

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

Request: Change in zoning from R-4 to R-6 with detailed district development plan and variance
Project Name: Holgate Apartments Rezoning
Location: 1 1405 Holgate Drive
Owner: GM Property Investments, LLC
Applicant: GM Property Investments, LLC
Representative: GM Property Investments, LLC - Monika Thapa
Jurisdiction: Louisville Metro
Council District: 13 - Mark Fox
Case Manager: Joel Dock, AICP, Planning Coordinator

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:

03:17:06 Joel Dock presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in support of the request:

Chris Crumpton, Bluestone Engineers, 3703 Taylorsville Road, Louisville, KY 40220

Summary of testimony those in support:

03:21:07 Chris Crumpton, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to the request:

No one spoke.

Deliberation:

03:29:19 Commissioners' deliberation.

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

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

03:31:29 On a motion by Commissioner Howard, seconded by Commissioner Peterson, 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 meets Land Use & Development Goal 1: Community Form because the proposed district is located within proximity to a major transportation corridor, employment center, and activity centers providing services and amenities. TARC service is available at Antle Drive and Preston Highway and along Standiford plaza within a nearby shopping center; and appropriate transition is assured as the proposed district abuts similar uses, densities, and districts; and

WHEREAS the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Form because the land is currently occupied by parking facilities and refuse collection. The proposed district will result in residential development; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Community Form because the site does not appear to possess any issues related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 4: Community Form because the site does not appear to contain distinctive cultural features; and the site does not contain structures having historic significance. It is occupied by parking and refuse collection; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Mobility because the proposed district is located immediately adjacent to the SMC form district. The district is located within proximity to a major transportation corridor, employment center, and activity centers for services and amenities. TARC service is available at Antle Drive and Preston Highway and along Standiford plaza within a nearby shopping center; and

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Mobility because access to the site is through areas of similar or higher density/intensity; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 3: Mobility because the proposed district encourages a mixture of compatible land uses and increasing density near employment centers, such as Commerce Crossing, to reduce vehicle miles traveled; the development will provide for minimum improvements to the network to ensure that the site is accessible; the development will provide for minimum improvements to the network to ensure that the site is accessible; the development will provide for minimum improvements to the network to ensure that the site is accessible; right-of-way dedication will be provided as required; and no direct access to high speed roadways is provided for individual units; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Community Facilities because The proposal is in an area served by existing utilities or planned for utilities as evidenced by adjacent development; the proposal would appear to have access to an adequate supply of potable water and water for fire- fighting purposes as evidenced by adjacent development; and preliminary approval has been received by MSD to Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Livability because tree canopy will be provided in compliance with all applicable regulations and ordinances; the site does not appear to contain sensitive features as it is previously developed and contains parking and refuse collection facilities; and the development site is not located in the floodplain; and

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 1: Housing because the proposed district encourages a variety of housing types to be concentrated near major transportation facilities within close proximity of single family district and adjoining similar densities; development will reflect the pattern of the form district; the proposed district promotes housing options and environments that support aging in place as senior, independent, and assisted living are permitted within the district; and the proposed district is located roughly within proximity to a major transportation corridor, employment center, and activity centers for services and amenities. TARC service is available at Antle Drive and Preston Highway and along Standiford plaza within a nearby shopping center; and

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

WHEREAS, the Commission further finds that the proposal meets Land Use & Development Goal 2: Housing because the proposal district supports intergenerational and mixed-income development that is connected to the immediate neighborhood; and the proposed district is located within proximity to a major transportation corridor, employment center, and activity centers for services and amenities. TARC service is available at Antle Drive and Preston Highway and along Standiford plaza within a nearby shopping center. Minimum improvements along the development site will be provided to allow for ease of access; and

WHEREAS, the Commission further 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 and accessible housing in dispersed locations throughout Louisville Metro; the proposed district allows for an increase in residential occupancy where parking and refuse collection areas are currently present near existing multi-family uses; and the proposed district encourages the use of innovative design methods by expanding the ability to provide a variety of housing types and styles. The proposed district better serves the needs to provide affordable housing than the current district; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change-in-zoning from R-4 to R-6, multi-family residential on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Daniels, Seitz, Sistrunk, and Lewis.

ABSENT: Commissioner Carlson.

Variance

03:32:44 On a motion by Commissioner Howard, seconded by Commissioner Peterson, the following resolution, based on the Standard of Review and Staff Analysis and evidence and testimony heard today, was adopted:

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

WHEREAS, the Louisville Metro Planning Commission finds that the requested variance allows for connected multi-family development sharing parking facilities and will not adversely impact adjacent owners for this reason; and

WHEREAS, the Commission further finds that the requested variance will not alter the essential character of the general vicinity as it will bring together two development to share parking facilities; and

WHEREAS, the Commission further finds that the requested variance will not cause a hazard or nuisance to the public the space will be used for shared parking; and

WHEREAS, the Commission further finds that the requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposal achieves shared parking and connectivity between 2 multi-family developments; and

WHEREAS, the Commission further finds that the requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the area for the variance will contain share parking facilities between adjacent multi-family uses; and

WHEREAS, the Commission further finds that the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as relief in accordance with items 'a' through 'd' of the standard of review have been adequately justified; and

WHEREAS, the Commission further finds that the circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Variance from Land Development Code, section 5.3.1 to allow parking to encroach upon the 3' side property line (north).

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Daniels, Seitz, Sistrunk, and Lewis.

ABSENT: Commissioner Carlson.

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

Detailed District Development Plan

03:33:43 On a motion by Commissioner Howard, seconded by Commissioner Peterson, 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 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 provided. Landscaping and tree canopy will be provided as required; and

WHEREAS, the Commission further finds that provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community are provided as the site shares parking with an adjacent multi-family development; and

WHEREAS, the Commission further finds that open space is not required on with this application. Tree canopy is preserved to the rear of the development area; and

WHEREAS, the Commission further finds that the Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions 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 Commission further finds that the proposed development is compatible with development in the area and the pattern of the form district. New construction is proposed; and

WHEREAS, the Commission further finds that the proposed development plan conforms to the Comprehensive Plan and all relief requested from the Land Development Code appears to be adequately justified; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested 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

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

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. 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
 - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 4, 2021 Planning Commission public hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - d. A reciprocal access and shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance
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.

PLANNING COMMISSION MINUTES
December 2, 2021

PUBLIC HEARING

Case No. 21-ZONE-0049

5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

The vote was as follows:

YES: Commissioners Mims, Peterson, Brown, Clare, Howard, Daniels, Seitz, Sistrunk, and Lewis.

ABSENT: Commissioner Carlson.