

Planning Commission

Staff Report

April 24, 2025



Case No:	25-ZONE-0001
Project Name:	Garland Avenue Duplex
Location:	3504 Garland Avenue
Applicant:	GNCS, LLC.
Representative:	Abigail Bates
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- **Change in zoning** from R-5 single family to R-5B, two-family residential.
- **Detailed District Development plan** with Binding Elements

CASE SUMMARY/BACKGROUND

Located along Garland Avenue near the intersection with Louis Coleman Jr. Dr., the subject site is developed with a single-family home. The subject site is zoned R-5 single family residential within the Traditional Neighborhood form district. The applicant is proposing to rezone to R-5B, two-family residential to allow for a duplex. The existing structure is to remain and no improvements to the exterior of the property have been proposed. The applicant is proposing an interior alteration to the existing single-family structure to provide two dwelling units.

STAFF FINDING

The zoning change is compliant with the Comprehensive Plan. The Detailed District Development Plan is compliant with the Land Development Code.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Committee in advance of the public hearing.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are 50 to 120 years old, the Traditional Neighborhood Form may be used when establishing new developments and redevelopments. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) in the case of new developments or redevelopments using traditional building scales and site layouts, (c) the preservation of the existing or establishing a new grid pattern of streets and alleys, and (d) preservation of or creation of new public open spaces.

The site is along Garland Avenue which is a primary collector level roadway. Transit service is available along Garland Avenue and Louis Coleman Jr Drive, and the subject site is near a wide variety of services, amenities and employment opportunities. Adequate infrastructure exists to serve the proposed development. The surrounding land uses are compatible in intensity and scale to the proposed district.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

REQUIRED ACTIONS

- **RECOMMEND APPROVAL** or **DENIAL** to Metro Council for a Change in zoning from R-5 single family to R-5B, two-family residential.
- **APPROVE** or **DENY** the Detailed District Development plan with Binding Elements

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

NOTIFICATION

Date	Purpose of Notice	Recipients
2-26-25	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 5
4-02-25	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents; Registered Neighborhood Groups in Council District 5
4-04-25	Hearing before PC	Sign Posting on property
4-10-25	Hearing before PC	Legal Advertisement in the Courier-Journal

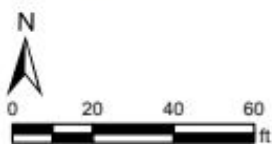
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Comp Plan 2040 Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



Wednesday, April 2, 2025 | 1:45 PM



This map is not a legal document and should only be used for general reference and identification

3. Comp Plan 2040 Checklist

+	Exceeds Guideline
✓	Meets Guideline
-	Does Not Meet Guideline
+/-	More Information Needed
NA	Not Applicable

Traditional Neighborhood: Residential

Plan 2040 Plan Elements/Staff Analysis	
1	<p><u>Community Form: Goal 1, Policy 7.</u> <i>Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.</i></p> <p>✓ Staff Analysis: The site is along Garland Avenue which is a primary collector level roadway. Transit service is available, and the subject site is near a wide variety of services, amenities and employment opportunities. Adequate infrastructure exists to serve the proposed development.</p>
2	<p><u>Community Form: Goal 1, Policy 9.</u> <i>Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.</i></p> <p>✓ Staff Analysis: The surrounding land uses are similar in intensity and density to the proposed district.</p>
3	<p><u>Community Form: Goal 2, Policy 9.</u> <i>Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.</i></p> <p>✓ Staff Analysis: The proposal includes maintaining an existing structure for residential use, while adding an additional unit; provides for residential flexibility at an appropriate location within proximity to a wide variety of services and amenities</p>
4	<p><u>Community Form: Goal 3, Policy 10.</u> <i>Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.</i></p> <p>✓ Staff Analysis: The site does not have environmental concerns.</p>
5	<p><u>Community Form: Goal 4, Policy 2.</u> <i>Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.</i></p> <p>✓ Staff Analysis: The proposal preserves existing structures that contribute to the character of the area and allows for the introduction of flexible and alternative housing styles</p>
6	<p><u>Community Form: Goal 4, Policy 3.</u> <i>Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.</i></p> <p>✓ Staff Analysis: The proposal contributes to the character of the area by allowing for the introduction of flexible and alternative housing styles.</p>
7	<p><u>Mobility: Goal 1, Policy 4.</u> <i>Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.</i></p> <p>✓ Staff Analysis: The subject site is located within proximity to both transit and commercial activities which supports transit-oriented development patterns.</p>

Plan 2040 Plan Elements/Staff Analysis	
8	<p><u>Mobility: Goal 2, Policy 4.</u> Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.</p> <p>✓ <u>Staff Analysis:</u> The site will be accessed via an alleyway that runs to the rear of the site negating the need for access from the primary collector level roadway that is parallel with the front property line.</p>
9	<p><u>Mobility: Goal 3, Policy 2.</u> To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.</p> <p>✓ <u>Staff Analysis:</u> The proposed zoning would permit a variety of housing types and densities in an area well served by multimodal transportation networks.</p>
10	<p><u>Mobility: Goal 3, Policy 5.</u> Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.</p> <p>✓ <u>Staff Analysis:</u> The proposal would have an unrecognizable impact on the street network.</p>
11	<p><u>Mobility: Goal 3, Policy 6.</u> Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.</p> <p>✓ <u>Staff Analysis:</u> Transportation Planning has preliminarily approved the plan.</p>
12	<p><u>Mobility: Goal 3, Policy 9.</u> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.</p> <p>✓ <u>Staff Analysis:</u> Transportation Planning has preliminarily approved the plan.</p>
13	<p><u>Mobility: Goal 3, Policy 10.</u> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.</p> <p>✓ <u>Staff Analysis:</u> The proposed plan has received preliminary approval from Transportation Planning.</p>
14	<p><u>Mobility: Goal 3, Policy 21.</u> Prevent safety hazards caused by direct residential access to high speed roadways.</p> <p>✓ <u>Staff Analysis:</u> The site can be accessed via an alleyway to the rear of the site.</p>
15	<p><u>Community Facilities: Goal 2, Policy 1.</u> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.</p> <p>✓ <u>Staff Analysis:</u> The district would be an area already well served by existing utilities. The site is located within the Urban Services District.</p>
16	<p><u>Community Facilities: Goal 2, Policy 2.</u> Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.</p> <p>✓ <u>Staff Analysis:</u> The subject site is adequately connected to existing utilities. The plan has received preliminary approval from MSD.</p>
17	<p><u>Community Facilities: Goal 2, Policy 3.</u> Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).</p> <p>✓ <u>Staff Analysis:</u> Louisville Water has infrastructure near the site</p>
18	<p><u>Livability: Goal 1, Policy 5.</u> Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.</p> <p>✓ <u>Staff Analysis:</u> The proposed development provides alternative housing that is contextually appropriate for the character of the area.</p>
19	<p><u>Livability: Goal 1, Policy 17.</u> Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then</p>

Plan 2040 Plan Elements/Staff Analysis	
	mitigate potential hazards to such systems resulting from the project.
✓	Staff Analysis: No vulnerable geologic features appear to be present within the area of development.
20	Livability: Goal 1, Policy 21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.
NA	Staff Analysis: The subject site is not in a floodplain.
21	Housing: Goal 1, Policy 1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.
✓	Staff Analysis: The proposed zoning would allow for more housing types and densities appropriate for the form district.
22	Housing: Goal 1, Policy 2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.
✓	Staff Analysis: The proposal ensures the continued inclusion of a variety of housing types in a neighborhood and does not disrupt the balance of multi-family and single-family residential in the neighborhood.
23	Housing: Goal 2, Policy 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.
✓	Staff Analysis: 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.
24	Housing: Goal 2, Policy 2. Locate housing 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. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.
✓	Staff Analysis: The proposed zoning would allow a variety of housing types and densities in an area that is connected to a multimodal transportation network with a variety of services and amenities.
25	Housing: Goal 3, Policy 1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.
✓	Staff Analysis: The proposal helps to create appropriately zoned inclusive housing as the proposed density allows 2 dwellings on the property which is the equivalent of one primary dwelling and one accessory dwelling.
26	Housing: Goal 3, Policy 2. As neighborhoods evolve, discourage displacement of existing residents from their community.
✓	Staff Analysis: Residents would not be displaced by the proposal.
27	Housing: Goal 3, Policy 3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.
✓	Staff Analysis: The proposed zoning allows for a variety of housing options that promotes the provisioning of fair and affordable housing.

4. Proposed 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.
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.
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.