

PLANNING COMMISSION MINUTES

May 29, 2025

PUBLIC HEARING

CASE NO. 24-ZONE-0132

Request: Change in zoning from R-6 multi-family and CM commercial manufacturing to C-2 commercial with a detailed district development plan and binding elements with a waiver.

Project Name: Main Street Parking Lot

Location: 941 E Main Street

Applicant: Main Plumb, LLC.

Representative: Frost, Brown, & Todd, LLC

Jurisdiction: Louisville Metro

Council District: 4 – Ken Herndon

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. 5th Street.)

Agency Testimony:

01:21:30 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

Tanner Nichols, 400 West Market Street, Suite 3200, Louisville, KY 40202

Summary of testimony of those in favor:

01:25:50 Tanner Nichols provided an overview of the request and presented a PowerPoint presentation. Nichols stated that the parking lot is planned to operate as paid parking, available 24 hours a day. Nichols responded to questions from Commissioners. (See recording for details).

The following spoke in opposition of this request:

None

Deliberation:

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01:27:50 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 R-6 multi-family residential and CM commercial manufacturing to C-2 commercial

01:28:25 On a motion by Commissioner Cheek, seconded by Commissioner Bond, 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 proposed rezoning will not be a non-residential expansion into existing residential areas as the site is currently zoned CM commercial manufacturing and is located in an area with a variety of uses that are residential and non-residential. Within the R-6 portion of the subject site is a non-residential use for off-street parking that has existed for several decades. The proposed rezoning to commercial will allow a higher density of commercial and residential along Main Street which is an established commercial activity center with adequate infrastructure to serve the subject site, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because the site is adjacent to an established commercial activity center and in an area with a variety of uses and zoning districts. The proposal is compatible with the compact development pattern of the Traditional Marketplace Corridor form district and Traditional Neighborhood form district. The subject property is near a transportation corridor with adequate access to public transportation, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because the site does not contain distinctive natural features. There will be minimal property damage as there is no proposed construction. There are no environmental constraints on the subject site such as steep slopes or hydric soils. Subject site is not located within a flood-prone area and has received preliminary approval from MSD, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because the site fits within the context of the traditional marketplace corridor and traditional neighborhood and is adjacent to an established commercial area. There are no existing structures on the properties. The site does not have any distinctive cultural or natural features, and

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WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed zoning would allow a mix of neighborhood serving uses that encourage a reduction in vehicle miles traveled. The subject site is served by existing transportation networks, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the subject site is adequately served by existing utilities, and

WHEREAS, the Planning Commission finds the proposal meets Economic Development: Goal 1 because the proposed change in zoning will locate commercial within an existing commercial activity center that fronts on Main Street – major arterial roadway. It will serve other commercial uses in the immediate area, and

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because the subject site is not located within a regulatory flood plain. MSD has preliminarily approved the development plan as there is no proposed construction, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed rezoning to C-2 will allow for higher density residential along a transit corridor on Main Street should the subject site redevelop, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposed commercial zoning district would allow for mixed use development that can encourage inter-generational, mixed-income and mixed-use development. The proposed rezoning allows for higher density and accessible residential uses along transit corridors should the site redevelop, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because should the subject site redevelop, mixed use developments, co-housing and accessory apartments would be permitted. The proposal does not involve the displacement of existing residents, and

WHEREAS, the Planning Commission finds the proposed rezoning will not be a non-residential expansion into existing residential areas as the subject site has been used as an off-street parking lot for several decades. There is existing solid fencing around the property that screens the parking lot from adjacent residential uses. The proposed parking will be serving other commercial uses in the immediate area. The proposed plan is preserving what is existing. The proposed rezoning to commercial will locate higher density and intensity uses near major transportation facilities and transit corridors and will be located within a commercial activity center. There is adequate infrastructure to serve the development, and

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WHEREAS, the Planning Commission finds proposed rezoning will not be a non-residential expansion into existing residential areas as the site is currently zoned CM commercial manufacturing and is located in an area with a variety of uses that are residential and non-residential. Within the R-6 portion of the subject site is a non-residential use for off-street parking that has existed for several decades. The proposed rezoning to commercial will allow a higher density of commercial and residential along Main Street which is an established commercial activity center with adequate infrastructure to serve the subject site; 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-6 multi-family residential and CM commercial manufacturing to C-2 commercial.

The vote was as follows:

YES: Commissioners Lohan, Bond, Lannert, Fischer, Cheek, Steff, Benitez, Kern, and Sistrunk

ABSENT: Commissioner Mims

Waiver from 10.2.4 to allow the existing parking lot to encroach into the required 15 ft property perimeter landscape buffer

01:28:58 On a motion by Commissioner Cheek, seconded by Commissioner Bond, 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 since there is existing fencing between the subject site and adjacent residential, and

WHEREAS, the Planning Commission finds the Community Form Goal 1, Policy 4 calls to ensure that 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. The proposal does not include the demolition of existing site conditions or new construction, which could reduce compatibility with the scale and site design in the area, and

WHEREAS, the Planning Commission finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since due to the location of the existing parking lot. There is still screening being provided with existing fencing, and

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WHEREAS, the Planning Commission finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as there is screening being provided between the commercial and adjacent residential use. There is no new construction being proposed. The site has historically been a parking lot; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from 10.2.4 to allow the existing parking lot to encroach into the required 15 ft property perimeter landscape buffer.

The vote was as follows:

YES: Commissioners Lohan, Bond, Lannert, Fischer, Cheek, Steff, Benitez, Kern, and Sistrunk

ABSENT: Commissioner Mims

Detailed District Development Plan with binding elements.

01:29:25 On a motion by Commissioner Cheek, seconded by Commissioner Bond, 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 site does not have any environmentally sensitive areas, 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 Transportation Planning has approved the preliminary development plan, and

WHEREAS, the Planning Commission finds the applicant is providing the required open space with recreational components are required by the Land Development Code, 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 design of the project is consistent with existing and future development in the area, and

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WHEREAS, the Planning Commission finds the plan is in conformance with the requirements of the Land Development Code; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
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. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties

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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 Lohan, Bond, Lannert, Fischer, Cheek, Steff, Benitez, Kern, and Sistrunk

ABSENT: Commissioner Mims