

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1075

Request: Change in zoning from R-5 to R-6, with Waiver for landscaping, and Detailed District Development Plan with Binding Elements

Project Name: Coyte & Howard Multi-Family

Location: 107 N Jane Street

Owner: David Coyte & Peggy Sue Howard

Applicant: David Coyte & Peggy Sue Howard

Representative: David Coyte

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:

03:21:00 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

03:24:38 Commissioner Daniels asked if there is a fence around the property. Dante St. Germain replied the applicant will be able to answer that question.

The following spoke in favor of this request:

David Coyte, 2223 Sycamore Avenue, Louisville, Kentucky, 40206

Summary of testimony of those in favor:

03:25:39 David Coyte, applicant, stated there will improvements made to existing structures, detailed fencing, and the parking availability

Deliberation

03:29:21 Commissioners deliberation (see recording for detailed presentation).

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1075

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.

Change in zoning from R-5 Single Family Residential to R-6 Multi Family Residential

03:30:24 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the **Community Form: Goal 1** the proposal is not for higher density or intensity zoning; the proposed zoning district is not substantially different in scale, intensity or density compared with adjacent development; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 2** the proposal re-uses existing structures and provides residential uses; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 3** to wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Community Form: Goal 4** the existing tree canopy is proposed to remain unchanged. Exterior changes to the structures have received Certificates of Appropriateness; the proposal re-uses existing structures; now, therefore be it

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 1** the proposal is not for higher density or intensity zoning; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 2** access to the site is achieved via N Jane Street, a local street. The development around the subject site is not significantly lower in density or intensity; and

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1075

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Mobility: Goal 3** the proposal would increase the mixture of compatible land uses in the neighborhood, and is located within walking distance of Frankfort Avenue, a transit corridor and commercial activity center; No changes to the street or transportation network are proposed. Transportation Planning has approved the proposal; no direct residential access to high speed roadways is proposed; and

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

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Livability: Goal 1** no changes to the landscape or tree canopy are proposed; No karst features are evident on the site; the site is not located in the floodplain; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 1** the proposal would increase the variety of housing types in the neighborhood in a manner that is compatible with the Form District pattern; the proposal would increase the range of housing options in the neighborhood, supporting aging in place; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 2** The site is relatively close to Frankfort Avenue, a multi-modal transportation corridor providing safe and convenient access to employment opportunities, as well as amenities providing neighborhood goods and services; and

WHEREAS, the Louisville Metro Planning Commission further finds that the proposal meets the **Housing: Goal 3** the proposed zoning district would increase the range of housing options in the neighborhood, improving provision of fair and affordable housing in Louisville Metro; the proposal increases the number of units on the lot, and does not displace existing residents; the proposed zoning district would allow a duplex on the lot, increasing the production of fair and affordable housing; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council to **APPROVE** the change in zoning from R-5, Single Family Residential, to R-6, Multi Family Residential

The vote was as follows:

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1075

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe
NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson,
and Howard

Waiver AND DDDP with Binding Elements

03:31:05 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution, based on the Plan 2040 Staff Findings and the evidence and testimony heard today, was adopted:

Waiver

WHEREAS, the Louisville Metro Planning Commission finds the waiver will not adversely affect adjacent property owners as the existing lot pattern is not proposed to be changed, and the increase in intensity on the lot is relatively small (2 additional units; and,

WHEREAS, the Louisville Metro Planning Commission further finds; and

WHEREAS, the Louisville Metro Planning Commission further finds the waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages the provision of appropriate transitions between uses that are significantly different in scale or intensity. The scale and intensity of the proposed use will be similar to the scale and intensity of adjacent uses; and

WHEREAS, the Louisville Metro Planning Commission further finds the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as there is insufficient space between the structures on the lot and the property line to provide the required LBA; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to move the structures on the lot to provide the required LBA, a requirement which is infeasible; and

Detailed District Development Plan

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1075

WHEREAS, the Louisville Metro Planning Commission finds there do not appear to be any environmental constraints on the subject site. The principal structure on the site is eligible to be listed on the National Register of Historic Places but is not listed. It is proposed to be preserved and utilized as a rental unit; and

WHEREAS, the Louisville Metro Planning Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development; and

WHEREAS, the Louisville Metro Planning Commission further finds there are no open space requirements pertinent to the current proposal; and

WHEREAS, the Louisville Metro Planning Commission further finds 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; and

WHEREAS, the Louisville Metro Planning Commission further finds the overall site design and land uses are compatible with the existing and future development of the area. The area is in the Traditional Neighborhood form district, which generally features a mixture of compatible zoning districts and land uses; and

WHEREAS, the Louisville Metro Planning Commission further finds the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver from LDC Section 10.2.4 to waive the required 10' property perimeter Landscape Buffer Area **AND** Detailed District Development Plan, subject to the following Binding Elements:

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.

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1075

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, 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.
5. 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.
6. The residential character of the structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission or its designee:
 - a. roof line
 - b. building material
 - c. porch
 - d. windows
7. 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

PLANNING COMMISSION MINUTES
August 1, 2019

PUBLIC HEARING

CASE NO. 18ZONE1075

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.

The vote was as follows:

YES: Commissioners Daniels, Smith, Brown, Lewis, Carlson, and Jarboe

NOT PRESENT AND NOT VOTING: Commissioners Tomes, Robinson, Peterson, and Howard