

PLANNING COMMISSION MINUTES

June 2, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0126

Request:	Change in zoning from R-5 to R-6, with Detailed District Development Plan with Binding Elements, Variances and Waivers
Project Name:	N Crestmoor Avenue Rezoning
Location:	100 N Crestmoor Avenue
Owner:	Michael Frank & Lauren Riney
Applicant:	Michael Frank
Representative:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:56:32 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kent Gootee, Mindel, Scott and Associates, 5151 Jefferson Boulevard, Louisville, Ky. 40219

Summary of testimony of those in favor:

Kent Gootee gave a power point presentation providing the project details (see recording for detailed presentation).

The following spoke in opposition to this request:

Steve Porter, 2406 Tucker Station Road, Louisville, Ky. 40299
Emily Paprocki, 135 Blackburn Avenue, Louisville, Ky. 40206
Edward Harlan, 102 North Crestwood Avenue, Louisville, Ky. 40206
Grace Hawkins, 101 Blackburn Avenue, Louisville, Ky. 40206

PLANNING COMMISSION MINUTES

June 2, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0126

Summary of testimony of those in opposition:

Steve Porter submitted a petition from the neighbors into the record. He also provided finding of facts for denial. The major issues are the 3-story building to be placed in the rear of the property and it's not compatible with the neighborhood (see recording for detailed presentation).

Emily Paprocki stated she is a licensed architect and it is a routine part of her job to help clients develop their property. The Planning and Design tenets the city has in place need to be taken seriously and upheld. The main issues are the associated variances and waivers that allow complete disregard for some of the fundamental features of traditional neighborhood residential design (see recording for detailed presentation).

Edward Harlan said it's inappropriate for this plan to be approved by the Planning Commission in its current state. There are many policies in the Comprehensive Plan 2040 that directly oppose the proposal (see recording for detailed presentation).

Grace Hawkins discussed the applicant's non-compliance with the Comprehensive Plan 2040 (see recording for detailed presentation).

Rebuttal

Kent Gootee said the proposal is compatible as far as size in massing with the surrounding streets. In order to grow, there has to be some changes allowed in zoning. The development is unique and there is a mix of housing and types in the neighborhood (see recording for detailed presentation).

Deliberation

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.

Zoning Change from R-5 Single Family Residential to R-6 Multi-Family Residential

PLANNING COMMISSION MINUTES

June 2, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0126

On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution based on the testimony from the opposition and adopt the opposition's finding of fact as the justification for the denial recommendation.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal does not meet Land Use & Development Goal 1: Community Form because, the proposal does not comply with the intent and applicable policies of the Community Form Elements of Plan 2040. The new development is not compatible with the scale and site design of nearby existing development, as evidenced by the many objections, exhibits and presentations from the nearby public. The proposal violates Goal 1, Objective b. because it violates the preferred neighborhood character as stated in the Crescent Hill Neighborhood Plan. The proposal violates Goal 1, Policy 2.1.2 because the intensity and density of the proposed land use is not compatible with existing land uses. The proposal violates Goal 1, Policy 2.1.4 because its mass, scale, height, orientation, setback and design are not compatible with existing properties. The 3-story building is totally out of character with the existing buildings in the area, not only because of its size but because of its location at the rear of the lot and the proposed elimination of the required buffer area. It violates Goal 1, Policy 3.1.2 (b) because its new building does not use traditional building scale or site layout. It violates Goal 1, Policy 4 because it is not compatible with the scale and site design of nearby existing development. It violates Goal 1, Policy 9 because the requested 5 residential units and the new three-story building are not an appropriate transition between those features and neighboring single-family development. It violates Goal 1, Policy 10 because it does not mitigate the impacts when incompatible developments occur adjacent to one another, such as outdoor lighting, lights from automobiles, automobile exhaust, and a visual nuisance. It violates Goal 1, Policy 11 because its setbacks and building heights are incompatible with nearby developments. It violates Goal 1, Policy 12 because the parking areas for multiple cars far beyond the normal number for a lot its size will negatively impact nearby residents because of limited buffering. It violates Goal 1, Policy 17 because its traffic impact will be harmful to nearby existing residents. It violates Goal 1, Policy 19 because it fails to mitigate the adverse impact of lighting on nearby properties and on the dark sky. It violates Goal 1, policy 20 because it is a visual intrusion to this residential area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal does not meet Land Use & Development Goal 3: Community Form because, the proposal violates Goal 3, Policy 8 and Goal 4, Policy 2 because the existing trees of the site are not being preserved; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal does not meet Land Use & Development Goal 1: Mobility because, the proposal violates Goal 1,

PLANNING COMMISSION MINUTES

June 2, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0126

Policies 1.3 and 1.4 because the proposal fails to provide sidewalks on public streets and walkways on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal does not meet Land Use & Development Goal 2: Mobility because, it violates Goal 2, Policy 5 because it does not provide proper sight distances for traffic because of the new large building on the corner of the alley and the street. It violates Goal 2, Policy 16.6 because it fails to preserve existing trees; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal does not meet Land Use & Development Goal 1: Livability because, the proposal violates Goal 1, Policy 12 because it does not minimize impervious surface area on the site; and

WHEREAS, the Louisville Metro Planning Commission finds that the Crescent Hill Neighborhood Plan Supplement to the original 1985 plan was adopted in December 2002, which is subsequent to Cornerstone 2020 (adopted June 15, 2000) but prior to Plan 2040 (January 1, 2019). Therefore, according to Community Form Goal 1, Policy 2.5, this plan may continue to represent specific application of Plan 2040. Goal I of that Plan states: "Ensure that new and infill development is compatible – in scale, density and design – with the rest of the neighborhood." This proposal violates that goal. Goal II of that Plan states: "Protect and enhance the neighborhood's urban tree canopy". This proposal violates that goal. Goal III of that Plan states: "Make neighborhood streets and sidewalks safer for residents via sidewalk improvements". This proposal violates that goal. The section of the Plan on "Sidewalks" says sidewalks must be "added as necessary". This proposal does not add any sidewalks, as normally required. The section on "Zoning Issues" says "Most of the neighborhood is now appropriately zoned for existing development." The only changes recommended are downzoning changes not the opposite as in this proposal.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-5, Single Family Residential to R-6, Multi-Family Residential on the property described in the attached legal description be **DENIED**.

The vote was as follows:

YES: Commissioners Carlson, Daniels, Howard, Mims, Price, Sistrunk and Lewis

NO: Commissioners Brown and Cheek

NOT PRESENT AND NOT VOTING: Commissioner Clare

PLANNING COMMISSION MINUTES
April 21, 2022

PUBLIC HEARING

CASE NO. 20-ZONE-0126

Request:	Change in zoning from R-5 to R-6, with Detailed District Development Plan with Binding Elements, Variances and Waivers – Continue to June 2, 2022
Project Name:	N Crestmoor Avenue Rezoning
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Owner:	Michael Frank & Lauren Riney
Applicant:	Michael Frank
Representative:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Dante St. Germain, AICP, Planner II

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:

00:14:24 Dante St. Germain stated the applicant needs a continuance for a noticing issue (see recording for detailed presentation).

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.

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution was adopted.

RESOLVED, that the Louisville Metro Planning Commission does hereby **CONTINUE** this case to the June 2, 2022 Planning Commission meeting.

The vote was as follows:

YES: Commissioners Brown, Carlson, Daniels, Mims, Price, Seitz, Sistrunk, Howard and Lewis

NOT PRESENT AND NOT VOTING: Commissioner Clare