

PLANNING COMMISSION MINUTES

June 17, 2021

PUBLIC HEARING

CASE NO. 20-ZONE-0120

NOTE: Commissioner Seitz left the meeting and was not present for the last vote on the Detailed District Development Plan request.

Request: Change in zoning from R-4 to R-6, with Detailed District Development Plan and Binding Elements and Waiver
Project Name: 6001 Outer Loop Apartments
Location: 6001 Outer Loop
Owner: Mive Property LLC
Applicant: Mive Property LLC
Representative: Bardenwerper, Talbott & Roberts – John Talbott
Jurisdiction: Louisville Metro
Council District: 24 - Madonna Flood
Case Manager: **Dante St. Germain, 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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

02:00:40 Dante St. Germain presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

02:13:03 Commissioner Mims asked that the applicant provide more information regarding the site design issues.

The following spoke in support of the request:

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY

Marv Blomquist, Blomquist Design Group, 10529 Timberwood Cir # D, Louisville, KY 40223

Summary of testimony of those in support:

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02:13:33 John Talbott, the applicant's representative, cross-examined Ms. St. Germain regarding neighborhood plans (see recording for detailed discussion.)

02:28:40 Mr. Talbott presented the applicant's case and showed a Power Point presentation.

02:40:45 Marv Blomquist discussed site layout, stormwater drainage and detention, and other aspects of the site design.

02:45:26 Mr. Talbott concluded the presentation.

02:58:50 Commissioner Carlson and Mr. Talbott discussed R-4 zoning, specifically in this area. Commissioner Carlson and Mr. Talbott discussed why the applicant didn't use more height to achieve density, and also why the buildings are oriented as they are. Commissioner Carlson said the buildings are all the same with no defining features or variety. Mr. Blomquist discussed height, scale, layout and design. Mr. Talbott discussed ways in which he says the project complies with CF3. In response to a question from Commissioner Carlson, Mr. Talbott said affordable housing had not been factored in to the project.

03:09:11 In response to questions from Commissioner Howard, Mr. Talbott confirmed that the buildings would all be three story and none would have elevators. Commissioner Howard asked how that could affect senior potential renters. Mr. Talbott said he assumed that the lower/first floor units would be available for people with difficulty walking up stairs.

03:10:29 Commissioner Seitz and Mr. Blomquist discussed if there was any way to integrate elevators into the buildings as they are being presented today. Commissioner Daniels noted that, by not having elevators, there is no way for people with disabilities to access the upper floors and questioned whether the development was ADA-compliant. Mr. Blomquist said that the 84 first-floor units are accessible.

03:17:42 Laura Ferguson, Assistant County Attorney, said that ADA applies more to common areas of apartment complexes. Or areas intended for the general public (rental office, public restrooms, etc.) She said elevators are not mandated, but described other "reasonable accommodations" that are.

The following spoke in opposition to the request:

No one spoke.

Rebuttal:

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03:19:13 Mr. Talbott presented rebuttal (see recording.)

Deliberation:

03:25:22 Commissioners' deliberation.

03:41:13 After some discussion, Mr. Talbott said he would like an opportunity to speak with his client regarding any possible changes to the development plan.

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.

03:53:53 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, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the proposed zoning district would permit higher density and intensity uses. The site is located on a major arterial and transit corridor, and near an existing activity center; and appropriate transitions between uses that are substantially different in scale and intensity or density will be provided; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposal would permit new development providing residential uses; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 3 because no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 4 because no distinctive cultural features are evident on the site; and no historic structures are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 1 because the site is located near an existing activity center. The proposal would permit higher density and intensity uses; and

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WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 2 because access to the site is via Outer Loop, a major arterial at this location; and

WHEREAS, the Commission further finds that the proposal meets Mobility: Goal 3 because the site is located on a transit corridor and is easily accessible by bicycle, car, transit, pedestrians and people with disabilities; and Transportation Planning has approved the proposal; and no direct residential access to high speed roadways is proposed; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal; and Louisville Water Company and MSD have approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Livability: Goal 1 because tree canopy is being preserved on the portion of the site that contains tree canopy; no karst features are evident on the site; the site not located in the regulatory floodplain; the proposal would allow a variety of housing types, and would increase the variety of housing available in the neighborhood; and the proposal would support aging in place by increasing the options for older adults and people with disabilities to live in the neighborhood. The site is located on a transit corridor; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 2 because the proposal would permit inter-generational, mixed-income development that is connected to the neighborhood and surrounding area; and the proposal would permit higher density residential uses. The site is located along a multi-modal transit corridor and near an activity center. The site is within proximity to amenities providing neighborhood goods and services; and

WHEREAS, the Commission further finds that the proposal meets Housing: Goal 3 because the proposal would encourage the provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. It would expand opportunities for people to live in quality, variably priced housing in locations of their choice; and no existing residents will be displaced by the proposal; and the proposal would permit innovative methods of housing; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the Change in zoning from R-4 Single Family Residential to R-6 Multi-Family Residential on property described in the attached legal description be **APPROVED**.

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The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Daniels, Seitz, Sistrunk, and Lewis.

ABSTAIN: Commissioner Carlson.

03:55:38 On a motion by Commissioner Brown, seconded by Commissioner Mims, the following resolution was adopted:

RESOLVED, the Louisville Metro Planning Commission does hereby **CONTINUE** the Detailed District Development Plan and Waiver requests to be sent to the LD&T Committee at a date uncertain, as discussed in today's deliberation.

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Carlson, Daniels, Sistrunk, and Lewis.

NOT PRESENT: Commissioner Seitz.