

PLANNING COMMISSION MINUTES
February 18, 2021

PUBLIC HEARING

CASE NO. 20-ZONE-0088

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| Request: | Change in zoning from R-4 to R-6 with detailed plan and landscape waiver |
| Project Name: | 1213 Hines Court |
| Location: | 1213Hines Court |
| Owner: | Gregory Properties, LLC |
| Applicant: | Gregory Properties, LLC |
| Representative: | Duncan Galloway Egan Greenwald; LD&D |
| Jurisdiction: | Louisville Metro |
| Council District: | 19 – Anthony Piagentini |
| 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. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

04:03:44 Joel Dock discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Kyle Galloway, 9625 (inaudible), Louisville, Ky. 40223
Mike Hill, Land Design and Development, 503 Washburn Avenue, Louisville, Ky. 40222

Summary of testimony of those in favor:

04:10:33 Mike Hill gave a power point presentation. The request is for 16 apartment units within 4, four-plex buildings, two-stories. An attempt will be made to keep the trees along the perimeter and some new trees will be planted as well. Some screening will be provided and a detention basin will be placed in the rear.

04:22:51 Kyle Galloway said this is an opportunity to provide additional housing in an area that already has mixed density. The infrastructure and amenities are in response to the neighborhood.

The following spoke in opposition to this request:

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Deanne Hamilton, 1216 Hines Court, Louisville, Ky. 40223

Summary of testimony of those in opposition:

04:26:20 Deanne Hamilton requests forms to submit a petition. Is the applicant only going to widen the portion of the street that is in front of their property? Other concerns are as follows: drainage, wear and tear on roads, lighting, fence, noise and trucks.

Joel Dock explained the petition process (night hearing).

Rebuttal

04:35:20 Kyle Galloway said Public Works measured the street width and it was determined to be adequate and in compliance. Concerning the drainage issues, MSD will require specific ways to handle it. Traffic will not be an issue and fencing will help shield and blend this development in the neighborhood.

Deliberation

04:39:23 The site is dense but the design has been changed to help mitigate it. The apartments will be an enhancement to the neighborhood. Commissioner Brown said he thinks R-5A would be more appropriate.

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 Change from R-4 to R-6

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Plan 2040 Staff Analysis and the Applicant's testimony was adopted.

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Community Form because, the proposed higher intensity district is located along TARC route #31. Connectivity to an arterial and primary collector roadway, as well as employment centers is provided. Route #31 serves the nearby business park, Shelbyville Road, and Downtown; the proposed district is appropriately located in a mixed-density area adjacent to multi- and single-family development. Transitions will be provided as needed and/or required; and

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WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the subject property is vacant, and the proposal will bring new development; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Community Form because, the site does not appear to contain wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the site does not appear to contain distinctive cultural or natural features as it is vacant; the site does not appear to contain distinctive cultural or natural features as it is vacant; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed higher intensity district is located along TARC route #31 and connectivity to an arterial and primary collector roadway, as well as employment centers is provided. Route #31 serves the nearby business park, Shelbyville Road, and Downtown. Activity centers for services and amenities are located nearby at Shelbyville Road and Old Henry Road. The Ford KTP is located nearby as well; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, the proposed district is in a mixed density area that is connected to employment, amenities, and services. Access is not through areas of lower intensity as access is available through residential areas; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed zoning district will be accompanied by appropriate sidewalk connectivity to Heafer Road; the subject site has a minimal impact on the transportation network as it is a relatively small development site and sidewalk connectivity to Heafer Road is being made available; the developer has been asked to make connections for pedestrians to Heafer Road. The proposed zoning district will be accompanied by appropriate sidewalk connectivity to Heafer Road; it is necessary that safe connection from the subject site to Heafer Road be provided. The proposed zoning district will be accompanied by appropriate sidewalk connectivity to Heafer Road; No direct access to high speed roadways is provided for individual units. A single access point to the local roadway from the site will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Facilities because, the site will be served

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by existing utilities or capable of being served by public or private utility extensions; the development will have an adequate supply of potable water and water for fire-fighting purposes; the proposal will have an adequate means of sewage treatment as approved by MSD; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, the site does not appear to contain unique landscape characteristics; a karst survey was performed on 11/5/19 and no karst features were identified by the applicant; the site does not appear to be in the floodplain. MSD preliminary approval has been received; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposed district provides for appropriately located medium-density development along a transit route near employment and activity centers in the Neighborhood form district. The district remains consistent with the pattern of the neighborhood in provisioning for alternative forms of housing; the proposed district and location support aging in place as distance and transit connectivity to nearby services and amenities reduce travel time to essential services; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposal continues the existing pattern of mixed-intensity and density in the area that is connected to the neighborhood and nearby centers; the subject site and proposed district provides safe and convenient access to employment opportunities and amenities as distance and transit connectivity to nearby services and amenities reduce travel time to essential services, employment, and amenities in the area and throughout Louisville Metro; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposed district encourages fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling the provision of affordable housing in dispersed locations throughout Louisville Metro; the proposed district allows for an increase in residential occupancy on a vacant site; the proposed zoning district allows for a variety of styles and methods of housing to provision the requested density and fair and affordable housing.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to Metro Council the change in zoning from R-4, Single Family Residential to R-6, Multi-Family Residential on property described in the attached legal description be **APPROVED**.

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The vote was as follows:

YES: Commissioners Carlson, Clare, Daniels, Howard, Mims, Peterson and Lewis

NO: Commissioner Brown

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Sistrunk

Waiver of Land Development Code, section 10.2.4 to reduce 15' LBA to 5' LBA along north property line

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution based on the Standard of Review and Staff Analysis and the Applicant's testimony was adopted.

WHEREAS, the waiver will not adversely affect adjacent property owners as structures are located on the opposite side of the property and all required plantings and screening will be provided; and

WHEREAS, Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Areas will be protected by the required plantings and screening, and no structures are proposed in the area of encroachment; and

WHEREAS, the Louisville Metro Planning Commission finds, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site is narrow and all other requirements have been accommodated without relief; and

WHEREAS, the Louisville Metro Planning Commission further finds the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as it would result in a decreased area of land available for the proposed development which provisions housing. All other matters of the LDC have been accommodated on the development.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Waiver of Land Development Code, section 10.2.4 to reduce 15' LBA to 5' LBA along north property line.

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The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Peterson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Sistrunk

Detailed District Development Plan and Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Howard, the following resolution based on the Standard of Review and Staff Analysis and Applicant's testimony was adopted.

WHEREAS, the conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites will be conserved as the site does not appear to adversely impact or contain these features. Tree canopy and outdoor amenities will be provided. A public park is nearby; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided as the applicant has agreed to extend the public sidewalk across an adjacent site's frontage to connect with Heafer Road. This allows for safe connections to the nearby park and transit; and

WHEREAS, the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided as recreational amenities will be provided; and

WHEREAS, 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 finds, the proposal is compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the rendering displays sensitivity to the public roadway and adjacent residential uses through doors and windows which face the road. The proposal provides for 2-story structures consistent with the area; and

WHEREAS, the Louisville Metro Planning Commission further finds the proposed development plan conforms to Plan 2040 and the Land Development Code, except

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where relief has been requested and justified. It is sited appropriately for its intensity, and connectivity to parks, employment, services, and amenities is available.

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the 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 Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
 - c. 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.
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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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6. A public sidewalk shall be constructed in the right-of-way of Hines Court, which begins at the northern property line of the subject site and connects with the existing sidewalk at Heafer Road.

The vote was as follows:

YES: Commissioners Brown, Carlson, Clare, Daniels, Howard, Mims, Peterson and Lewis

NOT PRESENT AND NOT VOTING: Commissioners Seitz and Sistrunk