

PLANNING COMMISSION MINUTES
November 18, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0033

Request: Change in zoning from R-4 to R-7, with Detailed District Development Plan/Major Preliminary Subdivision and Binding Elements

Project Name: Helck Avenue Multi-Family

Location: 1230 & 1230R Helck Avenue

Owner: Jonathan Martin Co LLC

Applicant: Helck Avenue Development LLC

Representative: Bardenwerper Talbott & Roberts

Jurisdiction: Louisville Metro

Council District: 21 - Nicole George

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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

07:53:30 Dante St. Germain presented the case and showed a PowerPoint presentation (See staff report and recording for detailed presentation). The applicant is requesting a change in zoning from R-4 to R-7 for 96 multi-family units. There are existing wetlands on the site which are not proposed to be preserved. There is R-7 zoning adjoining the site. Staff finds while the zoning would provide additional housing the area, the rezoning does not generally comply with Plan 2040 because the plan does not protect the jurisdictional wetlands that are on the site and the development plan may be too intense for the site.

Commissioner Mims asked if the wetlands were preserved would staff be more supportive of the plan. Dante St. Germain stated a less intense development may be more appropriate if the applicant was able to respect the environmental constraints that are on the site.

The following spoke in support of the request:

John Talbott, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40222

PLANNING COMMISSION MINUTES
November 18, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0033

Nathan Wright, Mindel Scott & Associates, 5151 Jefferson Boulevard, Louisville, KY 40218

Ron Thomas, Redwing Engineering, 1139 South Fourth Street, Louisville, KY 40203

Diane Zimmerman, 12803 High Meadows Pike, Prospect, KY 40059

Jonathan Martin, 1416 Taylor Wood Road, Simpsonville, KY 40067

Summary of testimony of those in support:

08:04:00 John Talbott spoke on behalf of the applicant in support of the application. This development is an infill type development amongst an active portion of Preston Highway near Gilmore Lane. There are no requested waivers or variances.

08:11:45 Nathan Wright spoke on behalf of the applicant in support of the application. The applicant worked with PDS staff and other review agencies to revise the plan from the original submittal to help save trees. Mr. Wright walked the site and conducted a tree survey to identify invasives and diseased trees. The trees that are worth saving were identified and the tree canopy conservation percentage is an accurate count of the trees that will be saved.

08:16:00 Diane Zimmerman spoke on behalf of the applicant in support of the application. Ms. Zimmerman explained that the proposed 96 units would result in a minimal number of peak hour trips, which is why a traffic impact study was not required. The connection that is provided is expected to distribute traffic evenly.

Mr. Talbott resumed testimony. The applicant is proposing to exceed the open space requirements for the development.

08:21:10 Ron Thomas spoke on behalf of the applicant in support of the application. Thomas stated the wetlands on the site are low quality and qualify for a general nationwide permit with the Corps of Engineers that doesn't require review by the Division of Water (because of the minimal size). The resource and function of the wetlands that are being removed will be accounted for onsite because of the proposed detention basin. This is not a known bat habitat corridor but they would compensate for any trees that are being removed.

Mr. Talbott continued testimony, showing renderings of the proposed buildings.

PLANNING COMMISSION MINUTES
November 18, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0033

08:55:40 ***Jonathan Martin's testimony came after Opposition Testimony***
Jonathan Martin spoke in support of the application. He has been approached by numerous developers over the years to develop the site and he believes this proposal will be a positive addition to the area.

The following spoke as neutral to the request:

Rachel Roarx, Legislative Aide for Metro Council District 21, 601 W. Jefferson Street, Louisville, KY 40202

Summary of testimony of those neutral to the request:

08:25:30 Rachel Roarx spoke as a neutral party to the request. She asked the applicant some questions that she wanted clarified. Ms. Roarx asked much discussion was made with adjoining residents about the opening up of the existing stub. John Talbott stated they did not specifically reach out to the adjoining apartments. Ms. Roarx stated residents have expressed concerns about the current state of the surrounding roadways and whether they have the capacity to handle the additional volume. This area is already flood prone so there may be some concern about the elimination of the wetlands and proposed intensity on the site.

The following spoke in opposition to the request:

Jim Shea, 1240 Gilmore Lane, Louisville, KY 40213

Marilyn Collins, 1232 Helck Avenue, Louisville, KY 40213

Angela Impellizzeri, 1236 Helck Avenue, Louisville, KY 40213

Evan Lamb, 1255 Helck Avenue, Louisville, KY 40213

Paige Clark, 1236 Helck Avenue, Louisville, KY 40213

Dave Parker, 1257 Vim Drive, Louisville, KY 40213

Steve Edelen, 1207 Helck Avenue, Louisville, KY 40213

Summary of testimony of those in opposition:

08:32:24 Jim Shea spoke in opposition to the request. He does not support opening up the connection from the existing apartments. Mr. Shea also believes three story buildings are too tall and out of character with the area.

PLANNING COMMISSION MINUTES
November 18, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0033

08:35:50 Marilyn Collins spoke in opposition to the request. The trees on this site are important to the area and provide a buffer to surrounding traffic and industrial uses. Gilmore Lane is a busy road and the additional units will add to the congestion. They have collected over 70 signatures from adjoining neighbors who do not support the application.

08:40:40 Angela Impellizzeri spoke in opposition to the request. Ms. Impellizzeri has concerns about the elimination of the wetlands and the increase in impervious area on the site. Helck would need additional improvements if this development were approved.

08:43:45 Evan Lamb spoke in opposition to the request. Mr. Lamb spoke about the amount of traffic in the Gilmore Lane area. Lamb stated there are no sidewalks on Helck Avenue, which is dangerous for pedestrians, particularly students walking to and from the bus.

08:48:35 Paige Clark spoke in opposition to the request. Ms. Clark feels Helck Avenue cannot handle the additional traffic from the proposed units.

08:51:25 Dave Parker spoke in opposition to the request. He echoed concerns about traffic in the area. Also concerned about displacement of wildlife.

08:53:25 Steve Edelen spoke in opposition to the request. He agrees with everything that has been said about traffic.

Rebuttal:

08:57:31 John Talbott spoke in rebuttal on behalf of the applicant. He said this small development should not be held responsible for any existing issues with traffic flow on Gilmore because the amount of traffic it will be producing is minimal. Drainage is not a problem. Mr. Talbott feels the plan satisfies the requirements of the comprehensive plan. The plan has no waiver or variance requests. The number of policies and objectives that may not be met are minimal. The housing options being provided are new and unique to the area. The wetlands disruption is insignificant.

Deliberation:

09:05:00 Commissioners' deliberation.

Commissioner Carlson stated that the development is not compatible with the surrounding development, including scale, mass, and materials being used. He also stated there may be flooding issues in the area so eliminating the wetlands could be an issue.

PLANNING COMMISSION MINUTES
November 18, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0033

Commissioner Clare is concerned about the wetlands disturbance. Also, there is a mass and scale issue.

Commissioner Sistrunk suggested developers seek alternatives to just apartments when looking at creating new affordable housing in areas.

Commissioner Mims feels the proposed density is too much for the site given the wetlands that are on the site.

Commissioner Howard agrees with some of the sentiments expressed by the commissioners and has concerns about the area.

Commissioner Peterson would be happier if they were going with something less dense that would allow them to preserve more open space.

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

09:18:30 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the Standard of Review and Staff Analysis, and evidence and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal does not meet the CHASE principles of Plan 2040 as the proposed zoning district cannot fulfill the Sustainable principle or the Equitable principle by supporting the natural environment; and,

WHEREAS, the Commission further finds that the proposal cannot meet Community Form Goal 3, Objective a as the environmental impacts of development cannot be diminished; and,

WHEREAS, the Commission further finds that the proposal cannot meet Community Form Goal 3, Objective b as environmentally sensitive areas cannot be preserved and/or enhanced; and,

WHEREAS, the Commission further finds that the proposal cannot meet Community Form Goal 3, Policy 7 as the natural features of the site cannot be integrated within the

PLANNING COMMISSION MINUTES
November 18, 2021

PUBLIC HEARING

CASE NO. 21-ZONE-0033

prescribed pattern of development under the density permitted by the proposed zoning district; and,

WHEREAS, the Commission further finds that the proposal cannot meet Community Form Goal 3, Policy 8 as the vital natural resource systems such as mature trees, steep slopes, streams and wetlands cannot be conserved, restored or protected under the density permitted by the proposed zoning district; and,

WHEREAS, the Commission further finds that the proposal cannot meet Community Form Goal 3, Policy 10 as the wetlands present on the site are proposed to be drained and removed; and,

WHEREAS, the Commission further finds that the proposal cannot meet Livability Goal 1, Policy 5 as the unique characteristics of the identified general landscape types and native plant communities are proposed to be removed on the larger portion of the site. Only a small portion of the site is proposed to be preserved for tree canopy purposes. The wetlands are proposed to be removed entirely;

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-4 Single Family Residential to R-7 Multi-Family Residential on property described in the attached legal description be **DENIED**.

The vote was as follows:

YES: Commissioners Mims, Peterson, Clare, Carlson, Sistrunk and Howard.

NOT PRESENT: Commissioners Seitz, Lewis, Brown, and Daniels.