

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**June 11, 2020**

**NEW BUSINESS**

**CASE NUMBER 19-ZONE-0052**

Request:	Change in zoning from R-5 to R-6 with detailed plan and review of substandard lot creation
Project Name:	308 Franck Ave
Location:	308 Franck Ave
Owner:	Ryan Fagan
Applicant:	Ryan Fagan
Representative:	Ryan Fagan
Jurisdiction:	Louisville Metro
Council District:	9 - Bill Hollander
Case Manager:	Joel P. Dock, AICP, Planner II

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

01:01:51 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

01:03:55 In response to a question from Commissioner Carlson, Mr. Dock said that the R-6 zoning would be applicable to the original lot in addition to the new lot. Two lots are the maximum number of units allowed for the site.

01:05:46 In response to a question from Commissioner Brown, Mr. Dock discussed some R-5A and other multi-family properties in the surrounding area. He referred Commissioner Brown to the staff report for a zoning map of properties in the area (see recording for detailed discussion.)

**The following spoke in favor of this request:**

Ryan Fagan, 308 Franck Avenue, Louisville, KY

Beth Mack, 2030 Frankfort Avenue, Louisville, KY 40206

Palmer Cole (sp) 7400 South Park Place, Louisville KY 40222

**Summary of testimony of those in favor:**

01:07:49 Ryan Fagan, the applicant, presented the case (see recording for detailed presentation.)

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01:08:39 Commissioner Brown asked if the applicant was going to remove the driveway, parking pad, and fence in the ROW along the Galt Avenue frontage. Mr. Fagan said he was.

01:09:02 Beth Mack read a statement into the record explaining why she and her husband want to build a house in Crescent Hill. She added that she and her husband intend to pay for surveys for houses around the property (see recording.)

**The following spoke in opposition to this request:**

No one spoke.

**The following spoke neither for nor against the request ("Other"):**

Ruth Durbin (sp), 309 Franck Avenue, Louisville, KY 40206

Theodore Wendolin (sp), 311 Franck Avenue, Louisville, KY 40206

Lee Cox, 317 South Galt Avenue, Louisville, KY 40206

Matt Lugo (sp), 319 South Galt Avenue, Louisville, KY 40206

Sally Rignola (sp), 313 South Galt Avenue, Louisville, KY 40206

01:13:08 Ruth Durbin (sp) said she is concerned about traffic on Galt Avenue; and also that construction activity could be hard on old sewer and street infrastructure.

01:15:14 Lee Cox said she shared concerns about construction activities affecting the old houses in the neighborhood, including hers. She is also concerned about sewer usage for both buildings. She said there is not much room on the lot to build a new house and is concerned about the new structure cutting off visibility from her home. She asked if the house could be used as a duplex in the future or rented out.

01:18:20 Theodore Wendolin (sp) said the area is historic and everything around it is very old. Is concerned about construction activities damaging houses or old infrastructure.

01:20:27 Matt Lugo (sp) said his concerns are the same – about construction activities damaging houses or old infrastructure. Also that this is a historic area, and is not meant for new homes.

01:21:01 Sally Rignola (sp) said she has listened to today's testimony and said her questions had been answered to her satisfaction.

**Rebuttal:**

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01:22:35 Mr. Fagan discussed the land, building techniques, and damage mitigation (see recording.)

01:24:13 Commissioner Carlson asked that surveys for the nearby houses would be put into a binding element. He also asked if short-term rental usage could be bound out. Mr. Fagan said the Mack's have no intention of using their home as a short-term rental.

01:26:07 In response to a question from Commissioner Carlson, Palmer Cole (sp), the builder, discussed foundation concerns. He said his suggestion is to have a foundational engineer go in to inspect the properties to determine their current conditions, and then re-inspect after the foundation is in. Commissioner Carlson asked if this could be put into a binding element. Mr. Dock said binding elements to regulate short term rentals are unnecessary, because short-term rentals are regulated by the LDC and require a Conditional Use Permit. Host-occupied short-term rental is permitted by right (like renting out a room.) Also, he said blasting is regulated by State law, which requires that some type of pre-blast survey is required (see recording for detailed discussion.) Mr. Dock suggested a binding element that could read "In the event that blasting is to occur, then a pre-blast survey shall be done for first and second tier properties" with more specific language to be worked out prior to or at the Planning Commission public hearing.

01:34:36 In response to a question from Ms. Durbin, Mr. Dock presented clarification regarding types of short-term rentals.

01:36:38 Commissioner Peterson discussed blasting and appreciated the fact that the owners are willing to pre-survey neighbors' foundations before construction.

**01:37:36 Commissioners' deliberation.**

**An audio/visual recording of the Land Development & Transportation Committee meeting 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.**

**The Committee by general consensus placed this case on the July 16, 2020 Planning Commission public hearing.**