

PLANNING COMMISSION MINUTES
June 20, 2019

PUBLIC HEARING

CASE NO. 18ZONE1059

Request: Change in zoning from R-6 to R-8A with Detailed District Development Plan
Project Name: Zion Manor II
Location: 2217-2237 W. Muhammad Ali Boulevard
Owner: Zion Baptist Church Inc.; Zion Community Development
Applicant: The Housing Partnership, Inc and Zion Community Development
Representative: Cliff Ashburner – Dinsmore & Shohl, LLP
Jurisdiction: Louisville Metro
Council District: 4 – Barbara Sexton Smith

Case Manager: Joel P. Dock, 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:

00:47:28 Joel Dock presented the case and showed a Power Point presentation (See staff report and recording for detailed presentation.)

00:50:59 Commissioner Jarboe and Mr. Dock discussed the parking requirements for senior/assisted/ apartments (½ space per unit.)

The following spoke in support of this request:

Cliff Ashburner, Dinsmore & Shohl, 101 South Fifth Street Suite 2500, Louisville, KY 40202

Summary of testimony of those in support:

00:52:01 Cliff Ashburner, the applicant's representative, presented the case and showed a Power Point presentation (see recording for detailed presentation.)

00:56:11 In response to a question from Commissioner Daniels, Mr. Ashburner pointed out the location of existing houses on Eddy Street which back into the subject site. He said all three houses are occupied and will remain.

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The following spoke in opposition to this request:

No one spoke.

Deliberation:

00:57:15 Commissioners' 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

01:00:12 On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on Plan 2040 Staff Analysis, the applicant's justification, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of Community Form: Goal 1 because the proposed higher density district is located along an arterial roadway in a well-connected urban neighborhood with TARC routes 19, 11, & 22 available. Adequate infrastructure is or will be made available; and appropriate transitions will be provided as the site is along a block containing similar densities; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 2 because No structures are proposed to be removed by the proposal (the site is vacant); and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 3 because the proposal is not located on a site with wet or highly permeable soils, severe, steep or unstable slopes; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Form: Goal 4 because no structures are proposed to be removed by the proposal (the site is vacant); and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 1 because the proposed higher density use is located near commercial

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activities along W. Broadway and within close proximity to Downtown. Its location supports transit-oriented development and an efficient public transportation system; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 2 because Access to the subject road is along an arterial roadway intended to serve higher traffic volumes/densities. Access to the site which is located along a block containing similar densities would not create a significant nuisance due to its location along an arterial roadway; and

WHEREAS, the Commission further finds that the proposal meets the intents of Mobility: Goal 3 because the proposed district allows for improved mobility to reduce vehicle miles traveled and encourages a mix of use as it is located in a well- connected urban neighborhood having TARC service to goods, services, employment, and healthcare; the proposal is in infill project using and repairing existing infrastructure; the development will bear or share in rough proportionality the costs of transportation facilities and services made necessary by development; existing transportation facilities and services are adequate to serve a variety of intensities and densities; improvements, if any, will occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel; and the site is located in the traditional neighborhood form with rear street access. Direct access to the site will be obtained from rear streets and not the arterial roadway; and

WHEREAS, the Commission further finds that the proposal meets the intents of Community Facilities: Goal 2 because The development is located in an area served by existing utilities or capable of being served by public or private utility extensions. It is within the urban services district; the proposal will have an adequate supply of potable water and water for fire-fighting purposes; and the proposal will have 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); and

WHEREAS, the Commission further finds that the proposal meets the intents of Livability: Goal 1 because tree canopy will be provided as required by the Land Development Code; the site does not appear to be susceptible to erosion or Karst terrain; and MSD has preliminarily approved the development plan; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 1 because the proposed district increases the variety of housing types and densities available to the neighborhood and located near similar densities. The district encourages housing options and environments that support aging in place by increasing density available to concentrate independent living facilities and service; and

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WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 2 because the proposal encourages inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area by increasing density available to concentrate independent living facilities and services; the proposal 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. The site is in a walkable urban neighborhood near downtown and W. Broadway commercial corridor. Multiple TARC routes are available at the site; and

WHEREAS, the Commission further finds that the proposal meets the intents of Housing: Goal 3 because the proposal encourages fair and affordable housing by increasing density options available; no residents will be displaced by the proposal and additional residents will be accommodated; and the proposed district allows a variety of styles and methods of provisioning housing; and

WHEREAS, the Commission further finds that the proposal meets the intents of the Community Form Plan Element. The subject property is located in the Traditional Neighborhood Form District, which the Comprehensive Plan states is a form "...[C]haracterized by predominantly residential uses ... [t]here is usually a significant range of housing opportunities, including multi-family dwellings.... Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on . . . (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces." Here, the proposal is consistent with the Traditional Neighborhood Form District as it will bring a new multi-family development to an area of the Russell neighborhood that is already zoned for multi-family development. The proposed new construction will be consistent with the scale of the neighborhood, and the existing grid pattern of streets and alleys will not be disturbed. The proposal is also consistent with the pattern of development in the surrounding area. Indeed, the proposed development is being co-developed by the same entities-Zion Community Development Corporation and The Housing Partnership, Inc.-that developed the existing Zion Manor apartment facility on the west side of the subject block. That property was similarly re-zoned from R-6 to R-8A in 2004. The proposed development is also being designed by the same architect as the original Zion Manor facility, and will utilize many of the same common area features as that development. The proposed development will be designed to complement the surrounding area, the existing Zion Manor apartment facility on the other end of the block, and the Zion Baptist Church, which is directly across Muhammad Ali Boulevard from the subject Property; and

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WHEREAS, the Commission further finds that the proposal meets the intents of the Mobility Plan Element. The subject property is and will remain fully integrated into the urban grid of the Russell neighborhood. The proposal will not disturb the existing street grid along W. Muhammad Ali Blvd. The property fronts W. Muhammad Ali Blvd., which is a major east-west arterial that connects directly to Interstate 264. The proposal will retain the existing sidewalk along W. Muhammad Ali Blvd. Public transit is easily available via TARC stops along W. Muhammad Ali Blvd; and

WHEREAS, the Commission further finds that the proposal complies with the intent and applicable policies of the Community Facilities Plan Element. The subject property is and will remain well served by the existing community facilities in the Russell neighborhood. The subject property is adequately served by all utilities, including water and sewer; and

WHEREAS, the Commission further finds that the proposal complies with the intent and applicable policies of the Economic Development Plan Element. The proposal will create a new 34-unit affordable senior housing facility on what is currently a partially vacant site. The proposed facility will complement the existing Zion Manor apartment facility on the other end of the block, and the Zion Baptist Church, which is directly across Muhammad Ali Blvd. from the Property. The scale and site layout of the Property will be consistent with other developments in the Russell neighborhood; and

WHEREAS, the Commission further finds that the proposal complies with the intent and applicable policies of the Livability Plan Element. The proposal will not disturb the existing sidewalk network along W. Muhammad Ali Blvd. Public transit is easily available via TARC stops along W. Muhammad Ali Blvd. The proposal will comply with the tree canopy and open space requirements of the LDC. The proposal will not have any material adverse impact on any natural features; and

WHEREAS, the Commission further finds that the proposal complies with the intent and applicable policies of the Housing Plan Element. The proposal expands and ensures a diverse range of housing choices in the Russell neighborhood as it will create 34 units of apartment-style affordable senior housing. The proposal will create affordable and livable apartment-style housing options in the place of the lots that are currently either vacant or single-family uses; 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-6 to R-8A,

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Multi-family Residential on property described in the attached legal description be **APPROVED.**

The vote was as follows:

YES: Commissioners Tomes, Peterson, Daniels, Brown, Lewis, Carlson, and Jarboe.

NOT PRESENT: Commissioners Robinson, Smith, and Howard.

Detailed District Development Plan with Binding Elements

01:01:05 On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution, based on the Standard of Review and Staff Analysis, and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal will provide tree canopy as required by the Land Development Code. No historic structures are located on site. The site does not contain erodible or wet soils and is not located in an area susceptible to karst terrain; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the site is located in a well- connected urban neighborhood having sidewalks and TARC service, as well as a functional street grid; and

WHEREAS, the Commission further finds that sufficient open space to meet the needs of the development has been provided; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate 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 development is compatible with existing land uses and the future growth of the area as the development site is adjacent to an existing senior living facility on a vacant piece of land in a historically underserved community; and

WHEREAS, the Commission further finds that the proposed development plan conforms to the Comprehensive Plan. It is compact and results in an efficient land use

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pattern and cost-effective infrastructure investment as the proposed structures occupies a large majority of the lot while also providing for open space. The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities as the development is located in a well-connected urban neighborhood on multiple TARC routes. The orientation and design is compatible with the character of the area as demonstrated on an adjacent site providing similar services. The proposal encourages fair and affordable housing and expands opportunities for people to live in quality, variably priced housing while also aging in place; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed 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. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan 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.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 6/20/19 Planning Commission meeting. A copy of the approved rendering is available in the

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case file on record in the offices of the Louisville Metro Planning Commission.

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. 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.

.The vote was as follows:

YES: Commissioners Tomes, Peterson, Daniels, Brown, Lewis, Carlson, and Jarboe.

NOT PRESENT: Commissioners Robinson, Smith, and Howard.