

PLANNING COMMISSION
March 16, 2023

PUBLIC HEARING

CASE NO. 22-ZONE-0075

Request:	NOTE: EXTRA TIME HAS BEEN REQUESTED AND GRANTED FOR HEARING THIS CASE - Change in zoning from R-5 single family and R-7 multifamily to R-7 multifamily with a District Development Plan with Binding Elements and Waiver(s)
Project Name:	Renaissance on Broadway
Location:	4422 W Broadway
Owner:	Christ Temple Apostolic Church
Applicant:	Christ Temple Apostolic Church
Representative:	Jon Baker - Wyatt, Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	5 - Donna Purvis
Case Manager:	Jay Lockett, AICP, Planner II

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

01:47:18 Jay Lockett presented the case, showed a Power Point presentation, and responded to questions from the Commissioners (see staff report and recording for detailed presentation.)

01:55:02 In response to a question from Commissioner Carlson, Mr. Lockett said the applicant would show more detailed elevations during their presentation.

01:55:23 Commissioner Howard asked for a comparison between the density of the four-story proposal and the current three-story proposal.

01:56:26 Commissioner Mims asked for mor information regarding the Peter C Doerhoefer House (now demolished by applicant.) Joe Haberman, Planning Manager with Planning & Design Services, explained the Landmarks process and the demolition permit process. Some conditions regarding another historic structure on the site have not yet been met. See recording for detailed discussion.

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02:03:12 In response to questions from Commissioner Mims, Mr. Luckett said he believed that the Basil Doerhoefer property is currently being used as standard apartments.

The following spoke in support of the request:

Jon Baker, Wyantt Tarrant & Combs, 400 West Market Street Suite 2000, Louisville, KY 40202

Bishop Michael E. Ford Jr., 4306 Creek Bend Court, Louisville, KY 40241

Deacon Michael Reed, Sr., 2635 Woodmere Avenue, Louisville, KY 40216

Gary Hobbs, Kevin Brown, and Vince Smith, BWI, 1630 North Meridian Street, Indianapolis, IN 46202

Matt Gullo and Aric Andrew, Luckett & Farley, 737 S 3rd St, Louisville, KY 40202

John Mays, 729 Southwestern Parkway, Louisville, KY 40211

Veronica Craig, 4440 West Broadway #100, Louisville, KY 40211

Carolyn Ross-Brents, 683 Southwestern Parkway, Louisville, KY 40211

Shania Chivinos, 2333 Glen Eagle Drive, Louisville, KY 40222

Summary of testimony of those in support:

02:05:07 Jon Baker, the applicant's representative, introduced the case and the applicant's team.

02:07:24 Bishop Michael Ford presented the applicant's case, including information about the Church, its history, and its mission.

02:13:50 Gary Hobbs, representing the developer, gave a brief background history of the BWI company, the project, and the community.

02:20:01 Mr. Baker resumed the presentation and showed a Power Point presentation (see recording for detailed presentation.)

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02:33:45 Matt Gullo discussed the site plan in more detail, including the process they went through to develop this plan (see recording for detailed presentation.)

02:38:22 Aric Andrew discussed the architectural components of the proposed building and showed the elevations. He also discussed the process the applicant went through with ARC and Landmarks (see recording for detailed presentation.)

02:48:00 Deacon Michael Reed said the applicant has met three times with the community to discuss their concerns. He said Westover Board had been offered the opportunity to be on the Church's Board to help design the interior and exterior of the building and to be involved with the project.

02:50:52 John Mays, a nearby resident, spoke in support. He said some misinformation has circulated regarding this being a halfway house, a jail, etc. He said he has never seen a "traffic jam" at 45th and Broadway and does not think that traffic will be a concern. He said this project will be positive for the community in a variety of ways (see recording for detailed presentation.)

02:55:24 Veronica Craig, a resident of the Doerhoefer apartments, spoke in support. She emphasized the importance of affordable housing, accessible services, and transportation equity in the neighborhood

03:02:16 Carolyn Ross-Brents spoke in support of the project and noted the positive works the Church has done in this neighborhood.

03:03:38 Shania Chivinos spoke in support of the project and also noted the positive works the Church has done in this neighborhood.

03:05:38 Mr. Baker concluded the presentation.

03:07:11 In response to questions from Commissioner Carlson, Mr. Baker confirmed that this will be all rental housing. Vince Smith, a BWI representative, explained the energy reduction incentives (see recording for detailed presentation.)

03:09:18 In response to questions from Commissioner Pennix, Mr. Gullo discussed landscaping/screening for the parking lot facing West Broadway.

03:09:45 In response to questions from Commissioner Pennix, Bishop Ford discussed the offer for Westover neighbors to be on the Board (see recording.)

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03:10:26 In response to questions from Commissioner Mims, Mr. Hobbs said the first floor is 12 feet floor to floor because there are public spaces there. The two other floors have ceiling heights of 9 feet.

03:11:52 In response to questions from Commissioner Mims, Mr. Gullo and Mr. Hobbs discussed proposed parking (see recording.)

The Commission recessed for 10 minutes prior to the opposition testimony.

The following spoke in opposition to the request:

Ryan Fenwick, Attorney for Westover, 816 East Broadway, Louisville, KY 40204

Cheryl Northington, 4527 Riverview Avenue, Louisville, KY 40211

Nancy Harris, 4629 Riverview Avenue, Louisville, KY 40211

Judith Gaddie, 700 South 44th Street #300, Louisville, KY 40211

Martina Kunnecke, 311 Northwestern Parkway, Louisville, KY 40212

Ray Barker, 730 Cecil Avenue, Louisville, KY 40211

Carol Shobe, 4634 Riverview Avenue, Louisville, KY 40211

Charese Bradley-Logsdon, 4520 West Broadway, Louisville, KY 40211

Jean Griffin, 4530 West Broadway, Louisville, KY 40211

Brenda Owens, 1022 South 47th Street, Louisville, KY 40211

Marsha Moorman, 4710 Brewster Avenue, Louisville, KY 40211

Vanessa Lackey, 4630 Varble Avenue, Louisville, KY 40211

Summary of testimony of those in opposition:

03:16:01 Vanessa Lackey spoke in opposition and showed a Power Point presentation (see recording for detailed presentation.) Subjects included: parking, speeding, and heavy traffic on 45th Street and on Broadway. She said an unregistered, un-permitted AirBnB is owned by Bishop Michael Ford, which she said is causing traffic

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and other neighborhood problems. She showed photos of the Basil Doerhoefer property (4440 West Broadway) which she said showed ongoing maintenance problems and violations. She said the proposed building does not fit the character of the neighborhood.

03:24:57 Marsha Moorman continued with the Power Point presentation which showed trash and other conditions at the Basil Doerhoefer House; parking conditions; increased traffic; incompatible design, and environmental concerns. She read a letter from Cheri Bryant Hamilton into the record (see recording.)

03:25:56 Brenda Owens, a Westover resident, said she objects to more multi-family housing and said the Westover neighborhood already has 15 apartment buildings within an 8-block radius. She said there are already traffic issues; loss of trees; parking problems; and the design and modern appearance of the proposed structure are out of character with the historic neighborhood. She said the Church showed a "lack of communication" with residents relating to this project. She said the Church did not take care of the Peter Doerhoefer House and instead allowed it to deteriorate until there was no choice but to demolish it (see recording).

03:38:43 Jean Griffin also spoke about the number of existing apartment buildings in the Chickasaw and Westover neighborhoods. She said the R-7 zoning category would open this property to halfway houses, liquor stores, etc. She also said the design "looks like a prison" and is incompatible with the historic Chickasaw neighborhood.

03:42:12 Charese Bradley-Logsdon disputed the Church's activities in the neighborhood. She discussed problems (fights, marijuana, etc) with an apartment complex owned by John Mays and said there are traffic problems at 45th and Broadway. She said the Westover residents are the ones who are picking up trash. See recording for detailed presentation.

03:48:06 Carol Shobe, a long-time resident of the neighborhood, said there are many apartment complexes in the area (majority are 2-4 units) but few as large as the proposed 42 units. She said the design of the building is incompatible with the neighborhood. She said she is strongly in favor of affordable housing but asked that the number of units be decreased.

03:53:23 Ray A. Barker said he neighborhood stakeholders (homeowners) were not asked what their opinions were about the building design. He said that, as a former police officer, he has made "numerous runs" to the other nearby apartment buildings. He said that, if it is the Church's mission to house young people who have aged out of

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the foster care system, is there a plan in place to help them? He asked how the community would benefit from changing the zoning.

03:57:32 Martina Kunnecke, president of Neighborhood Planning & Preservation, asked if the affordable housing being offered will be subsidized. She said some church members, who live outside the community, have testified in favor of the project when they do not live in this neighborhood. She asked if parking would be shared between the new building and the old Basil Doerhoefer House. She noted that Mr. Mays was also a member of the Landmarks Commission when the discussion was brought forth regarding the architecture of the proposed building, he was also on Landmarks when the Peter Doerhoefer house received a demolition permit which was issued after the fact.

04:04:03 Judith Gaddie said she lives next door to the proposed site. She has concerns about parking, noise, and population density. She said this project has been turned into "an emotional, divisive issue" and noted that the Bishop does not live in the neighborhood.

04:10:49 Nancy Harris said her primary concern is changing the zoning. The R-7 zoning would allow more large apartment buildings. Also, the design is incompatible with the neighborhood. She asked that affordable housing be built in other areas of the County, not just in the West End.

04:14:50 Cheryl Northington said there is no guarantee that the new tenants would participate in the Church or partake of their programs. She said the Church has not taken care of the Doerhoefer properties in the past and she is skeptical that they will take care of this site.

04:19:03 Ryan Fenwick, attorney for Westover, said this is a prosperous, established African-American community who want their neighborhood to be protected. He discussed ways that this proposal does not meet Plan 2040 (see recording for detailed presentation.)

04:30:20 Mr. Fenwick cross-examined Mr. Luckett regarding the following:

The services, amenities, and employment opportunities which are discussed in the staff report on page 1 of the Staff Findings; what efforts had been made to protect the historical integrity of the entry of the Basil Doerhoefer Mansion; where in the Comprehensive Plan it is stated that higher densities are to be located in established activity centers or near parks; if other properties that do not comply with Traditional Neighborhood Form are in this area; and what specific unnecessary hardship that strict

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application of the Land Development Code would create for the applicant (see recording for verbatim discussion.)

04:33:08 In response to a question from Mr. Fenwick, Mr. Haberman clarified that the condition is not to landmark the Basil Doerhoefer Mansion; because that is ultimately the decision of the Landmarks Commission. He offered to read the condition from the approved report into the record, but Mr. Fenwick declined. In response to another question from Mr. Fenwick, Mr. Haberman said the applicant has not yet submitted any paperwork to landmark the Mansion, but they have had conversations with staff since at least May of 2022 (see recording for detailed discussion.)

04:34:33 In response to a question from Mr. Fenwick, Mr. Luckett said that most of the other multifamily housing discussed in the staff report built is older than Plan 2040.

Rebuttal:

04:35:15 Mr. Baker delivered rebuttal (see recording for detailed presentation.)

04:41:54 Mr. Andrew discussed the design process in detail (see recording for detailed presentation.)

04:47:55 Mr. Baker concluded rebuttal. His presentation included but was not limited to: parking spaces; removing some pavement closer to the Basil Doerhoefer Mansion and replacing that with greenspace and grass; and efforts to save the perimeter trees.

04:49:46 In response to questions from Commissioner Mims, Mr. Baker and Mr. Andrew discussed the innovation grant to the Church (see recording for detailed discussion.)

04:50:46 In response to questions from Commissioner Mims, Mr. Reed said there is a current Code Enforcement violation on the Basil Doerhoefer House but the Church is getting bids for the repainting. Bishop Ford and Commissioner Mims discussed the interactions between the Church and the Westover and Chickasaw neighbors (see recording for detailed discussion.)

04:55:31 In response to questions from Commissioner Mims, Bishop Ford discussed timelines and banking issues that affect the project (see recording.)

04:56:22 In response to questions from Commissioner Sistrunk, Mr. Gullo said the existing two-pillar entrance on Broadway and said that will remain as-is.

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Deliberations:

04:57:50 Commissioners' deliberation (see recording for detailed discussion.)

04:58:00 Commissioner Pennix is in favor of the project but is not in favor of the size and design of the apartment building. She said this is not part of an "activity center". She has concerns because there is so much opposition and asked how much is too much "affordable" development in West Louisville.

05:00:41 Commissioner Sistrunk also disagreed that this area is an "employment and activity center". He had concerns that this modern design is not appropriate for this neighborhood.

05:03:26 Commissioner Howard said she is in favor of the innovations, such as energy usage and the car sharing program. This is already an urban area. She reviewed ways the plan meets the Comprehensive Plan, but also thought the structure could be made more compatible with the surrounding neighborhood. She said the plan has not yet been approved by Landmarks Commission.

05:06:24 Commissioner Mims said he is not opposed to the rezoning. He said he is not in favor of the waiver which is relative to the four basic components of the Traditional Neighborhood. He also asked what would happen to this property if this project is denied today.

05:07:57 Commissioner Cheek said she thinks the proposed rezoning and use are appropriate, and commended the applicant's innovations. However, the opposition's objection was consistently about the design not fitting in with the neighborhood.

05:09:09 Commissioner Carlson also felt that the design was incompatible / inappropriate. He asked if a revised plan could be brought back before the Planning Commission.

Commissioner Mims and Mr. Haberman discussed what the Landmarks Commission and Urban Design team have done with the applicant so far, and what the process is. He noted that Landmarks did approve the design.

In response to questions from Commissioner Howard, Mr. Haberman discussed the Landmarks review process for this proposal.

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Commissioner Lewis said she is also in favor of the innovations and the affordability of the proposal. She asked if the applicant could work on the front of the building to try to make it fit in a bit better with the existing neighborhood. She said this building does not look much different than the four-story elevations.

05:15:25 In response to questions from Commissioner Mims, Laura Ferguson, legal counsel for the Planning Commission, explained procedures on cases like this that need to go before the Metro Council. The Commissioners discussed the issue (see recording.)

05:18:54 The Commissioners came out of Business Session to talk with the applicant.

05:19:13 In response to a question from Commissioner Lewis, Bishop Ford said a continuance on this case would end the project. He discussed financial concerns. Mr. Baker and Mr. Andrew explained his conversations with Landmarks and Urban Design staff. He said the applicant is willing to address design concerns but time frames and budgetary issues must also be taken into account.

05:24:38 In response to questions from Commissioner Carlson, Mr. Smith said the applicant needs to close no later than May 31st. They must have a zoning ordinance and be able to pull permits. The Commissioners, Mr. Haberman, and staff discussed process and timelines (see recording for detailed discussion.)

05:38:53 Commissioner Pennix said the community's concerns are about more than just the building design. Commissioner Howard noted that some residents' concerns (that R-7 would allow bars, retail uses, etc.) were unfounded.

05:43:56 The public hearing was closed and the Commissioners resumed Business Session.

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.

Change in zoning from R-5 and R-7 to R-7

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05:45:13 On a motion by Commissioner Howard, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the subject site is located on W Broadway, a major arterial roadway with transit and dedicated bike lanes along the site frontage. West Broadway provides ready access to services, amenities and job opportunities; and the proposed zoning and uses are similar in intensity to the adjacent properties; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal includes a mix of residential and institutional uses; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because the site does not have environmental concerns; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because an individual landmark known as the Peter C Doerhoefer House has been demolished on the site. The applicant should take care to ensure the future integrity and preservation of the remaining Basil Doerhoefer on the site. The applicant should work closely with Historic Preservation Staff to ensure compatibility of the new structure within the context of the historic site. Individual Landmarks approved the original 4- story concept. Historic Preservation staff is still reviewing the revised 3- story structure; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the subject site is served by transit and has ready access to services, amenities and job opportunities; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 2 because the site will be accessed via existing public streets and shared access; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the proposed zoning would permit a variety of housing types and densities in an area well served by multimodal transportation networks; The subject site is well served by existing transportation networks. Transportation Planning has approved the preliminary development plan; the applicant may need to repair or upgrade sidewalks around the subject site; the subject site is well served by existing transportation networks. Transportation Planning has approved the preliminary development plan; and the subject site is well served by existing transportation networks; and

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WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because utility service will be coordinated; water service will be coordinated; and MSD has reviewed and approved the preliminary development plan; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because the subject site does not contain distinctive natural features; the subject site does not have potential for unstable soils; and the site is not in the floodplain; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 1 because the proposed zoning would allow a variety of housing types and densities appropriate for the form district; and the proposed zoning would allow a variety of housing types and densities that support aging in place; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposed zoning would allow a variety of housing types and densities in a well-connected location that supports a mixed-income neighborhood; and the proposed zoning would allow a variety of housing types and densities in an area that is well connected to a multimodal transportation network with a variety of services and amenities; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because the site is near a wide variety of services, amenities and employment opportunities. The proposal would provide opportunities for fair and affordable housing; residents would not be displaced by the proposal; and the proposed zoning allows for a variety of housing options that promotes the provisioning of fair and affordable housing; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-5 and R-7 to R-7 on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Cheek, Sistrunk, Mims, Howard, Carlson, and Lewis.

NO: Commissioner Pennix.

ABSENT: Commissioners Clare and Fischer.

Waiver #1 – Waiver from Land Development Code section 5.4.1 to permit residential development that does not conform to the 4 basic components of traditional site design.

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05:47:06 A motion was made by Commissioner Howard, seconded by Commissioner Cheek, to approve the requested Waiver from Land Development Code section 5.4.1 to permit residential development that does not conform to the 4 basic components of traditional site design. The **motion failed** by the following vote:

The vote was as follows:

YES: Commissioners Cheek, Howard, Lewis.

NO: Commissioners Pennix, Sistrunk, Carlson, and Mims.

ABSENT: Commissioners Clare and Fischer.

Waiver #2 – Waiver from Land Development Code section 10.2.10 to not provide the required 5-foot Vehicle Use Area Landscape Buffer Area adjacent to the Roman Catholic Bishop of Louisville property.

05:48:29 On a motion by Commissioner Howard, seconded by Commissioner Cheek, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the waiver will not adversely affect adjacent property owners, as the area to be screened on the adjacent property is a parking lot that shares access through the subject site; and

WHEREAS, the Commission further finds that the waiver will not violate the Comprehensive Plan, as all required planting and screening will be provided elsewhere around the site; and

WHEREAS, the Commission further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. All other screening and planting required will be provided on the subject site; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the buffer area would be between two parking areas that share crossover access; now, therefore be it

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RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Waiver #2 – Waiver from Land Development Code section 10.2.10 to not provide the required 5-foot Vehicle Use Area Landscape Buffer Area adjacent to the Roman Catholic Bishop of Louisville property.

The vote was as follows:

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

ABSENT: Commissioners Clare and Fischer.

05:49:48 Ms. Ferguson, Julia Williams, and the Commissioners discussed possible action to be taken on Waiver #2 and the development plan (see recording.)

District Development plan with Binding Elements

05:49:44 Commissioners' discussion (see recording.)

05:52:11 Emily Liu, Director of Planning & Design Services, said the applicant would like to bring a revised development plan back to the Planning Commission on March 30, 2023 (a continuance of the development plan only.)

05:54:51 On a motion by Commissioner Howard, seconded by Commissioner Cheek, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the **March 30, 2023** Planning Commission public hearing to review the revised district development plan **ONLY**, and will allow testimony on the revised development plan, and testimony time will be limited to 20 minutes.

The vote was as follows:

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

ABSENT: Commissioners Clare and Fischer.

**MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO PLANNING COMMISSION
March 30, 2023
Case No. 22-ZONE-0075 ONLY**

A meeting of the Louisville Metro Planning Commission was held on Thursday, March 30, 2023 at the Old Jail building court room, located at 514 West Liberty Street, Louisville KY 40202.

Commissioners Present:

Marilyn Lewis, Chair
Michelle Pennix
Suzanne Cheek
Rich Carlson
Jim Mims
Lula Howard
Bill Fischer
Patti Clare
Jeff Brown

Commissioners Absent:

Te'Andre Sistrunk

Staff Members Present:

Brian Davis, Assistant Director, Planning & Design Services
Julia Williams, Planning and Design Manager
Dante St. Germain, Planner II
Savannah Darr, Historic Preservation Officer
Jay Lockett, Planner II
Laura Ferguson, Assistant County Attorney
Chris Cestaro, Management Assistant (minutes)

Others Present

Beth Stuber, Engineer Supervisor, Louisville Metro Transportation
Mark Sites, MSD
Brad Selch, MSD

The following matters were considered:

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Request:	THIS CASE WAS CONTINUED FROM THE MARCH 16, 2023 PC HEARING - Change in zoning from R-5 single family and R-7 multifamily to R-7 multifamily with a District Development Plan with Binding Elements and Waiver(s)
Project Name:	Renaissance on Broadway
Location:	4422 W Broadway
Owner:	Christ Temple Apostolic Church
Applicant:	Christ Temple Apostolic Church
Representative:	Jon Baker - Wyatt, Tarrant and Combs
Jurisdiction:	Louisville Metro
Council District:	5 - Donna Purvis
Case Manager:	Jay Lockett, AICP, Planner II

NOTE: TODAY'S HEARING IS TO REVIEW THE REVISED DEVELOPMENT PLAN PORTION ONLY.

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:12:07 Jay Lockett presented the case and showed a Power Point presentation. He noted that the proposed residential development will now be developed on the lot with the church on it, instead of on its own lot. See staff report and recording for detailed presentation.

00:15:42 In response to questions from Commissioner Mims, Mr. Lockett explained why a previously-requested waiver is now no longer needed (see recording for detailed discussion.)

The following spoke in support of the request:

Jon Baker, Wyant Tarrant & Combs, 400 West Market Street Suite 2000, Louisville, KY 40202

Matt Gullo and Aric Andrew, Lockett & Farley, 737 S 3rd St, Louisville, KY 40202

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John Mays, 729 Southwestern Parkway, Louisville, KY 40211

Bishop Michael E. Ford Jr., 723 South 45th Street, Louisville, KY 40211

Deacon Michael Reed, Sr., 2635 Woodmere Avenue, Louisville, KY 40216

Aric Andrew, 737 South Third Street, Louisville, KY 40202

Summary of testimony of those in support:

00:17:00 Jon Baker, the applicant's representative, presented the revised district development plan and showed a Power Point presentation (See recording for detailed presentation.)

00:21:50 Matt Gullo, an applicant's representative, discussed the revised development plan in detail; the process the applicant has taken over the past year; and communications with staff (see recording for detailed presentation.) He noted that the applicant has submitted a request to Landmarks to landmark the Doerhoefer mansion.

00:30:43 Mr. Baker concluded the presentation (see recording.) he noted that there was a meeting last week with Bishop Ford and some neighbors; they could not reach an agreement regarding the design of the building.

00:32:13 In response to questions from Commissioner Mims, Mr. Luckett confirmed that the parking is compliant with the Land Development Code. Mr. Baker discussed the Landmarks process for landmarking the Basil Doerhoefer house.

00:34:16 In response to a question from Commissioner Howard, Mr. Luckett confirmed that current binding element 3B can be deleted because there is no change in the lot line being proposed. Mr. Luckett also discussed shared parking, and shared parking access, on the lot.

00:35:39 Mr. Luckett discussed a binding element that requires the applicant to follow the requirements of the Architectural Review Committee (ARC) with respect to the individual landmark (see recording.)

The following spoke in opposition to the request:

Ryan Fenwick, Attorney for Westover, 816 East Broadway, Louisville, KY 40204

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Brenda Owens, 1022 South 47th Street, Louisville, KY 40211

Kathy Cooksie Neal, 4711 Brewster Avenue, Louisville, KY 40211

Vanessa Lackey, 4630 Varble Avenue, Louisville, KY 40211

Summary of testimony of those in opposition:

00:36:35 Ryan Fenwick, attorney for the opposition, said this is too much building on too little land, and that the proposal is out of the character with the neighborhood (see recording for detailed presentation.) He said this proposal does not meet the definition of "mixed use".

00:42:45 Brenda Owens said the Commission had asked the applicant to revise their development plan and make design changes; she said the applicant has not done that. She said this building is too large and is not in character with the historic Chickasaw neighborhood. She noted traffic concerns and the high number of apartments in the neighborhood.

00:46:11 Kathy Cooksie Neal criticized staff and the Commissioners and said the Commission was inconsistent, showed "disdain for the community", and bias. See recording for detailed presentation. She also discussed the importance of maintenance of the character of the neighborhood; inadequate parking; traffic disruption; and the concentration of high-density housing. She disputed staff's finding that this is near employment centers, and that this does not serve the neighborhood.

00:51:00 Vanessa Lackey objected that Westover residents were not notified about the project. She said that, for over 35 years, residents have told the Church about parishioners parking in the neighborhood and blocking the driveways; but nothing was ever done. She said the Church let the Doerhoefer houses become badly neglected, and that the Church lets dumpsters overflow and leaves trash in the area. She said traffic at Broadway and 45th Street is already heavy. She discussed the history between the applicant and Westover residents, and the residents' concerns. She said not one thing has been changed on the plan to fit the character of the neighborhood.

00:56:38 Mr. Fenwick reiterated that this design is no better because a proposed property line has been removed. He said the public is not going to go into this project and find amenities, and it is not a neighborhood serving use.

Rebuttal:

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00:59:30 Bishop Ford commented on the communications between the Church and the community (see recording for detailed presentation.) He said there are many residents who are in favor of the project and have also presented a petition in favor.

01:01:41 Mr. Baker concluded the rebuttal (see recording for detailed presentation.)

01:05:25 Laura Ferguson, legal counsel for the Planning Commission, presented a proposed binding element per the Commissioners request, to read as follows:

Prior to Certificate of Occupancy, the applicant shall file an application seeking designation of the Basil Doerhoefer House as an individual landmark [set date].

This would either be a replacement for binding element #3B, or added on as binding element #7.

01:06:48 Aric Andrew, the architect, said the applicant has submitted a draft application for review to the ARC. In response to questions from Commissioner Cheek, Ms. Ferguson discussed the landmark application process.

01:08:46 In response to questions from Commissioner Carlson, Mr. Luckett discussed what would happen if anyone tried to subdivide the property (see recording for detailed explanation.)

Deliberations:

01:10:03 Commissioners' deliberation (see recording for detailed discussion.)

01:10:10 Commissioner Pennix said the design and location of this apartment building is not appropriate to the neighborhood, and she cannot support the proposal because there was much community opposition.

01:13:33 Commissioner Clare said she would abstain because she was not present for the March 16, 2023 hearing.

01:13:58 Commissioner Mims said the plan is compliant with the Land Development Code.

01:15:54 Commissioner Howard refuted testimony from some members of the opposition. She discussed some of the uses which are, and are not, allowed in the R-7 zoning category; and also some of the processes involved in hearing cases. She noted that, without the proposed property line, this property becomes a campus for the

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Church. She said the applicant's have gone back and tried to do some things that help the neighborhood, and young people.

01:20:26 Commissioner Brown said he was not present for the March 16, 2023 hearing on this case but he did review that meeting and is prepared to vote today. He spoke in favor of the proposal.

01:21:15 Commissioner Lewis spoke in favor of the proposal, and noted that most affordable housing is not usually welcomed regardless of which part of the community it is proposed for.

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.

District Development plan with Binding Elements

01:22:48 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today and at the March 16, 2023 Planning Commission hearing, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints on the subject site. The site is an Individual Landmark known as the Peter Doerhoefer House. That historic structure has been demolished. Individual Landmarks reviewed and approved the demolition after-the-fact and a preliminary approval of the initial building design; and

WHEREAS, the Commission further finds that 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 Commission further finds that there are no open space requirements pertinent to the current proposal. The site is less than 300 feet from Shawnee Park; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate

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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 Commission further finds that 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 Commission further finds that 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

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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. Prior to Certificate of Occupancy, the applicant shall file an application seeking designation of the Basil Doerhoefer House as an individual landmark
 - c. The property owner/developer must obtain approval of a detailed plan

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- 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.
- d. A shared parking, access and crossover agreement in a form acceptable to Planning Commission legal counsel shall be created between the sites and recorded. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services prior to requesting a certificate of occupancy.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
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, 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. The development shall be in accordance with a Certificate of Appropriateness approved by the Historic Landmarks and Preservation District Commission and/or Historic Preservation Staff. The development shall follow all associated Conditions of Approval.

The vote was as follows:

YES: Commissioners Brown, Cheek, Howard, Mims, Carlson, and Lewis.
NO: Commissioner Pennix.

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ABSTAIN: Commissioners Clare and Fischer.

ABSENT: Commissioner Sistrunk.