

March 13, 2023

Marilyn Lewis, Chairwoman  
Louisville Metro Planning Commission  
444 S. Fifth Street, Suite 300  
Louisville, KY 40202

Emily Liu, Director  
Louisville Metro Planning & Design Services  
444 S. Fifth Street, Suite 300  
Louisville, KY 40202

RE: Request to file Rezoning Application  
1230 & 1230 R Helck Avenue, Louisville, KY 40213

Dear Louisville Metro Planning Commission Chairwoman Lewis and Director Liu:

I am writing you on behalf of our client, Jonathan Martin Co., LLC, which owns property located at 1230 & 1230 R Helck Avenue, Louisville, KY 40213 (the "Property") that was subject to a rezoning application under Case No. 21ZONE0033, wherein the previous applicant, Helck Avenue Development, LLC, unsuccessfully sought R-7, Multi-Family Residential for the Property to develop ninety-six (96) apartment units across five (5) 3-story buildings on 4.95 acres of land (the "Previous Proposal"). On November 18, 2021, the Louisville Metro Planning Commission (the "Commission"), recommended denial of the Previous Proposal to the Louisville Metro Council (the "Council") and, on December 16, 2021, the Council upheld the Commission's recommendation and retained R-4, Single-Family Residential zoning for the Property.

Today, property owner Jonathan Martin Co., LLC, acting also as the Applicant, would like the opportunity to file a new zoning application to allow R-6, Multi-Family Residential for the Property (the "New Proposal"). As set forth herein, the New Proposal differs significantly from the Previous Proposal and, for said reasons, the Planning Commission should resolve to allow the filing of the New Proposal for the Property.

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The Planning Commission's Policy 3.02.03 provides, in part:

No application for a change of zoning shall be accepted within two years of Commission action on the same or substantially the same tract of property, unless the Commission finds and resolves that either:

(1) substantial land use, economic or social changes affecting the property have occurred in the interim, or

(2) the new application differs significantly from the original application. For purposes of this Policy, "differs significantly" shall mean (a) a different land use; or (b) any other difference that the Planning Commission finds to constitute a significant change from the original application.

In response to Commissioners' stated concerns during the Commission's November 2021 public hearing that the Previous Proposal overdeveloped the Property and caused too much disturbance to existing environmental sensitivities located thereon, including disturbance to areas of tree canopy and wetlands, the New Proposal, a copy of which is hereto attached, reduces the density and lessens the intensity of development on the Property. Consequently, a substantial portion of the Property's environmentally sensitive ground will remain undisturbed. Indeed, the New Proposal is for seventy-two dwelling units (a 25% reduction in units from the Previous Plan), across three (3) buildings (compared to five (5) separate buildings) and to be served by 126 parking spaces (a decrease by 34 parking spaces from the Previous Plan). As a result of reducing the density proposed for and lessening the intensity of development from the Previous Proposal, the New Proposal offers to preserve 72,403 square feet of tree canopy (a 47% increase in tree preservation from the Previous Plan) and maintain the existing jurisdictional wetland toward the center of the Property, whereon the Previous Plan showed an apartment building footprint atop the same wetland area of the Property.

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Because Jonathan Martin Co., LLC puts forward a New Proposal exhibiting meaningful decreases to the number of apartment buildings, dwelling units, and associated number of parking spaces proposed for the Property, as well as relevant increases to the amount of tree canopy and wetland areas being preserved on the Property, Jonathan Martin Co., LLC is requesting grace from this Commission to allow it to file a rezoning application for the Property within two years from when the Commission acted on the Previous Proposal. The layout of the New Proposal maintains significantly more trees and jurisdictional wetlands on the Property as compared to the Previous Proposal, which will enhance the site design of the Property and the mature trees will allow for essential screening and buffering between multi-family residential buildings and single-family residences along Helck Avenue. The site design of the New Proposal directly responds to the Commission's 2021 stated concerns regarding the Previous Proposal and its perceived overdevelopment of the Property. As a result, the New Proposal is agreement with the applicable policies of the Plan 2040 Comprehensive Plan.

For the reasons stated herein, Jonathan Martin Co., LLC respectfully requests approval from the Planning Commission, pursuant to Commission Policy 3.02.03, to file an application to rezone the Property to R-6, Multi-Family Residential within two years of the Commission's previous action taken on Case No. 21ZONE0033, which requested R-7, Multi-Family Residential for the Property.

A copy of Previous Proposal and the New Proposal are enclosed.

Sincerely,

A handwritten signature in black ink that reads "Jon Baker". The signature is fluid and cursive, with the first name "Jon" and last name "Baker" clearly legible.

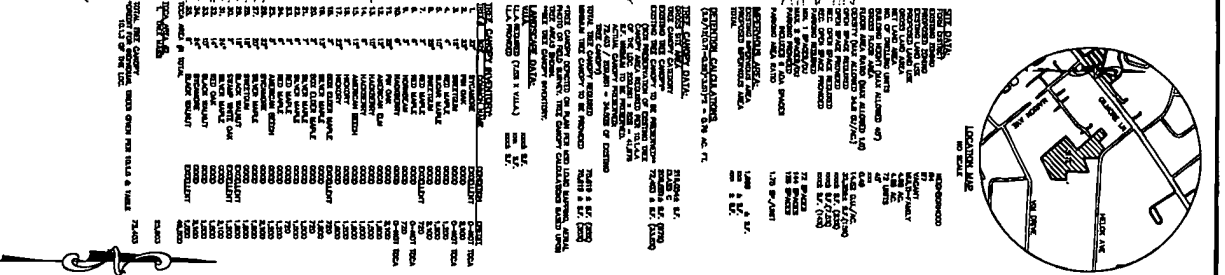
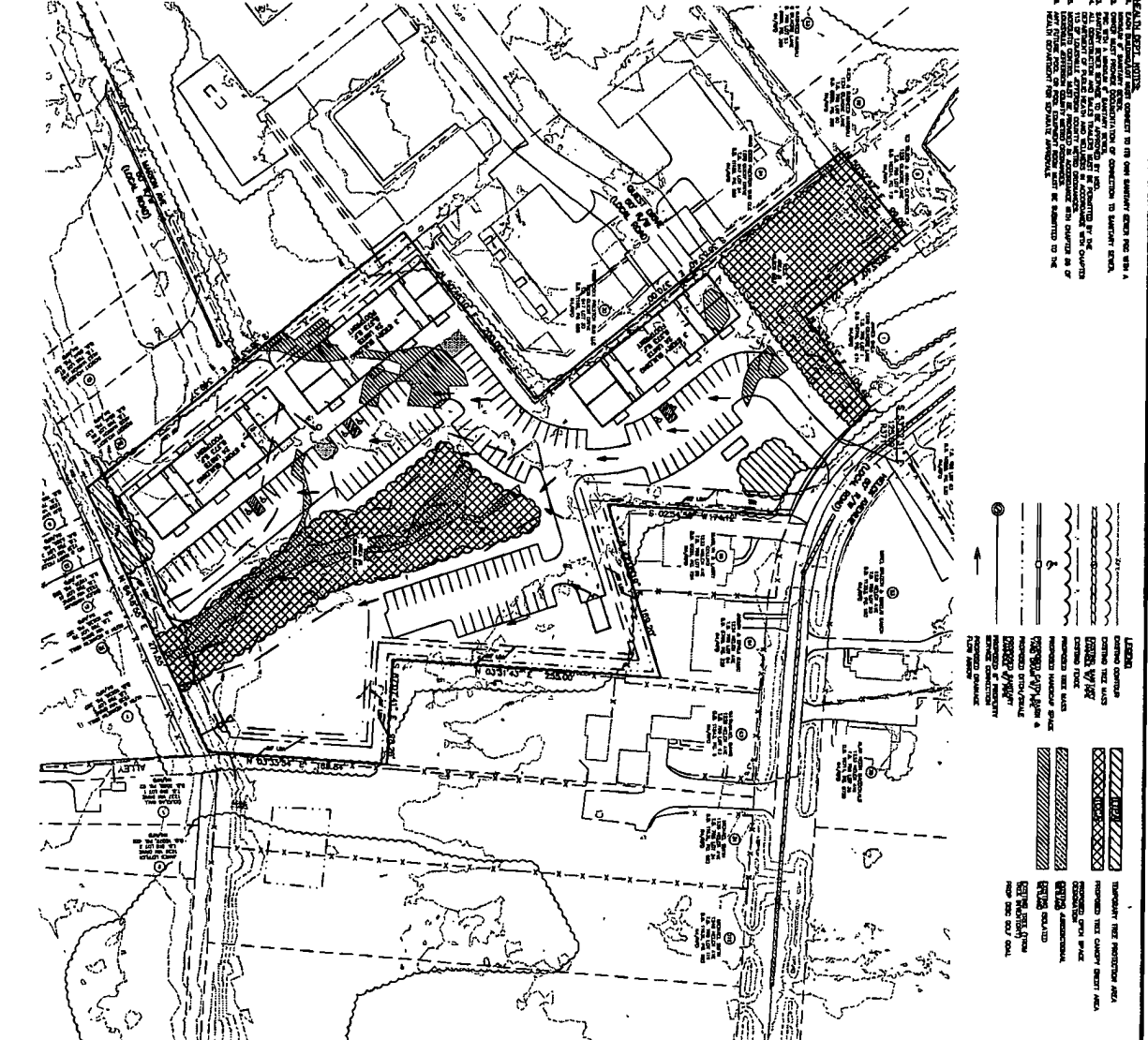
Jon Baker

Enclosures

# New Proposal

**GENERAL NOTES:**

1. THIS PLAN IS SUBMITTED TO THE ZONING BOARD FOR REVIEW AND APPROVAL OF THE PROPOSED REZONING.
2. THE PROPOSED REZONING IS IN ACCORDANCE WITH THE ZONING ORDINANCE.
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14. THE PROPOSED REZONING IS IN ACCORDANCE WITH THE ZONING ORDINANCE.



GRAPHIC SCALE 1"=40'  
 CASE # 21-ZONE-0015  
 RELATED CASE # 21-ZONEA-0008  
 M.S.D. WA # 12243

NO.	DATE	DESCRIPTION
1	1/23/21	PRELIMINARY PLAN
2	2/10/21	REVISED PLAN
3	2/10/21	REVISED PLAN
4	2/10/21	REVISED PLAN
5	2/10/21	REVISED PLAN
6	2/10/21	REVISED PLAN
7	2/10/21	REVISED PLAN
8	2/10/21	REVISED PLAN
9	2/10/21	REVISED PLAN
10	2/10/21	REVISED PLAN

**REZONING PLAN**  
**HELCK AVENUE REZONING**  
 1230 & 1230 R HELCK AVE  
 LOUISVILLE, KENTUCKY 40213  
 TAX BLOCK 798, LOTS 106 & 18  
 DEED BOOK 9309, PAGE 510

**OWNER**  
 JONATHAN MARTIN CO. LLC  
 1416 TAYLOR WOOD RD.  
 SIMPSONVILLE, KY 40067

**DEVELOPER**  
 HELCK AVENUE DEVELOPMENT, LLC  
 PO BOX 436964  
 LOUISVILLE, KY 40253  
 (502) 434-7214

**MINDLE SCOTT**  
 ENGINEERING • SURVEYING • PLANNING • LANDSCAPE ARCHITECTURE  
 3153 WILSONS BRIDGE ROAD, SUITE 100  
 502-485-1508 • MindleScott.com

**GENERAL NOTES:**  
 1. ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.  
 2. ALL UTILITIES SHALL BE PROTECTED AND DEPTH SHALL BE MAINTAINED.  
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**STANDARD NOTES:**  
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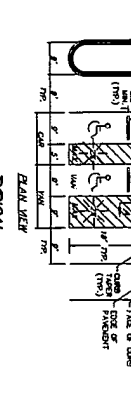
**LEGEND:**  
 DOTTED LINE: EXISTING PROPERTY LINE  
 SOLID LINE: PROPOSED PROPERTY LINE  
 DASHED LINE: PROPOSED EASEMENT  
 HATCHED AREA: PROPOSED CONSTRUCTION AREA  
 UNHATCHED AREA: EXISTING CONSTRUCTION AREA

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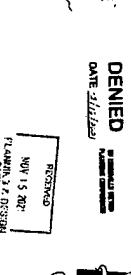
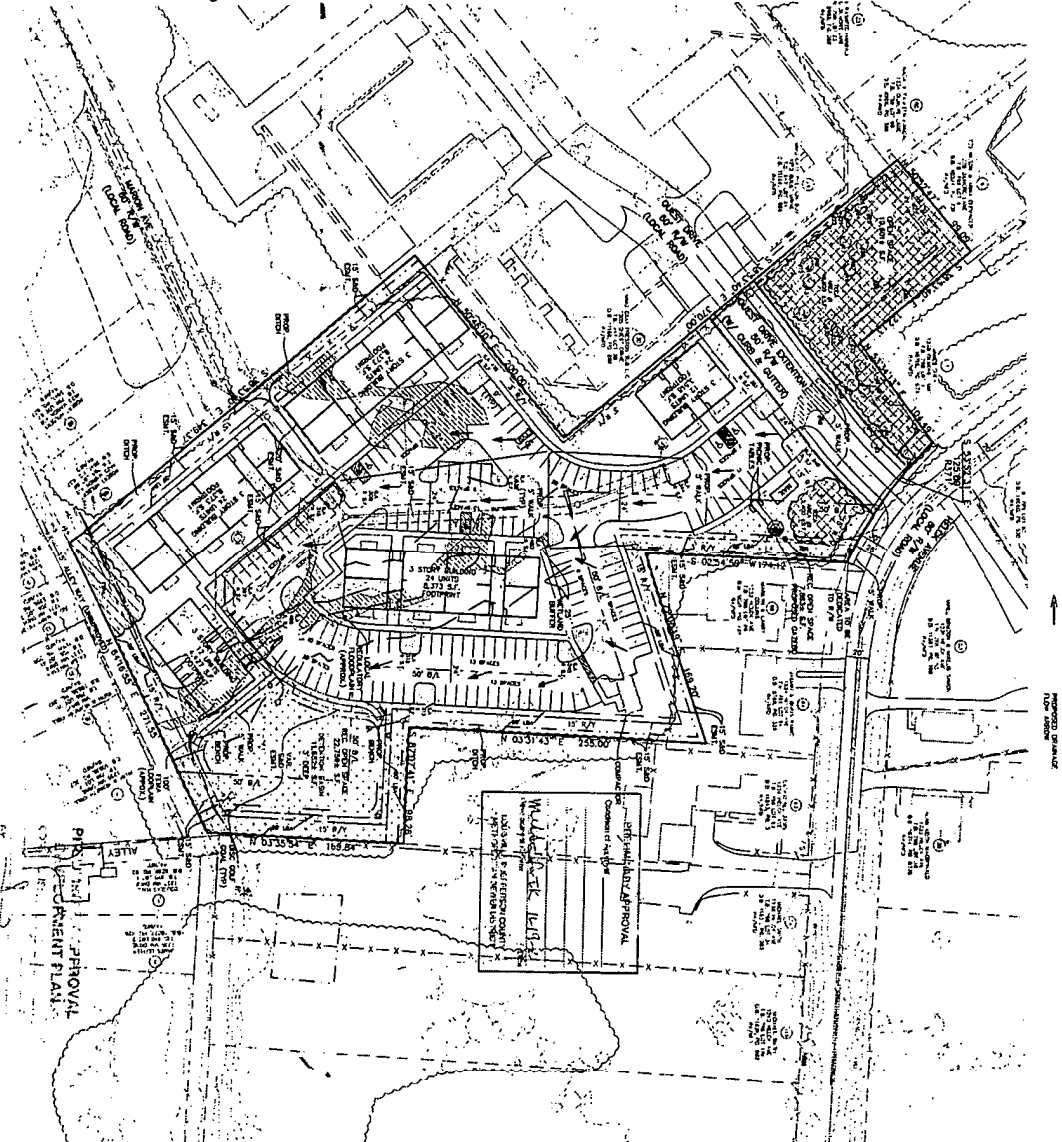
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TYPICAL ACCESSIBLE PARKING SPACES



DENIED MAP

**REZONING PLAN HELCK AVENUE DEVELOPMENT, LLC**  
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 LOUISVILLE, KENTUCKY 40213  
 TAX BLOCK 798, LOTS 106 & 19  
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 ENGINEERING & PLANNING & LANDSCAPE ARCHITECTURE  
 5151 Jefferson Boulevard, Louisville, KY 40219  
 502-452-1508 • www.mscott.com

**Case # 21-ZONE-0033**  
 RECALLED CASE # 21-ZONEPA-0008  
 DATE 1/23/21  
 DRAWN BY 2483  
 SHEET 1 OF 1

Previous Proposal