

PLANNING COMMISSION MINUTES
March 21, 2024

PUBLIC HEARING

CASE NO. 23-ZONE-0163

Request:	Change in Zoning from OR-2 to C-2 with Detailed District Development Plan and Binding Elements, and Waiver
Project Name:	1116 Logan Street Rezoning
Location:	1116 Logan Street
Owner:	Suite Bea LLC
Applicant:	Suite Bea LLC
Representative:	Suite Bea LLC
Jurisdiction:	Louisville Metro
Council District:	6 – Phillip Baker
Case Manager:	Dante St. Germain, AICP, Senior Planner

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. 5th Street.)

Agency Testimony:

03:17:04 Dante St. Germain provided an overview of the request and presented a PowerPoint presentation (see recording for details).

The following spoke in favor of this request:

Garrett Dean, 1116 Logan St., Louisville, KY 40202

Summary of testimony of those in favor:

03:21:33 Garrett Dean spoke in support of the request and presented a PowerPoint presentation. Dean stated that the proposed property was not zoned in a way to accommodate all of the uses the property could provide. Dean mentioned he would like to bring in a tenant that can contribute to the growth with in the Logan corridor. Dean responded to questions from Commission Members (see recording for details)

The following spoke in opposition:

None

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Deliberation:

03:32:34 Planning Commission deliberation.

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 OR-2 Office Residential to C-2 Commercial

03:36:32 On a motion by Commissioner Mims, seconded by Commissioner Sistrunk, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the site is adjacent to an existing activity center. The proposal would not constitute a non-residential expansion into an existing residential area. The site is located on Logan Street, a minor arterial and transit corridor, and is adjacent to an existing activity center. The proposed zoning district would not permit hazardous uses. Uses with air, noise and light emissions must comply with LMCO and LDC limitations. The proposed zoning district would not permit uses with noxious odors, particulates, or emissions. Access to the site is via the alley behind Logan Street, a minor arterial at this location. Noise impacts are unlikely to affect nearby residential uses, due to the size of the site and the distance to residential uses, and

WHEREAS, the Planning Commission finds proposal meets Community Form: Goal 2 because the site is located adjacent to an existing activity center and re-uses an existing structure which is already part of the fabric of the neighborhood. The site has appropriate access and connectivity. The site is located on Logan Street, a minor arterial, and has alley access. The site is located adjacent to an existing activity center. The proposal would permit a more compact pattern of development. The proposal would permit an increase in the mixture of compatible land uses in an existing activity center. The proposed zoning district would permit residential, and office uses above retail and other mixed-use multi-story retail buildings. The proposal would permit the re-use of an existing building. The proposal would re-use an existing structure for commercial purposes. The building is already a part of the fabric of the neighborhood, and

WHEREAS, the Planning Commission finds proposal meets Community Form: Goal 4 because the proposal re-uses an existing structure, and

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WHEREAS, the Planning Commission finds proposal meets Mobility: Goal 1 because the site is located adjacent to an existing activity center and is located on a transit corridor, and

WHEREAS, the Planning Commission finds proposal meets Mobility: Goal 2 because access to the site is via Logan Street, a minor arterial at this location, and

WHEREAS, the Planning Commission finds proposal meets Mobility: Goal 3 because the proposed zoning district would permit an increase in the mix of complementary neighborhood-serving businesses and services in a neighborhood center. The site is easily accessible by bicycle, car, transit, pedestrians, and people with disabilities. The proposal would promote public transit and pedestrian use. The site is located on Logan Street, a transit corridor, and is close to other transit corridors. The site is accessible by sidewalk. Transportation Planning has approved the proposal, and

WHEREAS, the Planning Commission finds proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal, and

WHEREAS, the Planning Commission finds proposal meets Economic Development: Goal 1 because the site is located near the intersection of Logan Street with E St. Catherine Street, the intersection of two minor arterials, and

WHEREAS, the Planning Commission finds proposal meets Housing: Goal 1 because the proposal would permit neighborhood-serving goods and services in proximity to existing housing, which supports aging in place, and

WHEREAS, the Planning Commission finds proposal meets Housing: Goal 2 because the proposal would encourage inter-generational mixed-income and mixed-use development by permitting commercial uses close to existing housing. The proposal would permit commercial uses close to existing housing, along an existing commercial corridor, and

WHEREAS, the Planning Commission finds proposal meets Housing: Goal 3 because no existing residents will be displaced by the proposal. The proposal would permit innovative methods of housing; 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 OR-2 Office Residential to C-2 Commercial.

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The vote was as follows:

YES: Commissioners Carlson, Mims, Kern, Sistrunk, Pennix, Fischer, and Howard
ABSENT: Commissioner Cheek

Waiver from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the north and south property lines, and to omit the required plantings where the encroachment occurs (24-WAIVER-0005)

03:37:23 On a motion by Commissioner Mims, seconded by Commissioner Sistrunk, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds waiver will not adversely affect adjacent property owners as the structure already exists on the site and has caused no known adverse effects, and

WHEREAS, the Planning Commission finds waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The vicinity of the site is non-residential in nature and unlikely to be adversely impacted, and

WHEREAS, the Planning Commission finds extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the structure already exists. Furthermore, the required Landscape Buffer Area covers the entirety of the lot, and there would be no way to use the lot while fully providing the LBA, and

WHEREAS, the Planning Commission finds 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 structure already exists, and the lot would be unusable if the full LBA were provided; now , therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the waiver from 10.2.4.B.1 to permit encroachment into the required property perimeter Landscape Buffer Area (LBA) on the north and south property lines, and to omit the required plantings where the encroachment occurs (24-WAIVER-0005)

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The vote was as follows:

YES: Commissioners Carlson, Mims, Kern, Sistrunk, Pennix, Fischer, and Howard
ABSENT: Commissioner Cheek

Detailed District Development Plan with Binding Elements

03:38:33 On a motion by Commissioner Mims, seconded by Commissioner Sistrunk, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds site is already developed, and no natural resources exist on the site currently. Required street trees will be provided, and

WHEREAS, the Planning Commission finds 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 requirements are pertinent to the request, and

WHEREAS, the Planning Commission finds 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 overall site design is in compliance with existing and planned future development in the area. The proposal would provide commercial development in a non-residential corridor, and

WHEREAS, the Planning Commission finds development plan conforms to applicable requirements of the Land Development Code and Plan 2040 with the exception of the requested waiver. The site plan complies with the policies and guidelines of the Comprehensive Plan; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan with Binding Elements **SUBJECT** to the following Binding Elements:

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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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. 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

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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 Carlson, Mims, Kern, Sistrunk, Pennix, Fischer, and Howard
ABSENT: Commissioner Cheek