

Planning Commission Staff Report

July 16, 2020



Case No:	19-ZONE-0052
Project Name:	308 Franck Ave
Location:	308 Franck Ave
Owner(s):	Ryan A. Fagan
Applicant:	Ryan A. Fagan
Representative(s):	Ryan A. Fagan
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-5, single-family to R-6, multi-family residential
- **Detailed District Development Plan** with review for substandard lot creation (Land Development Code, section 7.1.85)

CASE SUMMARY

The subject site is a double-frontage lot between Franck and Galt Avenues. It is roughly ¼ mile south of Frankfort Avenue. A single-family home is present on the lot facing Franck Ave. The proposed change in zoning will allow for the subdivision of the lot and construction of a single-family home facing Galt Avenue. Residential structures on adjacent lots are present along both street frontages. The proposed development plan conforms to the infill requirements (LDC 5.1.12) and residential site design standards (LDC 5.4.1) for the traditional form district. No waivers or variances have been requested.

STAFF FINDING

The proposal conforms to the land use and development policies of Plan 2040. The development plan with review for substandard lot creation is adequately justified and no waivers or variances are requested. The proposal creates appropriately zoned inclusive housing. Using smaller lots, the district expands opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro. The lotting pattern is consistent with each block face and the neighborhood.

TECHNICAL REVIEW

- The proposed R-6 zoning district allows for a maximum of 2-dwelling units across the whole of the current property. Any request to deviate from the approved plan will require submittal of a revised detailed district development plan.
- The proposal will create substandard lots in the traditional neighborhood form district – lots less than 4,500 sq. ft. The minimum lot size to accommodate the proposed density is 2,500 sq. ft. Density may not be altered by these provisions. LDC, section 7.1.85 provides the following:

Where the Planning Commission finds that subdivision or resubdivision of a legally created lot in the Traditional Neighborhood Form District, Traditional Workplace Form District, or Traditional Marketplace Corridor Form District will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development

or rehabilitation of such property compatible with the surrounding neighborhood, then the Planning Commission may approve the requested subdivision notwithstanding the fact that one or more of the resulting lots do not conform to the applicable requirements relating to area or width or size of yards.

The proposed subdivision will not conflict with the established pattern of the neighborhood as both Franck and Galt Avenues contain structures oriented towards each street and the proposed lot size is consistent with properties to the north and south along each block face. The proposed subdivision promotes the public, health, safety and welfare by facilitating development consistent with the neighborhood and Plan 2040.

- A sidewalk fee-in-lieu in the amount of \$1,440 will be paid in-lieu-of constructing sidewalks along Galt Avenue
- Preliminary approval has been received from MSD and Transportation Planning.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood- serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those

neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The proposed district is in keeping with the existing density along the block-faces of both Franck and Galt Avenues. The proposed district encourages infill development near transportation, employment, and other services and amenities. The proposal provides for residential housing options comparable to the historic lotting patterns of the two blocks as evidenced in PB 4, PG 46 and the overall neighborhood. If two single-family dwellings are not constructed, the site is appropriately located for duplex and/or missing middle housing which is also consistent with the neighborhood and Plan 2040. The proposed district is easily accessible by bicycle, car, transit, pedestrians and people with disabilities as the area is well-connected and walkable.

The proposal helps to create appropriately zoned inclusive housing. Through duplex or smaller lots, the district expands opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro. The district further allows for an appropriate level of density in an area that is well-connected for multi-modal transportation to jobs, services, and recreation. No residents will be displaced, and additional residential infill development will allow residents within an urban area

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved and historic lotting patterns will be provided to encourage infill development at appropriate locations.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as a fee-in-lieu will be provided or sidewalks constructed to provide connectivity to services and amenities, as well as employment within the neighborhood.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided. Each site will maintain private yards and each site conforms to the residential site design standards contained in the Land Development Code.

- d. 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;

STAFF: 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.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The proposal is compatible with the scale and site design of nearby existing development and with the form district's pattern of development as the proposal is in keeping with the existing density along the block-faces of both Franck and Galt Avenues and encourages infill development near transportation, employment, and other services and amenities. The proposal also provides for residential housing options comparable to the historic lotting patterns of the two blocks as evidenced in PB 4, PG 46 and the overall neighborhood.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposed development plan conforms to Plan 2040. The proposal provides for residential housing options comparable to the historic lotting patterns of the two blocks as evidenced in PB 4, PG 46 and the overall neighborhood. The proposal encourages infill development near transportation, employment, and other services and amenities.

REQUIRED ACTIONS:

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-5, single-family to R-6, multi-family residential on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detailed District Development Plan** with review for substandard lot creation (Land Development Code, section 7.1.85) subject to the proposed binding elements

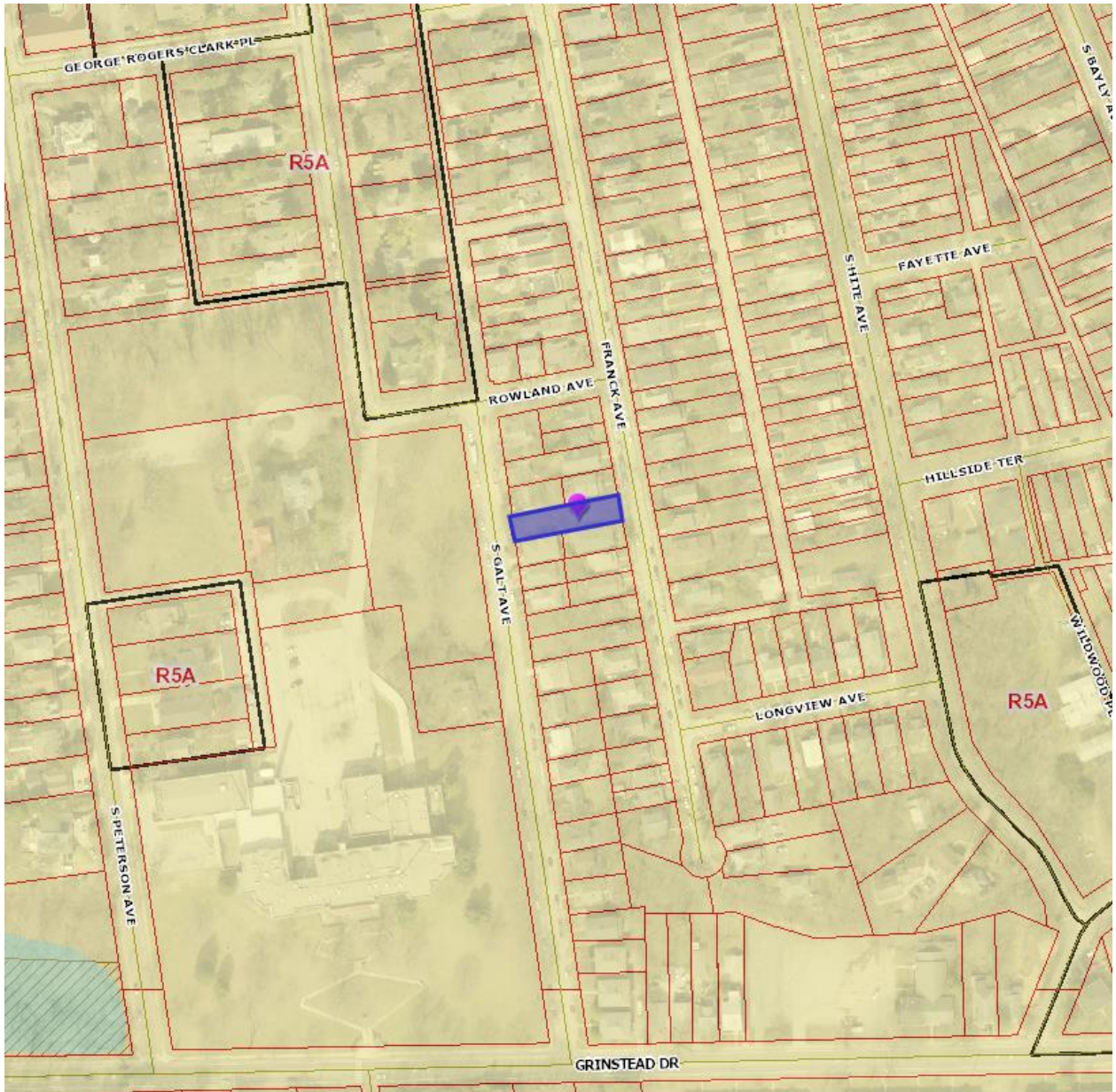
NOTIFICATION

Date	Purpose of Notice	Recipients
5/19/20	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
06/23/20	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 9
6/30/20	Hearing before PC	Sign Posting on property
07/04/20	Hearing before PC	Legal Advertisement in the Courier-Journal

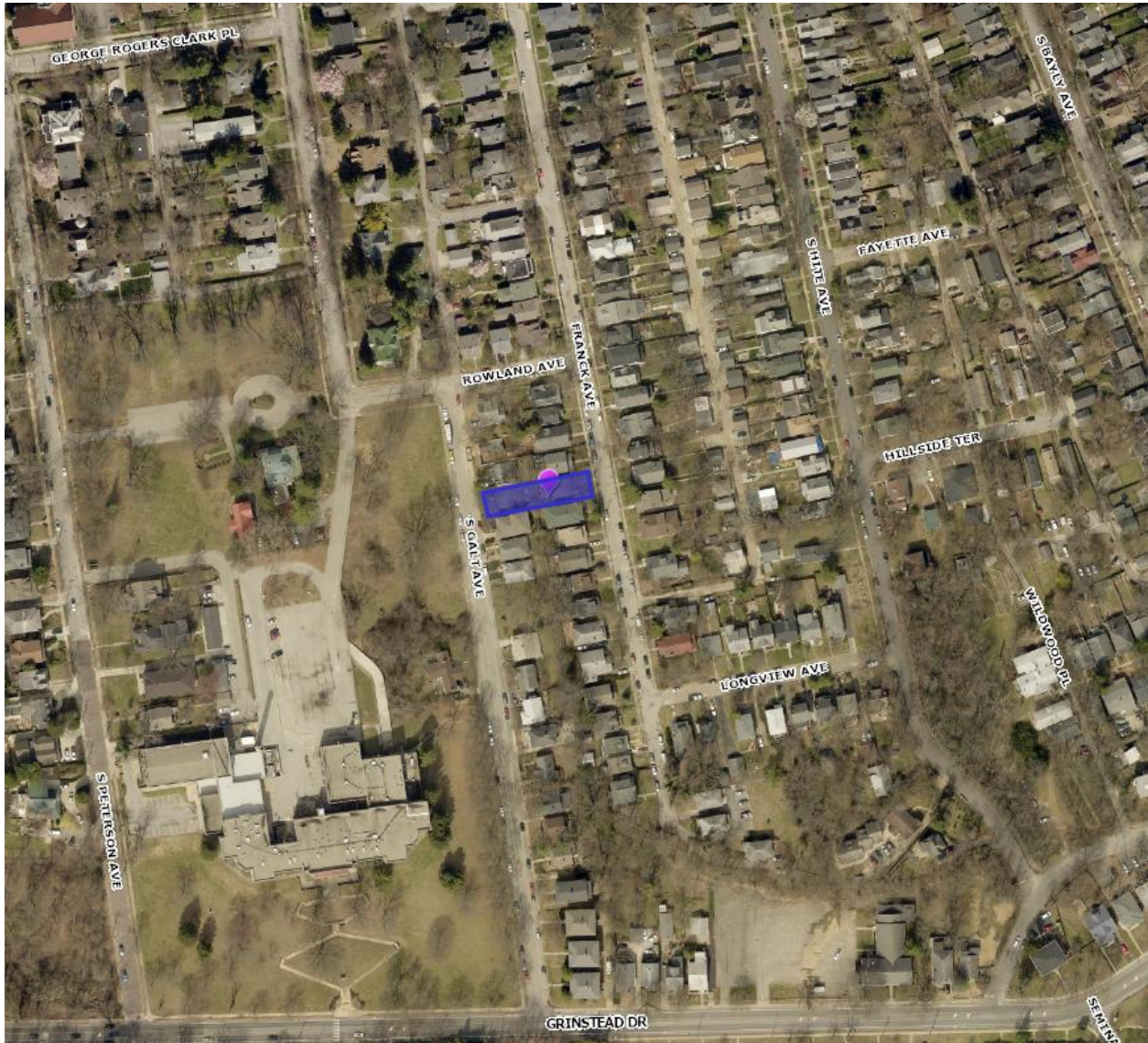
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Plan 2040 Staff Analysis

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Traditional Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed district is in keeping with the existing density along the block-face of both Franck and Galt Avenues. The proposed district encourages infill development near transportation, employment, and amenities.
2	Land Use & Development Goal 1: Community Form	9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	Uses adjacent to the proposed district are similar in their existing density and pattern of development. No transitions are needed between sites having two dwellings and those having one. The proposal will provide development that resembles the existing pattern.
3	Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal provides for residential living comparable to the historic lotting patterns of the two blocks and the neighborhood. If two single-family dwellings are not constructed, the site is appropriately located for duplex and/or missing middle housing which is also consistent with the neighborhood.
4	Land Use & Development Goal 3: Community Form	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site does not appear to possess any issues related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The proposal provides for the use of the property in a historical context to provide smaller lotting patterns and/or missing middle housing consistent with the area.
6	Land Use & Development Goal 4: Community Form	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	✓	Existing structures will be used and the proposed district allows for additional density at an appropriate location.
7	Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed district is in keeping with the existing density along the block-face of both Franck and Galt Avenues. The proposed district encourages infill development near transportation, employment, and amenities.
8	Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access to the site does not create a nuisance as the proposed district will be developed to reflect existing neighborhood conditions, whether for two detached dwellings or duplex.
9	Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district is easily accessible by bicycle, car, transit, pedestrians and people with disabilities as the area is well-connected and walkable.
10	Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	Existing roadway infrastructure, in conjunction with multiple modal transport options is adequate to support a wide range of densities.
11	Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	The proposal will share in the cost of improvements that are proportional to the zoning district being requested.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
12	Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	The developer will provide adequate funds to facilitate sidewalk improvements in the council district.
13	Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	No transportation improvements would appear to be occurring along Galt Avenue that impact the subject property or greater area.
14	Land Use & Development Goal 3: Mobility	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No access to high speed roadways is provided.
15	Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposal is in an area served by existing utilities or planned for utilities. The subject site is in the urban services district.
16	Land Use & Development Goal 2: Community Facilities	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The subject site is located in the urban services district.
17	Land Use & Development Goal 2: Community Facilities	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	Adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD) is provided as preliminary approval has been received.
18	Land Use & Development Goal 1: Livability	5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	Minimum standards for tree canopy will be provided.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
19	Land Use & Development Goal 1: Livability	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	The site is being developed in an infill context and all permits will be acquired.
20	Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The zoning district does not impact the integrity of the floodplain as all MSD requirements will be met and the site is not within the floodplain.
21	Land Use & Development Goal 1: Housing	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposed district allows a lotting pattern which is consistent with the historic patterns as evidenced in PB 4, PG 46, as well as allowing for duplex/missing middle housing. If two detached homes are not constructed and duplex is appropriate. Housing will reflect the form and the area.
22	Land Use & Development Goal 1: Housing	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	The proposed district allows for a variety of housing options in a well-connected urban neighborhood with a variety of amenities. The subject site is located close to shopping and transit routes, and medical and other supportive facilities.
23	Land Use & Development Goal 2: Housing	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed district allows for a variety of housing options including mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
24	Land Use & Development Goal 2: Housing	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	✓	The proposed district is located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. It is located within close proximity to transit corridors and commercial corridor.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
25	Land Use & Development Goal 3: Housing	<p>1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.</p>	✓	<p>The proposal helps to create appropriately zoned inclusive housing. Through duplex or smaller lots, the district expands opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.</p>
26	Land Use & Development Goal 3: Housing	<p>2. As neighborhoods evolve, discourage displacement of existing residents from their community.</p>	✓	<p>The proposed district allows for an appropriate level of density in an area that is well-connected for multi-modal transportation to jobs, services, and recreation. No residents will be displaced and additional residential infill development will allow residents within an urban area.</p>
27	Land Use & Development Goal 3: Housing	<p>3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.</p>	✓	<p>The proposal helps to create appropriately zoned inclusive housing.</p>

4. Proposed 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat shall be approved by Planning and Design Services staff and recorded creating the lot lines as shown on the approved development plan
3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.