

## PLANNING COMMISSION MINUTES

March 6, 2025

### PUBLIC HEARING

#### CASE NO. 24-ZONE-0128

Request: Change in zoning from R-4 single family residential to R-6 multi-family residential and revised detailed district development plan with binding elements.

Project Name: Crawford Avenue Apartments

Location: 4514 R & 4516 R Crawford Avenue and 7006 Textile Avenue

Applicant: Michael Ernest Schaeffer

Representative: Bardenwerper, Talbott & Roberts, PLLC.

Jurisdiction: Louisville Metro

Council District: 12 – Jonathan Joseph

Case Manager: Molly Clark, 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 Office of Planning offices, 444 S. 5th Street.)

#### Agency Testimony:

02:45:28 Molly Clark provided an overview of the request and presented a PowerPoint presentation (see recording for details).

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

Nick Pregliasco, Bardenwerper, Talbott & Roberts, 1000 N Hurstbourne Pkwy, Louisville, KY 40223

#### Summary of testimony of those in favor:

02:49:17 Nick Pregliasco spoke in support of the proposal and presented a PowerPoint presentation. Pregliasco provided an overview of the project and mentioned that the access point has been moved to Textile Ave. Pregliasco stated they are proposing to add two eight-foot privacy fences to buffer the pedestrian connection. Pregliasco responded to questions from Commission Members (see recording for details).

03:04:09 Jay Luckett responded to questions from Commission Member pertaining to the set back line on Crawford Ave (see recording for details).

#### The following spoke in opposition of this request:

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Melody Hornback, 4514 Crawford Ave, Louisville, KY 40258

Heidi McRennary, 4612 Crawford Ave, Louisville, KY 40258

Hannah Renfro, 4616 Crawford Ave, Louisville, KY 40258

#### **Summary of testimony of those in opposition:**

03:05:04 Melody Hornback spoke in opposition to the request. Hornback stated that Textile Road is not capable to manage multiple vehicles and it not designed to manage a large amount of traffic. Hornback stated that the detention basin is not large enough to manage the excess drainage (see recording for details).

03:15:39 Heidi McRennary spoke in opposition to the request. McRennary voiced her concerns pertaining to traffic issues within the neighborhood and the capacity of the detention basin (see recording for details).

03:18:26 Hannah Renfro spoke in opposition to the request. Renfro voiced her concerns pertaining to the location of the complex and the heavy traffic within the area. Renfro stated that by adding the complex, the area will become unsafe for the residents within the small area (see recording for details).

#### **Rebuttal:**

03:22:34 Nick Pregliasco spoke in rebuttal. Pregliasco reiterated on the pedestrian connection as well as the traffic within the neighborhood. Pregliasco stated that the buildings would be located at the back of the property and are not located directly behind any residents. Pregliasco responded to questions from Commission Members (see recording for details).

03:27:32 Jay Lockett responded to questions from Commission Members pertaining to the type of material to use for the fencing (see recording for details).

#### **Deliberation:**

03:29:28 Planning Commission deliberation.

**An audio/visual recording of the Planning Commission hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

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03:33:42 On a motion by Commissioner Mims, seconded by Commissioner Lohan, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted.

**WHEREAS**, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because the proposed rezoning from single family to multi-family is located approximately 790 feet from the intersection of Crawford Avenue and Dixie Highway, where Dixie Highway is a major arterial roadway. The subject site is located nearby several neighborhood serving commercial uses on Dixie Highway and is located approximately 1000 feet from a TARC stop on Dixie Highway, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 2 because the proposed zoning will allow a vacant lot to redevelop with a higher density of residential units, and

**WHEREAS**, the Planning Commission finds the proposal meets Community Form: Goal 4 because there are no distinctive cultural features such as landscape, natural elements, or built features to preserve on the site. The applicant will be preserving 22,245 square feet of existing tree canopy on the subject site. There are no historical structures or historical features to be preserved on the site, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 1 because the subject site for the proposed rezoning will be located approximately 790 feet away from Dixie Highway which is a major commercial corridor in this particular area. It will also be located approximately 1000 feet from a TARC bus stop at Dixie Manor, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 2 because the proposed rezoning from single family to multi-family is located approximately 790 feet from the intersection of Crawford Avenue and Dixie Highway, where Dixie Highway is a major arterial roadway. The subject site is located nearby several neighborhood serving commercial uses on Dixie Highway and is located approximately 1000 feet from a TARC stop on Dixie Highway, and

**WHEREAS**, the Planning Commission finds the proposal meets Mobility: Goal 3 because there is adequate infrastructure to serve the proposed development. No direct residential access to high-speed roadways are being proposed, and

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**WHEREAS**, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the proposed development has received MSD preliminary approval. The subject site is able to be served by existing and proposed utilities, and

**WHEREAS**, the Planning Commission finds the proposal meets Livability: Goal 1 because there are no environmental constraints on the subject site and the proposal is unlikely to negatively impact the groundwater. The subject site is not located in the regulatory floodplain, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposed rezoning will allow for a higher density multi-family structure with 44 proposed units. This will bring multi-family development into a neighborhood with a variety of housing. The proposed rezoning will provide more rental options in housing for the immediate area. It is also in close proximity the commercial corridor and TARC bus line located on Dixie Highway, and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 2 because the subject site is located within an existing residential area with a mixture of owner occupied and renter occupied housing options. The proposed rezoning will provide more rental options in housing for the immediate area. It is also in close proximity the commercial corridor and TARC bus line located on Dixie Highway., and

**WHEREAS**, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposed rezoning to R-6 multi-family residential will be located in a residential neighborhood with a mixture of owner occupied and rental occupied dwelling units. There is an R-6 zoned site across the street from the subject site in close proximity to neighborhood serving commercial uses. No residents will be displaced from the proposed rezoning and proposed multi-family development; now, therefore be it.

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the Change in zoning from R-4 single family residential and R-5A multi-family residential to R-6 multi-family residential.

**The vote was as follows:**

**YES: Commissioners Cheek, Steff, Fischer, Mims, and Lohan**

**NO: Commissioners Lannert and Sistrunk**

**ABSENT: Commissioners Kern, Benitez, and Bond**

**Revised Detailed District Development plan with Binding Elements**

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03:34:25 On a motion by Commissioner Mims, seconded by Commissioner Lohan, the following resolution, based on the staff report, applicant and staff testimony heard today and staff analysis, was adopted:

**WHEREAS**, the Planning Commission finds the site does not have any environmentally sensitive areas, and

**WHEREAS**, the Planning Commission finds the provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Transportation Planning has approved the preliminary development plan, and

**WHEREAS**, the Planning Commission finds the proposed development shows sufficient open space to meet the Land Development Code requirements, and

**WHEREAS**, the Planning Commission 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.

**WHEREAS**, the Planning Commission finds the overall design of the project is consistent with existing and future development in the area, and

**WHEREAS**, the Planning Commission finds the plan is in conformance with the requirements of the Land Development Code; now, therefore be it

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

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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.
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. 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.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 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.

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7. Applicant shall construct and maintain an 8ft vinyl privacy fence as shown at the March 6, 2025, Planning Commission hearing.

**The vote was as follows:**

**YES: Commissioners Cheek, Steff, Fischer, Mims, and Lohan**

**NO: Commissioners Lannert and Sistrunk**

**ABSENT: Commissioners Kern, Benitez, and Bond**