

**PLANNING COMMISSION MINUTES**  
**August 1, 2019**

**PUBLIC HEARING**

**CASE NO. 18ZONE1074**

Request: Change in zoning from R-5 to R-5B, and Detailed District Development Plan with Binding Elements  
Project Name: Howard & Coyte Duplex  
Location: 117 N Jane Street  
Owner: Peggy Sue Howard & David Coyte  
Applicant: Peggy Sue Howard & David Coyte  
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:**

03:11:06 Dante St. Germain discussed the case summary, standard of review and staff analysis from the staff report (see recording for detailed presentation).

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

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

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

03:14:35 David Coyte, presented photo slide show detailing the use of site and the parking availability (see recording for detailed presentation).

**Deliberation**

03:16:55 Planning Commission deliberation (see recording for detailed presentation).



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**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 from R-5 Single Family Residential to R-5B Two Family Residential**

03:18:54 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** no 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 and structures are proposed to remain unchanged; the proposal re-uses existing structures; and

**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

**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



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network are proposed. Transportation Planning has approved the proposal; 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: 2** the proposed zoning district would increase the range of housing options in the neighborhood, allowing for inter-generational, mixed-income and mixed-use development; 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-5B, Two Family Residential.

**The vote was as follows:**



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

**Detailed District Development Plan**

03:19:40 On a motion by Commissioner Carlson, seconded by Commissioner Smith, the following resolution was adopted.

**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 plan; 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 Detailed District Development Plan **SUBJECT** to the following Binding Elements:



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**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. 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:



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- 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 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**