

**PLANNING COMMISSION MINUTES**  
**December 3, 2020**

**PUBLIC HEARING**

**CASE NO. 20-ZONE-0087**

Request: Change in zoning from R-7 to UN with development plan and amendment to record subdivision plat  
Project Name: Buechel Landing  
Location: 4215-4229 Lambert Avenue  
Owner: Hugg Properties, LLC; Lee Ann & John Michael Hugg, Jr.; Randall & Theresa Yates; and Marilyn Graham  
Applicant: Council of Co-Owners  
Representative: Sabak, Wilson, & Lingo, Inc.  
Jurisdiction: Louisville Metro  
Council District: 2 - Barbara Shanklin

**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. (The staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**Agency Testimony:**

00:25:43 Joel Dock presented the case and showed a Power Point presentation (See recording for detailed presentation.)

00:28:50 In response to a question from Commissioner Mims, Mr. Dock discussed the proposed lot size and how that is related to the requested UN zoning classification.

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

Kelli Jones, Sabak Wilson & Lingo, 608 S 3rd St, Louisville, KY 40202

**Summary of testimony of those in support:**

00:30:16 Kelli Jones, the applicant's representative, presented the applicant's case and showed a Power Point presentation (See recording for detailed presentation.)

00:34:36 Commissioner Mims asked about the separation of the structures and if Metro agencies had reviewed this plan regarding fire resistant construction. Ms. Jones said she is not aware of any Metro concerns regarding this. She said applicant's

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surveyors have confirmed that there will be five feet from the property line to each building corner, per regulation.

00:35:24 Commissioner Mims noted that there are single-car driveways leading to single-car garages. Had consideration been given to adding parking pads to accommodate additional vehicles per household? Ms. Jones said there had not. She said there is no intent to construct on the properties; the rezoning request is to subdivide the properties and add property lines. The homes and driveways are already existing.

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

No one spoke.

00:37:02 Commissioners' deliberation.

00:40:58 Mr. Dock suggested an additional binding element regarding the planting of street trees, to read as follows:

One Type A tree shall be planted at each common property line, for a total of four Type A trees. Trees shall be planted within six months of final action/approval by the Louisville Metro Council.

**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.**

**Change-in-Zoning from R-7, Multi-family Residential to UN, Urban Neighborhood**

00:43:11 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 request meets the intents of Land Use & Development Goal 1: Community Form because the proposed district allows for a variety of housing styles and lotting patterns that support alternate forms and styles of housing in an area that supports a higher density of development and maintains a variety of residential options. It is located within proximity to major transportation and employment facilities, as well as services and amenities.

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Appropriate transition between uses that are substantially different in scale and intensity or density of development will be provided, and adjacent uses are similar in density and scale and do not require transition; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Form because additional residential options are being provided in an area containing a wide variety of options; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Community Form because the site does not appear to contain any environmental constraints such as wet or highly permeable soils, severe, steep or unstable slopes/soils; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 4: Community Form because the site does not appear to contain distinctive cultural or natural features, and the site does not contain distinctive historic resources; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Mobility because the proposed district allows for a variety of housing styles and lotting patterns that support alternate forms and styles of housing in an area that supports a higher density of development and maintains a variety of residential options. It is located within proximity to major transportation and employment facilities, as well as services and amenities; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Mobility because access is available through areas of similar intensity to the subject site; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Mobility because pedestrian facilities are encouraged, including sidewalks, to improve mobility and access for pedestrians within the community. However, the requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings; the requested change in zoning does not create new impact on the transportation network; the requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of

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development being requested – minor subdivision to create individual lots for existing dwellings; no long-range plans for improvement to this network has been identified. The area is sporadically developed with sidewalks; and no access to high speed roadways is proposed or provided. No changes to existing access will be provided; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Community Facilities because subject properties are served by existing utilities; subject properties are served by existing utilities, including water and sewage disposal; and subject properties provide an adequate means of sewage treatment and disposal to protect public health; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Livability because the site does not contain any unique characteristics of landscaping or trees; no construction is proposed which impacts the sub-surface; and no negative impacts to the floodplain are expected due to existing conditions; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 1: Housing because the proposed district allows for a variety of housing styles that support alternate forms and styles of housing and lotting patterns in an area that supports a higher density of development and maintains a variety of residential options. The associated development to subdivide the land allows for consistent development patterns with the area; and the proposed district supports and promotes housing options and environments that support aging in place as the proposal provides another option to provision senior, affordable, or intergenerational housing. The change in zoning does not negatively impact the current use of the land; and

**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 2: Housing because the proposed district supports and promotes housing options and environments that support aging in place as the proposal provides another option to provision senior, affordable, or intergenerational housing. The change in zoning does not negatively impact the current use of the land; and 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. The requested change in zoning is not associated with the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings; and

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**WHEREAS**, the Commission further finds that the proposal meets the intents of Land Use & Development Goal 3: Housing because the proposed district allows for the incorporation of housing options in an area that supports a variety of residential options. It encourages the provision of fair and affordable housing by allowing for a variety of ownership options and unit costs throughout Louisville Metro. The proposal specifically allows for the creation of smaller lots which expands access to home ownership; the proposed zoning district does not result in the displacement of residents; and the incorporation of this district in the area encourages a variety of housing types and occupancy types within the area which increases the ability to provision clustering, mixed- use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested Change-in-Zoning from R-7, Multi-family Residential to UN, Urban Neighborhood be **APPROVED**.

**The vote was as follows:**

**YES: Commissioners Lewis, Peterson, Brown, Mims, Howard, Carlson, Daniels, Seitz, Sistrunk, and Jarboe.**

**Detailed District Development Plan AND Amendment to Record Plat**

00:45:08 On a motion by Commissioner Carlson, seconded by Commissioner Howard, 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 not be impacted by the proposal; and

**WHEREAS**, the Commission further finds that pedestrian facilities are encouraged, including sidewalks, to improve mobility and access for pedestrians within the community. However, the request does not involve the construction of residences or other improvements that meet the design threshold for the installation of public walks within the Land Development Code and such installation might not be proportional to the type of development being requested – minor subdivision to create individual lots for existing dwellings; and

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**WHEREAS**, the Commission further finds that the provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided on each proposed lot; and

**WHEREAS**, the Commission further finds that 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 that the proposed subdivision allows for the continuation of the current pattern of a variety of residential options available in the area and lotting patterns; and

**WHEREAS**, the Commission further finds that the proposed development plan conforms to Plan 2040 as the proposed subdivision allows for the continuation of the current pattern of a variety of residential options available in the area. Subdivision of the land allows for consistent development patterns with the area. The subject properties are located within proximity to major transportation and employment facilities, as well as services and amenities. The proposed subdivision does not impact the built environment and allows for the expansion of home ownership through reduced sized lots; now, therefore be it

**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan and Amendment to Record Plat, **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. Within 90 days of final approval of the change in zoning by the Louisville Metro Council, a minor subdivision plat must be approved by Planning and Design Services staff and recorded creating the lot lines as shown on the approved development plan.
3. 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

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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.

4. One Type A tree shall be planted at each common property line, for a total of four Type A trees. Trees shall be planted within six months of final action/approval by the Louisville Metro Council.

**The vote was as follows:**

**YES: Commissioners Lewis, Peterson, Brown, Mims, Howard, Carlson, Daniels, Seitz, Sistrunk, and Jarboe.**