

PLANNING COMMISSION MINUTES
May 25, 2023

PUBLIC HEARING

CASE NO. 23-ZONE-0002

Request: Change in zoning from C-1 to C-2 with Detailed District Development
Plan and Binding Elements
Project Name: Mellwood Tavern
Location: 1801 Brownsboro Rd
Owner: Mellwood Tavern LLC
Applicant: Patrick Gregory
Jurisdiction: Louisville Metro
Council District: 4 – Jecorey Arthur
Case Manager: Jay Lockett, 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:

00:40:31 Jay Lockett discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Rachel Harmon, 1621 Windsor Place, Louisville, Ky. 40204

Summary of testimony of those in favor:

00:43:01 Rachel Harmon, architect, said she is here to answer questions (see recording for detailed presentation).

Deliberation

00:44:14 Planning Commission deliberation.

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.

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Zoning Change from C-1 to C-2

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Plan 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the zoning change would not represent an expansion of nonresidential uses into residential areas. The site is within a Traditional Marketplace Corridor with a variety of commercial uses in the area; Brownsboro Rd is a major arterial roadway that provides ready access to employment opportunities, commercial services and amenities; the proposed zoning would not permit industrial development or other hazardous uses. The site will be subject to all lighting and noise standards of the Land Development Code and the Louisville Metro Code of Ordinances; the proposed zoning would not permit industrial development or other hazardous uses; the proposed zoning or use would not create significant additional traffic and the use is existing on the subject site; the proposal does not appear to add any significant additional noise-generating uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the subject site is within an existing Traditional Marketplace Corridor with a wide variety of commercial uses; the proposed zoning would permit a variety of neighborhood serving uses in an area with adequate population to support them; the proposed zoning district will result in a compact development pattern and efficient land use that utilizes existing infrastructure; the zoning district would allow for a wide variety of uses, including mixed residential and commercial uses; the development would allow a previously developed site to provide a mix of residential units and commercial uses; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site is previously developed and does not contain distinctive natural features; the site is previously developed and does not have potential hydric soils or erosion concerns; the subject site is not in the flood plain; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the structure is a two-and-a-half-story, masonry, traditional corner commercial building constructed circa 1885, with a modified storefront entry dating to the mid-20th century. It is also within close proximity to both the Clifton and Butchertown Historic Preservation District. The

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development allows this structure to remain in use as it has historically; the existing circa 1885 structure on the site will be maintained; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the subject site is within and established Traditional Marketplace Corridor. The proposed zoning encourages transit-oriented development and an efficient transportation system; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility 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 walking and biking. The proposed development would include a mix of residential dwelling and neighborhood scale commercial uses that encourage a reduction in vehicle miles traveled; the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed zoning would permit a mix of residential dwelling and neighborhood scale commercial uses that can help provide transportation and housing choice; the proposed zoning would allow a mix of neighborhood serving uses that encourage walking and biking. The proposed zoning district is consistent with multi-modal transportation goals; the subject site is well served by existing transportation networks; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, utility service will be coordinated; water service will be coordinated with Louisville Water Company; MSD has reviewed and approved the preliminary development plan; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Economic Development because, Brownsboro Rd is a Major Arterial roadway. The proposed zoning will not adversely impact traffic in the area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site does not have potential for erosion or other environmental concerns; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing 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

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing 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 mixed income households; the subject site is within a Traditional Marketplace Corridor. The site is near a wide variety of services, amenities and employment opportunities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, residents would not be displaced by the proposal; the proposed zoning allows for mixed uses and a variety of housing options that promotes the provisioning of fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council that the zoning change from C-1, Commercial to C-2, Commercial on property described in the attached legal description be **APPROVED**.

The vote was as follows:

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

NOT PRESENT AND NOT VOTING: Commissioner Brown

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Howard, seconded by Commissioner Carlson, the following resolution based on the Standard of Review and Staff Analysis, testimony and evidence heard today was adopted.

WHEREAS, the does not contain any natural resources. The development would renovate and maintain a circa 1885 structure; 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

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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 and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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. 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. The owner/applicant will secure a license agreement with Louisville Metro Public works or KYTC for stairs, awnings, furniture or any portions of the building to remain within the public right-of-way.
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

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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, 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, Cheek, Clare, Fischer, Howard, Mims, Pennix, Sistrunk and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Brown