

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

Request: Change in zoning form R-5 to R-5B with detailed district development plan
Project Name: Roosey Duplex
Location: 1316 Bellwood Avenue
Owner: Roosey Holdings, LLC
Applicant: Roosey Holdings, LLC
Representative: Roosey Holdings, LLC
Jurisdiction: Louisville Metro
Council District: 8 – Brandon Coan
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:

01:02:00 Joel Dock presented the case via Power Point slide show (see staff report and recording for detailed presentation.) He detailed the case summary, technical review, and staff findings.

The following spoke in favor of this request:

Cliff Ashburner, 101 South Fifth Street, suite 2500, Louisville, Kentucky, 40202
Jessie Redden, 2103 Second Avenue West, Seattle, Washington, 98119

Summary of testimony of those in favor:

01:06:48 Cliff Ashburner, representing the applicant, presented a Power Point slide show (see recording for detailed presentation.) Mr. Ashburner noted that with Plan 2040 within the Traditional Form District the proposed duplex would be appropriate. He detailed the internal changes to the site.

01:16:22 Commissioner Carlson asked if there have been inspections for the 2nd floor and received an approval from the code authority. Cliff Ashburner replied

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

he can get that information from the applicant.

01:17:05 Commissioner Jarboe noted there was a comment from the opposition there was construction for a separate entrance. Cliff Ashburner detailed the removal of an internal wall separating the entry of the 1st and 2nd floors. This removal done after renovations from the previous owner. He stated there second floor electrical meter was installed as part of the renovation. The Contractor that did the renovation for the former homeowner did not give a certificate of occupancy to the current homeowner. Mr. Ashburner stated he is willing to discuss this with the Commissioners.

01:20:43 Commissioner Carlson, Joel Dock, and Cliff Ashburner discussed the binding elements and the process for the certificate of occupancy (see recording for detailed presentation.)

01:23:01 Commissioner Peterson stated the access to the stairway should be inspected as well.

01:23:28 In response to Commissioners, Cliff Ashburner replied the applicant does not have an issue with the fire department and code official to inspect the property.

The following spoke in opposition to this request:
Deborah Donovan, 1314 Bellwood Avenue, Louisville, Kentucky,

Summary of testimony of those in opposition:

01:24:01 Deborah Donovan stated the home was sold as a single family home and has never been rented out. Ms. Donovan stated the home should stay as single family and the applicant should have to redo this process correctly if they want to rent it out (see recording for detailed presentation.)

Rebuttal

01:27:41 Cliff Ashburner stated in this traditional from district a duplex would be appropriate. The proposal is to repurpose the home and bring the property into compliance. Mr. Ashburner agreed to the follow up fire inspection and building code inspection (see recording for detailed presentation.)

01:30:14 Commissioner Brown asked if the comprehensive plan could be put in as a binding element to limit the use of an apartment unit with an age

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

restriction. Cliff Ashburner replied it would be best to not restrict to a age group. Commissioner Brown and Cliff Ashburner discussed the affordability portion of the comprehensive plan (see recording for detailed presentation.)

01:31:48 Commissioner Lewis asked for the square footage of the 2nd story apartment and the amount of bedrooms in the unit. Cliff Ashburner replied it is a one bedroom unit.

01:33:09 Jessie Redden, applicant, stated the unit is 2520 square feet (see recording for detailed presentation.)

Deliberation

01:34:20 Planning Commission deliberation (see recording for detailed presentation.) Commissioner Howard inquired about binding element 2.a regarding construction. Joel Dock replied 2.a is not needed and can be amended. Commissioner Carlson read the new binding element; "A Certificate of Occupancy or equivalent approval document shall be received from the code enforcement authority having jurisdiction within 90 days of final approval."

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-5 to R-5B

01:39:37 On a motion by Commissioner Carlson, seconded by Commissioner Peterson, the following resolution based on the Plan 2040 Staff Analysis 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 transit and commercial corridor with multiple TARC routes serving employment and activities centers throughout Louisville Metro; The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as adjacent uses and surrounding land uses are similar in intensity and density to the proposed district. No landscaping is required between adjoining uses and the site, and no exterior improvements are proposed; and

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Community Form because, the proposal provides for residential flexibility at an appropriate location within proximity to a wide variety of services and amenities; 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 possess any issues related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 4: Community Form because, the proposal preserves existing structures that contribute to the character of the area; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Mobility because, the proposed district is located within proximity to a major transit and commercial corridor with multiple TARC routes serving employment and activities centers throughout Louisville Metro; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Mobility because, Access to the site is obtained through public roads crossing similar densities transitioning from the commercial corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Mobility because, the proposed district is easily accessible by bicycle, car, transit, pedestrians and people with disabilities as the area is a well-connected and walkable urban neighborhood near a major transit corridor, existing roadway infrastructure, in conjunction with multi-modal transportation options is adequate to support a wide range of densities, the proposal will share in the cost of improvements that are proportional to the zoning district being requested, existing transportation facilities and services are adequate to support the proposal, no transportation improvements would appear to be occurring along Bellwood Avenue that impact the subject property or greater area, no access to high speed roadways is provided; and

WHEREAS, the Louisville Metro Planning Commission 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. The subject site is in the urban services district, the proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The subject site is in the urban services

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

district, MSD preliminary plan approval has been received and an adequate means of sewage treatment and disposal to protect public health and to protect water quality will be provided; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Livability because, no exterior improvements are proposed which impact the character of the area, no improvements are proposed which impact karst terrain or groundwater, the proposed zoning district does not disrupt the integrity of the floodplain as no improvements are proposed; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 1: Housing because, the proposal ensures the continued inclusion of a variety of housing types in a well-connected neighborhood and does not disrupt the balance of multi-family and single-family residential in the neighborhood. The proposed housing type is reflective of the greater area, the proposed district allows for a variety of housing options in a well-connected urban neighborhood with a variety of amenities. The subject site is located close to shopping and transit routes, and medical and other supportive facilities; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 2: Housing because, the proposed district allows for a variety of housing options including mixed-income and mixed-use development that is connected to the neighborhood and surrounding area, the proposed district is located within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. It is located within proximity to transit corridors and commercial corridor; and

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Land Use & Development Goal 3: Housing because, the proposal helps to create appropriately zoned inclusive housing, the proposed district allows for an appropriate level of density in an area that is well-connected for multi-modal transportation to jobs, services; now therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council the change in zoning from R-5, single family to R-5B, two family on property described in the attached legal description be **APPROVED**.

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

The vote was as follows:

YES: Commissioners Howard, Seitz, Peterson, Carlson, Brown, Lewis, and Jarboe.

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims.

Detailed District Development Plan and Binding Elements

01:40:52 On a motion by Commissioner Carlson, 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 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 as no exterior changes are proposed which reduce the compatibility of the site with the existing character of the traditional neighborhood; and

WHEREAS, the Commission further finds Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided as the subject site is within a walkable urban neighborhood and provides convenient access to a nearby major transit and commercial corridor with multiple TARC routes serving employment and activities centers throughout Louisville Metro. These factors allow the subject site to be easily accessible by bicycle, car, transit, pedestrians and people with disabilities; and

WHEREAS, the Commission further finds the subject site maintains it's current private rear yard and public realm (front yard); and

WHEREAS, the 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 Commission further finds the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development as no exterior changes are propose which alter the current character; and

WHEREAS, the Commission further finds the proposed development plan conforms to Plan 2040. The land use provides for residential flexibility at an appropriate location within a walkable urban neighborhood and provides convenient access to a nearby major

PLANNING COMMISSION MINUTES
June 18, 2020

PUBLIC HEARING

CASE NO. 19-ZONE-0032

transit and commercial corridor with multiple TARC routes serving employment and activities centers throughout Louisville Metro. These factors allow the subject site to be easily accessible by bicycle, car, transit, pedestrians and people with disabilities.

The proposal ensures the continued inclusion of a variety of housing types, incomes, and inter-generational housing in a well-connected neighborhood and does not disrupt the balance of multi-family and single-family residential in the neighborhood. The proposed housing type is reflective of the greater area. The proposal encourages affordable and accessible housing in dispersed locations throughout Louisville Metro and does not result in displacement of current residents; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan with the dissolution of binding element 2.a and the addition of binding element **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. 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.
3. A Certificate of Occupancy or equivalent approval document shall be received from the code enforcement authority having jurisdiction within 90 days of final approval."

The vote was as follows:

YES: Commissioners Howard, Seitz, Peterson, Carlson, Brown, Lewis, and Jarboe.

NO: No one.

NOT PRESENT AND NOT VOTING: Commissioners Daniels and Mims