

PLANNING COMMISSION MINUTES

AUGUST 16, 1984

✓ DOCKET NO. 9-48-84

Change in zoning from R-4 Residential to R-5A Residential-Apartment at 7006 Textile Avenue on property located on the west side of Textile Avenue, 569 feet more or less north of Ash Avenue, 394 feet more or less south of Crawford Avenue, fronting 100 feet on Textile Avenue, extending west to a maximum depth of 435 feet more or less and being in the unincorporated area of Jefferson County.

Owner and Developer: Ernest H. Schaeffer
4508 Crawford Avenue
Louisville, Kentucky 40258

Existing Use: Single Family
Proposed Use: Apartment

Notice of this public hearing appeared in The Louisville Times on July 17, 1984, 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 applicant.

A summary analysis of the staff report was given by a staff member (See Appendix for staff report in full).

Ron Facktor, 4813 Nottinghamshire Drive, spoke in favor of this request. He submitted 13 slides.

The following spoke in opposition:

Judie Burris, 7014 Textile Avenue. She submitted 5 photographs and petitions containing 100 signatures in opposition.

Clyde Brown, 4508 Ash Avenue.

Charles Holt, 4603 Ash Avenue.

Mr. Facktor and Ernest Schaeffer, 4508 Crawford Avenue, spoke in rebuttal.

Commissioner Mullins requested the inclusion of a binding element requiring that the building materials be removed from the site.

During the business session, Commissioner Karzen made a motion to recommend approval on this case, and Commissioner Lurding seconded the motion. Commissioner Mullins asked if the motion includes an additional binding element relating to the removal of the building material currently stored on the site. Phil Bills of the Planning Commission staff stated that he could draft a binding element to

*Minutes approved on
Sept. 6, 1984*

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this effect, but that he feels uncomfortable doing so because a binding element worded this way could preclude him from constructing a garage in the future. Charles Davis of the Planning Commission staff suggested that the binding element be worded to state that no building materials would be allowed except those which would be used for a structure on the site.

Upon questioning from Chairman Hutchinson, Commissioner Mullins stated that the binding element as suggested by Mr. Davis would be acceptable.

Commissioner Lurding stated that he finds a binding element to this effect redundant and perhaps inviting because the Zoning District Regulations do not permit storage in this zone anyway. Commissioner Mullins stated that she agrees that it is redundant, but that she wants to address the concerns of the residents.

A vote was then taken on the motion to approve, and the following motion was unanimously adopted:

WHEREAS, The Commission finds the proposal to be in conformance with Guidelines E-1 and R-14 because no new construction is proposed, and because the plan has been granted preliminary approval by the Water Management Section of the Jefferson County Public Works and Transportation Cabinet; and

WHEREAS, The Commission finds the proposal to be in conformance with Guidelines U-1, U-3, and U-4 because the applicant intends to provide an on-site sewage disposal system approved by the Health Department and the State, and because the proposed density falls within the proposed density range; and

WHEREAS, The Commission finds the proposal to be in conformance with Guidelines R-1, R-3, R-4, and R-14 because the applicant has agreed to binding elements relating to the design and density and has also agreed by binding element to remove building materials except those which will be used for any future structure on the site, and because the proposed residential use is compatible with the adjacent residential uses, and because the existing residential building will be utilized; and

WHEREAS, The Commission finds the proposal to be in conformance with Guideline R-5 because the proposed density falls within the low density range and is compatible with adjacent densities; and

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WHEREAS, The Commission finds the proposal to be in conformance with all other applicable guidelines of the Comprehensive Plan; now, therefore, be it

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby recommend to the Fiscal Court of Jefferson County, Kentucky, that the proposed change in zoning from R-4 Residential to R-5A Residential-Apartment on the following described property be APPROVED.

BEING LOT No. 5 in the revised plan of the G. M. Schnell's Subdivision; plat of which is recorded in Plat and Subdivision Book 7, page 101 and page 51, in the Office of the Clerk of the County Court of Jefferson County, Kentucky and containing one (1) acre.

GENERAL DISTRICT DEVELOPMENT PLAN

On a motion by Commissioner Karzen, seconded by Commissioner Lurding, the following resolution was unanimously adopted:

WHEREAS, The General District Development Plan has received preliminary approval from the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet; and

WHEREAS, The Planning Commission has recommended approval of the related zoning case and for the reasons stated in that recommendation; now, therefore, be it

RESOLVED, That the Louisville and Jefferson County Planning Commission does hereby APPROVE the General District Development Plan for Docket Number 9-48-84 with the following binding elements:

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The density of the development shall not exceed two dwelling units per acre (2 units on 1 acre).
3. No building materials may be stored on this site with the exception of those which may be used to construct a building on the site.

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4. Before a certificate of occupancy is issued the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
5. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
6. The above binding elements may be amended as provided for in the Zoning District Regulations.