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposal would constitute a non-residential expansion into an existing residential area. Adverse impacts are unlikely to occur because of the size of the site and the relatively low intensity of the uses permitted in the proposed district. The site is located relatively close to transit on Dixie Highway. The sidewalk network connecting the site to the Dixie Highway transit route is complete. The proposed use will generate minimal traffic. Should the site redevelop, the proposed zoning district, adverse impacts from traffic are unlikely due to the size of the lot and relatively low intensity uses permitted in that proposed zoning district., and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the proposed development will be using an existing home for their proposed medical office which has existing connections to infrastructure. Should the site redevelop, the site will still remain connected to existing infrastructure and the proposed zoning district will allow for more compact development. The proposed zoning district allows for low intensity neighborhood serving commercial uses and will be compatible with the surrounding residential uses should the site redevelop, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 4 because the site will remain residential in character and will be compatible with other adjacent residential and institutional uses. All the uses allowed by the proposed zoning district will be low intensity residential and/or office uses that are compatible with the surrounding neighborhood, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 1 because this site is located in Traditional Neighborhood and the proposed rezoning does not allow for high density commercial or residential use. The location of the proposed zoning district has residential and institutional uses and would not be appropriate for higher intensity uses, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning district that allows for higher density residential and neighborhood serving commercial uses will be walkable and accessible by bicycle through existing

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sidewalk networks and road networks as well as the rapid TARC bus line approximately 1,900 feet away at the intersection of Dixie Highway and W Ormsby Avenue. The proposed use will generate minimal traffic and will be served by the existing transportation facilities, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the site has an existing single-family home that is connected to existing utilities. MSD has given preliminary approval since there is no proposed construction. Any future redevelopment will require MSD approval, and

**WHEREAS**, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the proposed zoning district allows only low intensity residential and commercial uses that will generate minimal traffic. The proposed development is located approximately 1,900 feet away from Dixie Highway which has a rapid TARC bus line that is easily accessible, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposal will be providing a low intensity neighborhood serving commercial use for the neighborhood that is underserved. The proposed zoning district will allow for more dwellings units per acre which will allow more units on the site should the site redevelop, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed zoning district will allow for more units per acre which will allow more dwelling units on the site should the site redevelop. The site is located relatively close to transit on Dixie Highway. The sidewalk network connecting the site to the Dixie Highway transit route is complete, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 3 because the house on the subject site is currently vacant and there will be no displacement of residents with this request. The proposed zoning district will allow for more units per acre which will allow more dwelling units on the site should the site redevelop, now therefore be it.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Change in zoning from R-7 multi-family to OR-1 office residential.

**The vote was as follows:**

**YES: Commissioners Fischer, Mims, Kern, Cheek, Sistrunk, Lohan, Carlson, and Howard**

**ABSENT: Commissioner Benitez**

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#### **Waiver from Land Development Code (LDC) section 10.2.4.A.2 to omit the required 15-foot property perimeter landscape buffer (24-WAIVER-0066)**

01:32:00 On a motion by Commissioner Sistrunk, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

**WHEREAS**, the Planning Commission finds the waiver will not adversely affect adjacent property owners as the proposed use will generate minimal noise and traffic. The proposed zoning district allows for low intensity neighborhood serving uses and the proposed use will generate minimal traffic and noise to adjacent residential uses. The proposed use will not involve any outdoor activities, will not be open at late hours and will be compatible with surrounding residential uses, and

**WHEREAS**, the Planning Commission finds the Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 9 calls to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The proposed use will generate minimal noise and traffic. The proposed zoning district allows for low intensity neighborhood serving uses and the proposed use will generate minimal traffic and noise to adjacent residential uses. The proposed medical office will not have any outdoor activities, will not be open for late hours and will be compatible to the residential uses next door and across the street, and

**WHEREAS**, the Planning Commission finds the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant would have to remove a portion of the existing structure to accommodate the property perimeter landscape buffer. The proposed use will generate minimal noise and traffic. The proposed zoning district allows for low intensity neighborhood serving uses and the proposed use will generate minimal traffic and noise to adjacent residential uses, and

**WHEREAS**, the Planning Commission 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 since the applicant would have to remove an existing historical structure to accommodate the property perimeter landscape buffer. The proposed use will generate minimal noise and traffic. The proposed zoning district allows for low intensity neighborhood serving uses and the proposed use will generate minimal traffic and noise to adjacent residential uses, now therefore be it.

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**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver from Chapter 10.2.4 to permit encroachment into required property perimeter Landscape Buffer Area on the north property line by a structure (24-WAIVER-0103)

The vote was as follows:

**YES: Commissioners Fischer, Mims, Kern, Cheek, Sistrunk, Lohan, Carlson, and Howard**

**ABSENT: Commissioner Benitez**

#### Detailed District Development Plan with Binding Elements

01:33:00 On a motion by Commissioner Sistrunk, seconded by Commissioner Cheek, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

**WHEREAS**, the Planning Commission finds no natural resources are evident on the site. The site is fully previously developed with an existing single-family home, and

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

**WHEREAS**, the Planning Commission finds no open space provisions are pertinent to the request, and

**WHEREAS**, the Planning Commission finds 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 Planning Commission finds the overall site design is in compliance with existing and planned future development in the area. The proposed use is similar in intensity as the surrounding uses, and

**WHEREAS**, the Planning Commission finds the development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waivers, which have been adequately justified and meet the standard of review. The site plan complies with the policies and guidelines of the Comprehensive Plan. The proposed site design would be an adaptive use of an existing structure and the

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proposed zoning district will bring neighborhood serving low intensity commercial uses to an underserved neighborhood, now therefore be it.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan with 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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.

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6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**YES: Commissioners Fischer, Mims, Kern, Cheek, Sistrunk, Lohan, Carlson, and Howard**

**ABSENT: Commissioner Benitez**