

Louisville Metro Planning Commission
Public Hearing - November 18, 2021
Land Development & Transportation Committee -
October 28, 2021
Neighborhood Meeting - February 4, 2021

Case No. 21-ZONE-0033

Zone change from R-4 to R-7, in the
Neighborhood Form District, to allow
a 96-unit multi-family apartment
community on property located at
1230 and 1230R Helck Avenue

c/o Helck Avenue Development, LLC
Jason Orthober & Jeremiah Miller

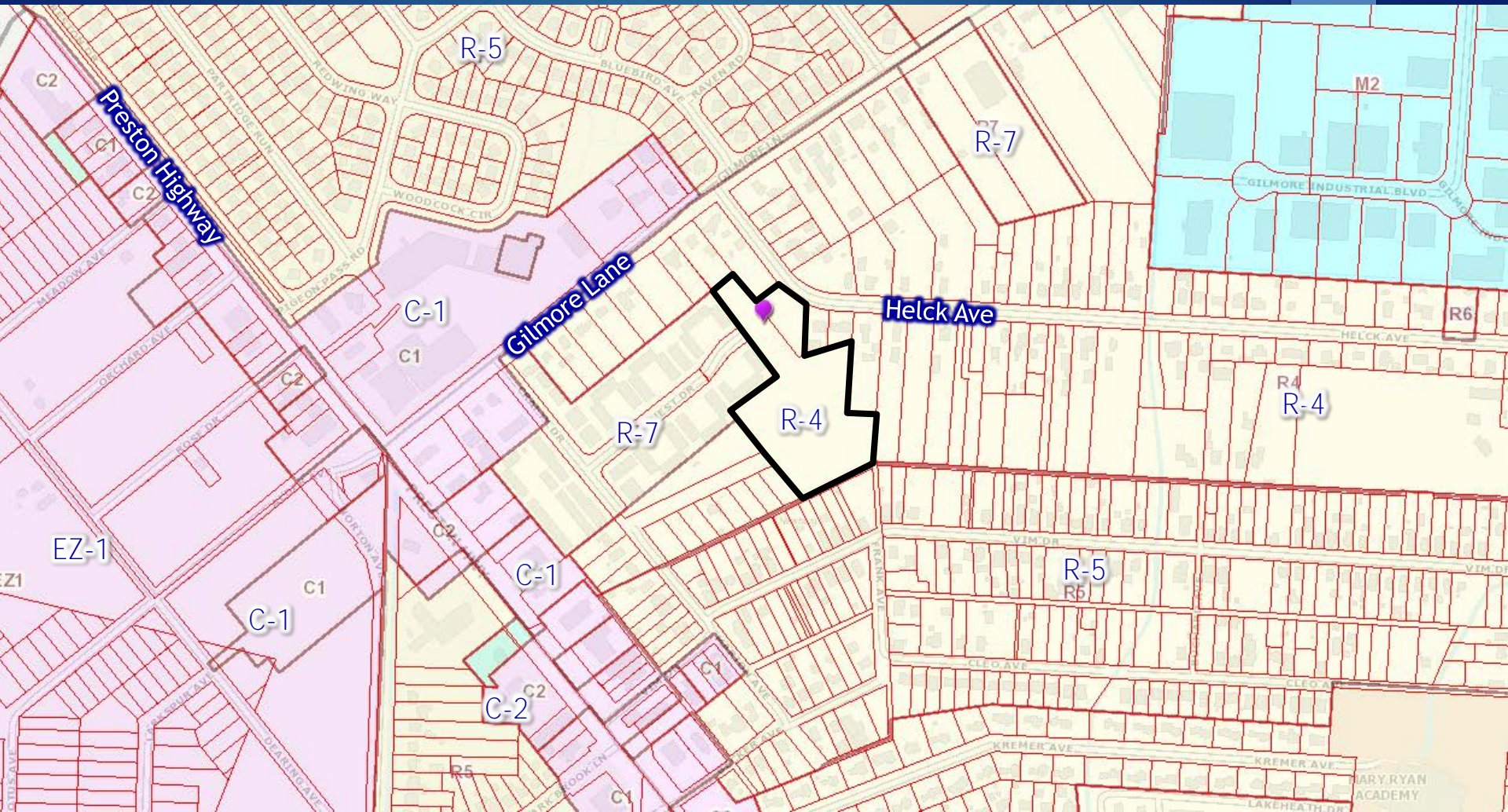
Attorneys:
Bardenwerper Talbott &
Roberts, PLLC

Land Planners, Landscape
Architects & Engineers:
Mindel Scott & Associates, Inc.

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Tab 1
LOJIC Zoning Map





Tab 2

Aerial photograph of the site and
surrounding area

Evergreen Funeral Home and Cemetery

Gilmore Ln Elementary

Lynnview Shopping Center

Gilmore Lane Industrial Park

Preston Oaks

Helck Ave

Montgomery Chevrolet

Dubois Academy

Indian Trail Shopping Center





Lynnview Shopping Center

Gilmore Lane Industrial Park

Preston Oaks

Preston Highway

Gilmore Lane

Helck Ave

Redwing Way
Partridge Run
Pigeon Pass Rd
Woodcock Cir
Bluebird Ave
Rose Dr
Grafty Dr
Quest Dr
Jeanette Ave
VIM Dr
Frank Ave
Cleo Ave
Kremer Ave
Lakehead Dr

61

R7

R4

R5

R5

C1

C1

C2

C1

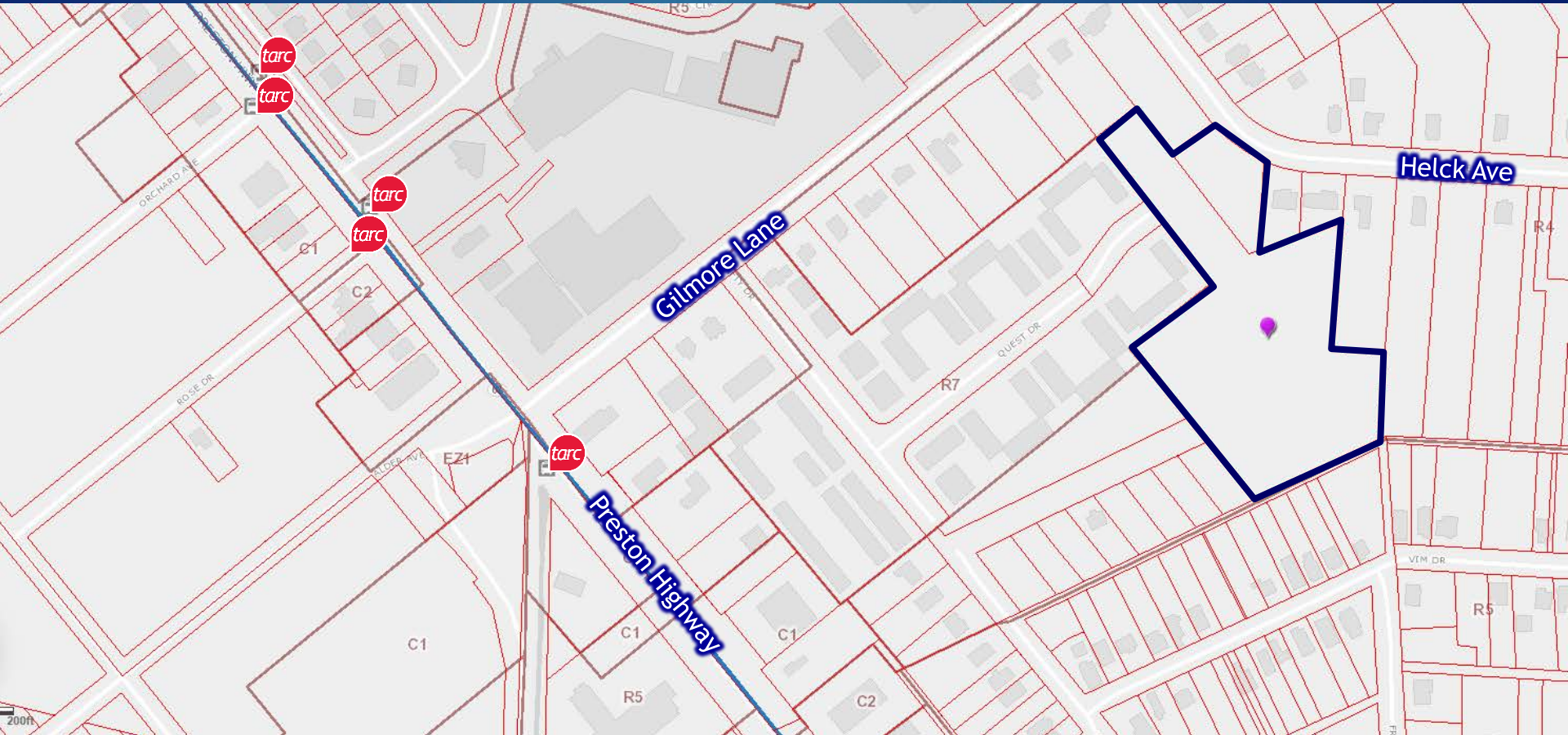
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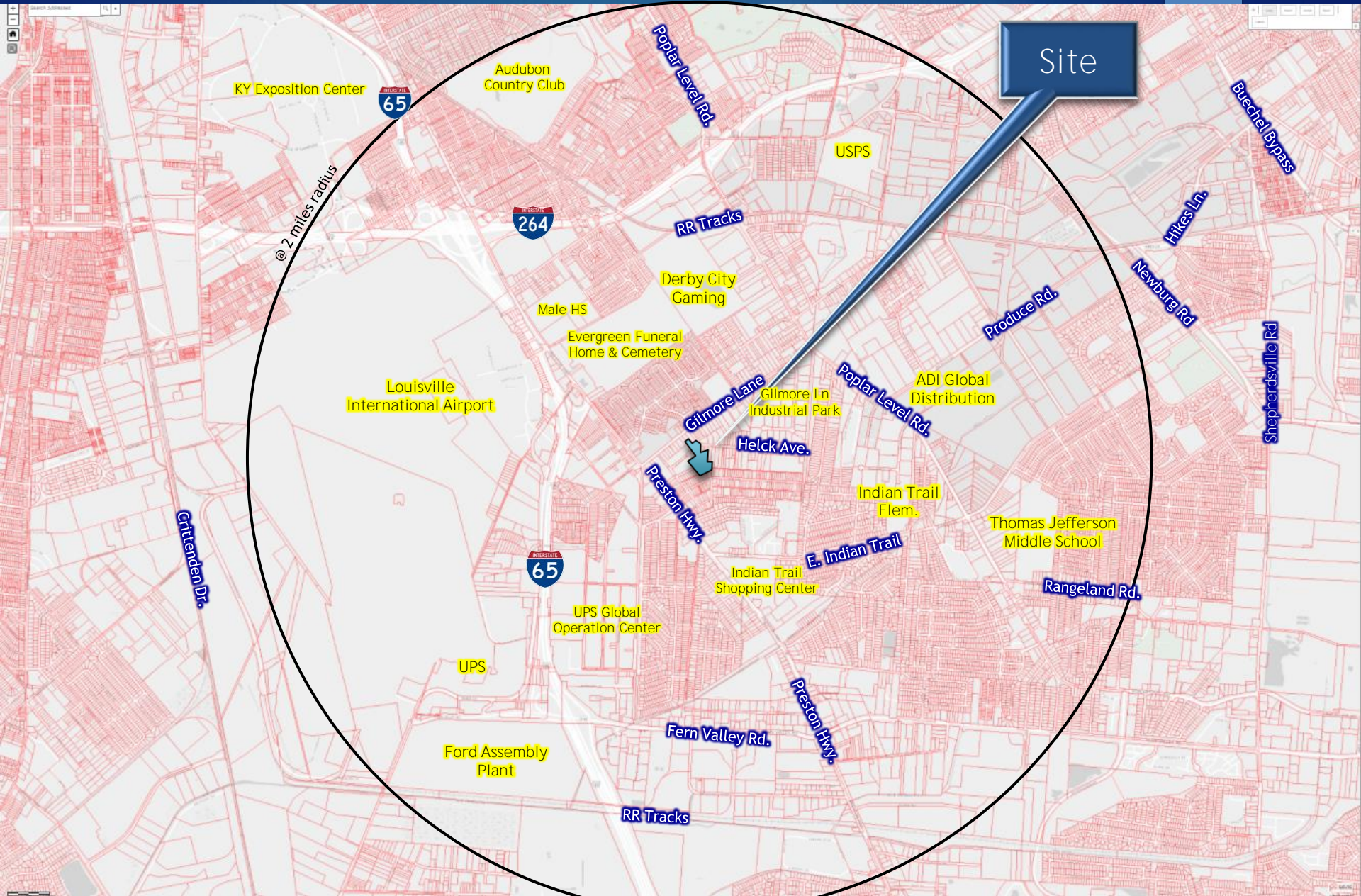
R5

TEM

TARC stops near the subject site



No new multi-family developments within 2 miles of site in 30 years





Tab 3

Ground level photographs of the site
and surrounding area



View of Gilmore Lane at Helck Avenue looking south towards Preston Highway.



SITE

View of Helck Avenue looking southeast. Site is to the right.



SITE

View of Helck Avenue looking northwest. Site is to the center/left.



View of Preston Oaks townhomes on Quest Dr, to the west of the site.



View of Preston Oaks townhomes to the west of the site.



View of commercial activity center across Gilmore.



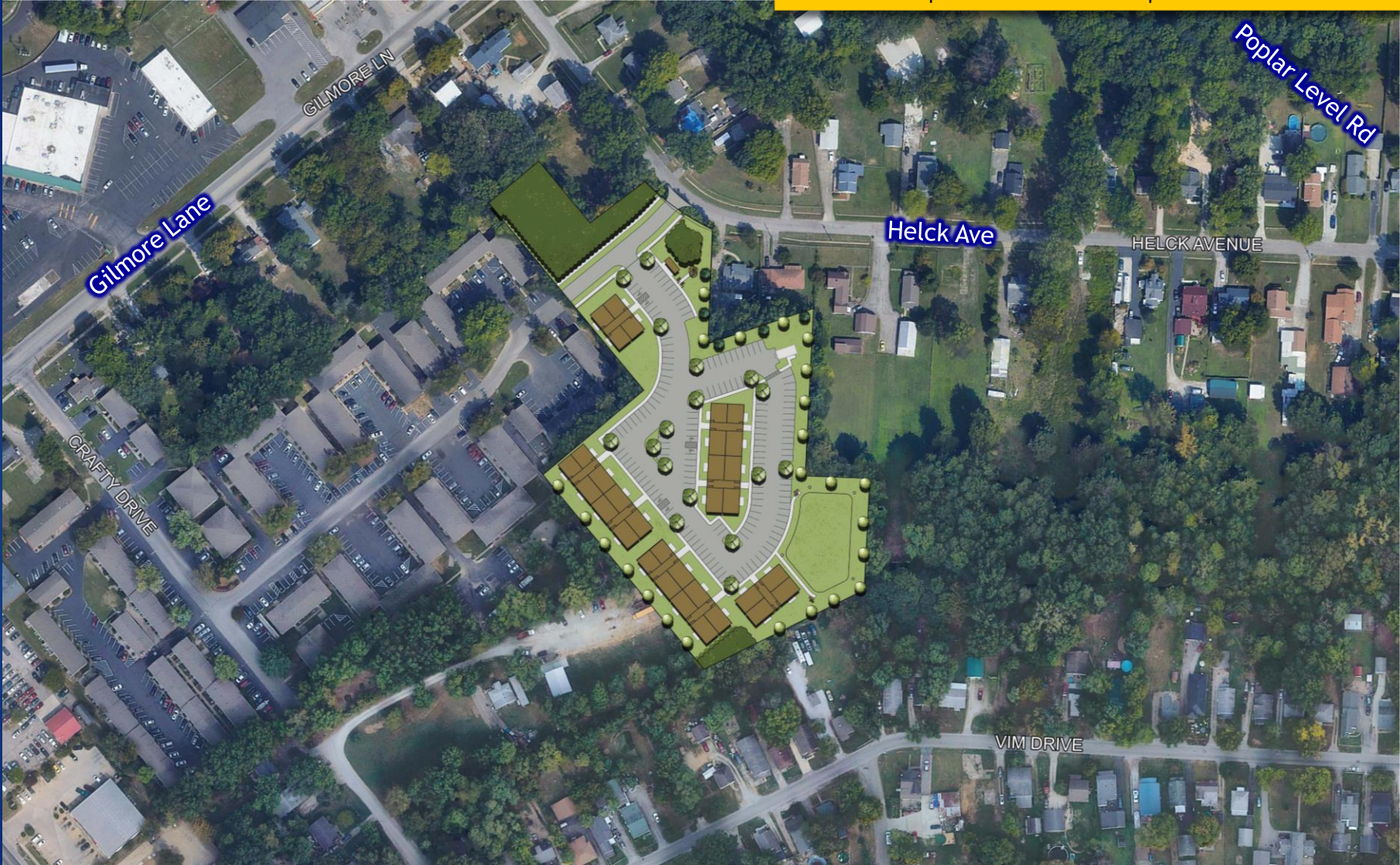
View intersection of Preston and Gilmore south of the site.





Tab 4 Development Plan

Proposed Development Plan

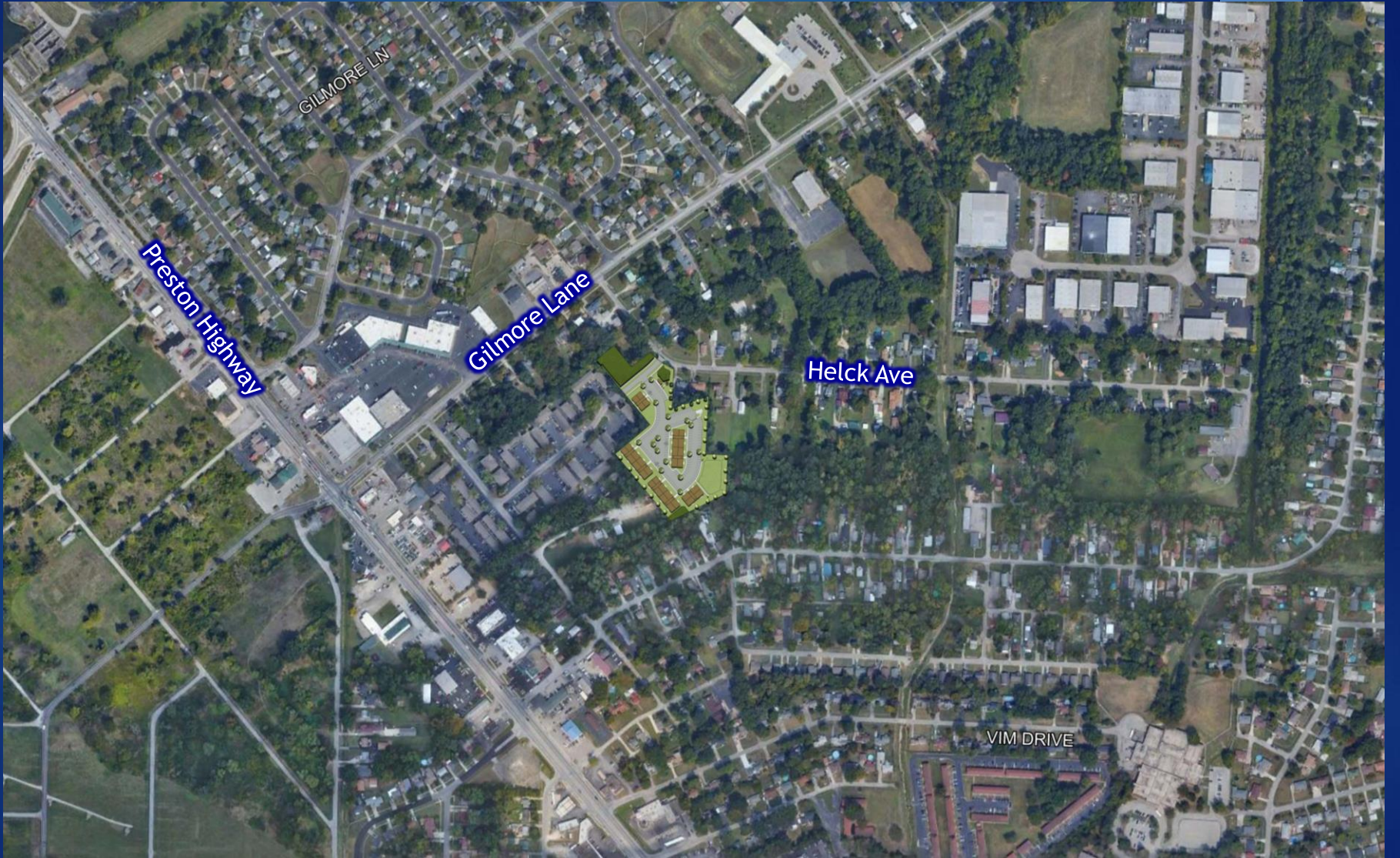


Development Plan shown at the 2/4/21 Neighborhood Meeting



Proposed Development Plan







1139 South Fourth Street
Louisville, KY 40203
502.625.3009
Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, TX 77401
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VIA EMAIL

November 8, 2021

Mr. John C. Talbot
Bardenwerper Talbot & Roberts, PLLC
1000 N. Hurstbourne Pkwy
Louisville, Kentucky 40223
john@bardlaw.net

**Subject: Jurisdictional Waters/Wetlands Status
Helck Avenue Property
Jefferson County, Kentucky
Redwing Project No.: 105411**

Dear Mr. Talbot:

Per your request, RES Kentucky, LLC dba Redwing Ecological Services (Redwing) is pleased to provide this summary of the status of jurisdictional waters of the U.S., including wetlands, on the proposed Helck Avenue Property development site in Jefferson County, Kentucky.

Redwing has been working with the owner to identify potential water/wetland issues regarding development of this site for a number of years. We originally delineated the location and extent of jurisdictional waters of the U.S., including wetlands, on the Helck Avenue site on August 22, 2008 and then again on January 17, 2020. Based on the delineation, the majority of the approximately five-acre site consists of upland woods, with jurisdictional features limited to 275 feet of ephemeral stream along the southwest boundary, and one wetland totaling 0.182 acre in the east-central portion of the site. In addition, there are four small wetlands located in isolated depressions that total 0.159 acre located in the western portion of the site. Under current regulations, isolated wetlands with no direct surface connection to downstream waters are considered non-jurisdictional and impacts to them are not regulated by either the U.S. Army Corps of Engineers (USACE) or the Kentucky Division of Water (KDOW). Thus, less than 4% of the Helck Avenue site is comprised of wetlands. These wetlands are considered low to moderate quality based on their small size, relatively low diversity, and urban/disturbed setting.

As the proposed development plan avoids impacts to the ephemeral stream, total jurisdictional water impacts associated with the project are limited to 0.182 acre of wetland. This amount of wetland impact is permitted by the USACE on a routine basis and would qualify for a general Nationwide Permit #29. This requires submittal of a Preconstruction Notification to the USACE for review and approval. Based on my experience managing wetland projects in the Louisville area for over 30 years, this project would likely be approved through a straight-forward permitting process that would take approximately two to four months to complete based on USACE workload and schedules. As impacts total less than 0.5 acre, the project will qualify for a General Water Quality Certification and no permits from, or coordination with, the KDOW is required.

Impacts to these wetlands will be compensated for at a 2:1 ratio, per current USACE guidelines, through purchase of wetland credits from either an approved mitigation bank within the watershed service area or from the Kentucky Department of Fish and Wildlife Resources in-lieu fee program. We are currently preparing a Preconstruction Notification application package for submittal to the USACE to begin their review.

I trust this summary adequately addresses the status of jurisdictional waters/wetlands on the site. Feel free to contact me at (502) 625-3009 or rthomas@res.us with any questions or to discuss further.

Sincerely,



Ronald L. Thomas
Senior Project Manager

R:\Projects\105411-Helck Avenue Property>Contact\Wetland StatusLetter - Helck Avenue Site.docx



Tab 5 Building Elevations

Rear Elevation



Front Elevation



Right Elevations



Left Elevations



Rear Right Elevations



Front Left Elevations





Tab 6

Statement of Compliance filed
with the original zone change
application with all applicable
Goals of the 2040 Plan

BARDENWERPER, TALBOTT & ROBERTS, PLLC

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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GOALS, GUIDELINES AND POLICIES OF PLAN 2040 COMPREHENSIVE PLAN

<u>Applicant:</u>	Helck Avenue Development, LLC
<u>Owner:</u>	Jonathan Martin Co., LLC
<u>Location:</u>	1230 and 1230R. Helck Avenue
<u>Proposed Use:</u>	Residential apartment community
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates, Inc.
<u>Request:</u>	Zone change from R-4 to R-7

INTRODUCTION

The applicant is proposing an apartment community consisting of 5 three-story buildings with a total of 96-units on 4.96 acres located between Helck Ave. and Quest Drive. The current plan provides more open space than is required (42,343+/- sf), including recreational open space (22,742+/- sf), creates separation and provides buffering from existing single-family uses. The apartment buildings face toward the interior of the site, excepting one building which is located centrally within the site, and parking is also located in the interior in front of the buildings but also between some buildings and the single family adjacent uses to allow for increased separation from those uses. This property is an area near the intersection of Preston Highway, a major arterial, and Gilmore Lane, a primary collector, with apartment communities adjacent to the proposed site.

COMMUNITY FORM

Goal 1 – Guide the form and design of development to respond to distinctive physical, historic and cultural qualities.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 2, 7 and 9 of Goal 1, for these reasons:

This application and the development plan comply with this Goal because the site is located in the Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings as herein proposed. This proposed development and the rezoning from R-4 to R-7 is compatible and in keeping with the current zoning and use of the surrounding properties and those in the area. The adjacent properties immediately west and south of the proposed site are currently zoned R-7. There are other R-7 uses also nearby, along Gilmore Lane, merely 650 or so feet from the propose site, and other R-5

uses nearby. Lastly, with the major arterial of Preston Highway and primary collector of Gilmore Lane, there are significant numbers of commercial businesses operating under C-1, C-2, and EZ-1 zoning categories. The apartments proposed on the subject property will be appropriate uses near other multi-family developments and the commercial corridor and activity center along Preston Highway and Gilmore Lane. The propose use fits within and is compatible with the surrounding properties.

Goal 2 – Encourage sustainable growth and density around mixed-use centers and corridors.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policy 9 of Goal 2, because the site is located less than a quarter mile from the commercial corridor of Preston Highway and less than 1/10th of a mile from Gilmore Lane.

Goal 3 – Enhance neighborhood by protecting and integrating open space, watershed and other natural resources.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 7 and 9 of Goal 3, for these reasons:

There are no wet or highly permeable soils, severe, steep or unstable slopes on the subject property that would create erosion problems.

Goal 4 – Promote and preserve the historic and archaeological resources that contribute to our authenticity.

The proposed zone change complies with all of the applicable Objectives and Policies 1, 2, 3 and 6, of Goal 4, because there are no known cultural or historic features on the site. There is no existing house or other local landmark on the property.

MOBILITY

Goal 1 – implement an accessible system of alternative transportation modes.

The proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4 of Goal 1, for the following reasons:

As previously stated, this proposed higher density residential use is located in very close proximity to the marketplace corridor along Preston Highway and Gilmore Lane. Public transit is available on Preston Highway.

Goal 2 – Plan, build and maintain a safe, accessible and efficient transportation system.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policy 3 and 4, because the site is located with access through Quest Drive containing the adjacent multi-family, R-7 apartment use, in addition to the access to Helck Ave. Both access points will provide and compliment an efficient transportation network, with ease of access to Gilmore Ave. and Preston Highway. Furthermore, the access to Quest Drive will provide the option of traffic through an area of similar intensity. While the access to Helck Ave.

would be an access point through an area of less intensity, being R-4, the joint access through Quest Drive will significantly improve the flow and connectivity mitigating any negative impact from the Helck Ave. access. Furthermore, the distance along Helck Ave. would only span about 300 feet to reach the right-of-way of Gilmore Ave., significantly limiting any nuisance from this site to the R-4 homes along Helck Ave.

All appropriate site distance standards will be met, and the existing site distance conditions on the properties surrounding the subject property will be improved.

Goal 3 – Encourage land use and transportation patterns that connect Louisville Metro and support future growth.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 5, 6, 9, 10, and 21 of Goal 3, for these reasons:

The proposed development on underutilized land will provide a new and vibrant residential community with new housing stock critically needed by Louisville Metro in an area traditionally underserved to allow its continued growth and also reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options. The subject property's close proximity to the above will also help eliminate multiple automobile trips for such services.

COMMUNITY FACILITIES

Goal 2 – Plan for community facilities to improve quality of life and meet anticipated growth.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1, 2, and 3 of Goal 2, for these reasons:

The subject property is currently served by existing utilities and has adequate capacity for this proposed development as will be confirmed through all utility providers through this rezoning process. These confirmations specifically will include the Louisville Water Company's confirmation of sufficient water service capacity and the Metropolitan Sewer District's confirmation of adequate sanitary capacity to serve the proposed development.

LIVABILITY

Goal 1 – Protect and enhance the natural environment and integrate it with the built environment as development occurs.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 5, 17, and 21 of Goal 1, for these reasons:

The proposed development will add new native species landscaping as shown on the development plan and as demonstrated on the landscape plan that will ultimately be prepared and submitted for approval. There are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition. The added detention will not mitigate the impacts of this development and likely help with runoff in the area.

HOUSING

Goal 1 – Expand and ensure a diverse range of housing choices.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 1 and 2 of Goal 1, for these reasons:

As stated previously, the proposal is for a new and different housing option for the area, being new residential construction lacking in this older area of Louisville Metro. The proposed rezoning will also be an additional option for those looking to age in place, ie., in the community in which they have lived.

Goal 2 – Facilitate the development of connected mixed-use neighborhoods.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1 and 2 of Goal 2, for these reasons.

The development provides a housing option for a mixture of residents, including the millennial that wants to live in close proximity to services and employment in this area, baby boomers that no longer want to cut their grass, and those persons of all ages that want to live where there are multiple accessible modes of transportation.

Goal 3 – Ensure long-term affordability and livable options in all neighborhoods.

The proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including Policies 1, 2, and 3, for these reasons:

The proposed development will be a different housing option than the single-family residential lot that predominates throughout the surrounding area, and thus will have a different price point. This type of housing option will also help by providing multiple options for the existing residents in the area who want to age in place and in their community.

* * *

For all of these and other reasons set forth on the Detailed District Development Plan/preliminary subdivision plan accompanying this application and in accordance with evidence presented at Planning Commission public hearings, this application will comply with all other applicable Goals and Policies of Plan 2040 Comprehensive Plan.

Respectfully submitted,

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Tab 7

Proposed findings of fact
pertaining to compliance with the
2040 Plan

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GOALS OF THE 2040 PLAN

Applicant: Helck Avenue Development, LLC

Owner: Jonathan Martin Co., LLC

Location: 1230 and 1230R. Helck Avenue

Proposed Use: Residential apartment community

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates, Inc.

Request: Zone change from R-4 to R-7

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on November 18, 2021 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, the applicant is proposing an apartment community consisting of 5 three-story buildings with a total of 96-units on 4.96 acres located between Helck Ave. and Quest Drive; the current plan provides more open space than is required (42,343+/- sf), including recreational open space (22,742+/- sf), creates separation and provides buffering from existing single-family uses; the apartment buildings face toward the interior of the site, excepting one building which is located centrally within the site, and parking is also located in the interior in front of the buildings but also between some buildings and the single family adjacent uses to allow for increased separation from those uses; and this property is an area near the intersection of Preston Highway, a major arterial, and Gilmore Lane, a primary collector, with apartment communities adjacent to the proposed site; and

COMMUNITY FORM

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 2, 7 and 9 of Goal 1, this application and the development plan comply with this Goal because the site is located in the Neighborhood Form District which encourages high density uses and a range of housing opportunities, notably including multi-family dwellings as herein proposed and this proposed development and the rezoning from R-4 to R-7 is compatible and in keeping with the current zoning and use of the surrounding properties and those in the area; the adjacent properties immediately west and south of the proposed site are currently zoned R-7 and there are other R-7 uses also nearby, along Gilmore Lane, merely 650 or so feet from the propose site, and other R-5 uses nearby; and with

the major arterial of Preston Highway and primary collector of Gilmore Lane, there are significant numbers of commercial businesses operating under C-1, C-2, and EZ-1 zoning categories; the apartments proposed on the subject property will be appropriate uses near other multi-family developments and the commercial corridor and activity center along Preston Highway and Gilmore Lane; and the propose use fits within and is compatible with the surrounding properties; and

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policy 9 of Goal 2, because the site is located less than a quarter mile from the commercial corridor of Preston Highway and less than 1/10th of a mile from Gilmore Lane; and

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 7 and 9 of Goal 3, because there are no wet or highly permeable soils, severe, steep or unstable slopes on the subject property that would create erosion problems; and

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies 1, 2, 3 and 6, of Goal 4, because there are no known cultural or historic features on the site; and there is no existing house or other local landmark on the property; and

MOBILITY

WHEREAS, the proposed zone change complies with all of the applicable, Objectives and Policies 1, 3, 4 of Goal 1, because this proposed higher density residential use is located in very close proximity to the marketplace corridor along Preston Highway and Gilmore Lane and Public transit is available on Preston Highway; and

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policy 3 and 4, because the site is located with access through Quest Drive containing the adjacent multi-family, R-7 apartment use, in addition to the access to Helck Ave.; both access points will provide and complement an efficient transportation network, with ease of access to Gilmore Ave. and Preston Highway; the access to Quest Drive will provide the option of traffic through an area of similar intensity; while the access to Helck Ave. would be an access point through an area of less intensity, being R-4, the joint access through Quest Drive will significantly improve the flow and connectivity mitigating any negative impact from the Helck Ave. access and the distance along Helck Ave. would only span about 300 feet to reach the right-of-way of Gilmore Ave., significantly limiting any nuisance from this site to the R-4 homes along Helck Ave; and

WHEREAS, all appropriate sight distance standards will be met, and the existing site distance conditions on the properties surrounding the subject property will be improved; and

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, and specifically with Policies 2, 5, 6, 9, 10, and 21 of Goal 3, because the proposed development on underutilized land will provide a new and vibrant residential community with new housing stock critically needed by Louisville Metro in an area traditionally

underserved to allow its continued growth and also reduce vehicle miles traveled for those moving to the area through its proximity to the previously mentioned employment centers and marketplace options; and the subject property's close proximity to the above will also help eliminate multiple automobile trips for such services; and

COMMUNITY FACILITIES

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1, 2, and 3 of Goal 2, because the subject property is currently served by existing utilities and has adequate capacity for this proposed development as has been confirmed through all utility providers through this rezoning process; these confirmations specifically will include the Louisville Water Company's confirmation of sufficient water service capacity and the Metropolitan Sewer District's confirmation of adequate sanitary capacity to serve the proposed development; and

LIVABILITY

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 5, 17, and 21 of Goal 1, because the proposed development will add new native species landscaping as shown on the development plan and as demonstrated on the landscape plan that will ultimately be prepared and submitted for approval; there are no streams or existing groundwater on the subject property and the surface water runoff will be improved from its current condition per MSD standards; and the added detention will mitigate the impacts of this development and likely help with runoff in the area; and the site has been evaluated by an environmental specialist who found that the wetlands are insignificant; and

HOUSING

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 1, and specifically with Policies 1 and 2 of Goal 1, because as stated previously, the proposal is for a new and different housing option for the area, being new residential construction lacking in this older area of Louisville Metro where new housing has not been constructed for thirty years; the proposed rezoning will also be an additional option for those looking to age in place, i.e., in the community in which they have lived; and

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 2, and specifically with Policies 1 and 2 of Goal 2, because the development provides a housing option for a mixture of residents, including millennials who wants to live in close proximity to services and employment in this area, baby boomers who no longer want to maintain their yards, and those persons of all ages that want to live where there are multiple accessible modes of transportation; and

WHEREAS, the proposed zone change complies with all of the applicable Objectives and Policies of Goal 3, including Policies 1, 2, and 3, because the proposed development will be a different housing option than the single-family residential lot that predominates throughout the surrounding area, and will have a different price point; this type of housing option will also

provide multiple options for the existing residents in the area who want to age in place and in their community; and

* * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Goals of the 2040 Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-7 and approves the Detailed District Development Plan.