

PLANNING COMMISSION MINUTES
January 4, 2024

PUBLIC HEARING

CASE NO. 23-ZONE-0128

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| Request: | Change in Zoning from R-4 and R-5 single family residential to C-1 Commercial with a Detailed District Development Plan for an outdoor community event space with Binding Elements |
| Project Name: | Buechel Train Depot Development |
| Location: | 2230 Beuchel Ave |
| Owner: | Four Leaf Clover Properties |
| Applicant: | Four Leaf Clover Properties |
| Representative: | Wyatt, Tarrant and Combs |
| Jurisdiction: | Louisville Metro |
| Council District: | 10 – Pat Mulvihill |
| Case Manager: | Jay Lockett, AICP, Planning Supervisor |

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:

00:16:10 Jay Lockett provided an overview of the request and presented a PowerPoint presentation (see recording for details).

The following spoke in favor of this request:

Jon Baker, Wyatt Tarrant, and Combs, 400 W Market St, Louisville, KY 40202

Sadie Iovenko, 1774 Bardstown Rd #2, Louisville, KY 40205

Nima Mahmoodi, 1100 Envoy Circle, Louisville, KY 40222

Summary of testimony of those in favor:

00:20:32 Jon Baker spoke in support of the request and presented a PowerPoint presentation. Baker elaborated on the development plans for Buechel Train Depot. Baker responded to questions from Committee Members (see recording for detailed presentation)

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00:22:30 Saide Iovenko spoke in support of the request and presented a PowerPoint presentation. Iovenko clarified that some of her goals are to bring more people together and create something that everyone could use. Iovenko mentioned that a community garden would be created to help residents who do not have access to greenspace and learn how to grow their own material. Iovenko responded to questions from Committee Members (see recording for detailed presentation)

00:25:34 Jon Baker continued with the presentation (see recording for details)

00:30:56 Nima Mahmoodi spoke in support of the request and presented a PowerPoint presentation. Mahmoodi elaborated on the many projects that would be part of the development. Mahmoodi stated the community garden would provide classes and allow the community to grow plants of their liking (see recording for detailed presentation)

Deliberation:

00:41:45 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-4 and R-5 single family to C-1 Commercial

00:43:20 On a motion by Commissioner Howard, seconded by Commissioner Carlson, 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 does not represent an expansion of non-residential uses into residential areas. The subject site is a historic train station within an established Suburban Marketplace Corridor form district and adjacent to a variety of commercial and light industrial uses. Adequate screening and buffering will be provided adjacent to residential properties, and

WHEREAS, the proposal meets Community Form: Goal 2 because the development is within an existing commercial activity center. Adequate population exits in the vicinity to support commercial uses on the site, and

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WHEREAS, the proposal meets Community Form: Goal 3 because the site does not have unstable soils or steep slopes. The site has potential for wetlands on the subject site, and the current proposal minimizes disturbance of potentially sensitive areas, and

WHEREAS, the proposal meets Community Form: Goal 4 because the subject site is an individual landmark, containing the historic Buechel train depot. The proposal includes renovation of the historic structures on site, and

WHEREAS, the proposal meets Mobility: Goal 1 because the site is within an existing marketplace corridor. The zoning district allows a wide variety of compatible land uses that support transit-oriented development, and

WHEREAS, the proposal meets Mobility: Goal 2 because the site is served by existing public roadways and would not create additional access through areas of lower intensity, and

WHEREAS, the proposal meets Mobility: Goal 3 because the proposed zoning would allow a mix of neighborhood serving uses that facilitate housing and transportation options, and

WHEREAS, the proposal meets Community Facilities: Goal 2 because all necessary utilities are available. MSD has approved the preliminary development plan, and

WHEREAS, the proposal meets Economic Development: Goal 1 because the subject site is within an established commercial activity center. Adequate buffering and screening will be provided adjacent to residential zoning districts, and

WHEREAS, the proposal meets Livability: Goal 1 because the site does not have potential for erosion and is not in the floodplain. Site disturbance is minimized with the current proposal, and

WHEREAS, the proposal meets Housing: Goal 1 because the proposed zoning district would allow for a variety of housing types and densities. The site is near a variety of services that support aging in place, and

WHEREAS, the proposal meets Housing: Goal 2 because the site is near a wide variety of services, amenities and employment opportunities, and

WHEREAS, the proposal meets Housing: Goal 3 because the proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing. Residents would not be displaced by the proposal; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Change in zoning from R-4 and R-5 to C-1.

The vote was as follows:

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

NO: None

Detailed District Development Plan with Binding Elements

00:44:09 On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted.

WHEREAS, the site is previously developed does not contain any natural resources. The development will allow for the preservation and renovation of a historic site for community use, and

WHEREAS, 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, 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 overall site design and land uses are compatible with the existing and future development of the area. Appropriate screening will be provided to screen adjacent properties and roadways, and

WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

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RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Amendment to Binding Elements **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. 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.
3. 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.
 - c) A minor subdivision plat or other legal instrument dedicating right-of-way as shown shall be recorded prior to issuance of any building permits.
4. 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.
5. 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,

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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.

6. Any external changes to the subject site or modification of the exterior of the buildings shall be in accordance with a Certificate of Appropriateness for the Individual Landmark.

The vote was as follows:

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

NO: None