

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 25-ZONE-0001

Request:	Change in zoning from R-5 single family residential to R-5B two family residential with Detailed District Development Plan and Binding Elements
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

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:

02:06:00 Molly Clark provided an overview of the request and presented a PowerPoint presentation. Clark responded to questions from Commissioners. (See recording for details).

The following spoke in favor of this request:

Abigail Bates, 815 Ulrich Avenue, Louisville, KY 40219

Summary of testimony of those in favor:

02:08:00 Abigail Bates spoke in favor of the request. Bates responded to questions from Commissioners. (See recording for details).

The following spoke in opposition of this request:

Ameerah Granger, 3814 Greenwood Avenue, Louisville, KY 40211

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 25-ZONE-0001

Summary of testimony of those in opposition:

02:09:00 Ameerah Granger, president of the Chickasaw Neighborhood Association spoke in opposition and enquired about the address provided by the applicant. Granger raised concerns about property maintenance, future rezoning, ownership and maintaining the neighborhood character. Granger responded to questions from Commissioners. (See video for details).

Rebuttal:

02:15:45 Abigail Bates stated that the address in question is a business address, and their organization goal is to provide low-income housing. Bates stated that house is already physically divided as a duplex and functioning that way before their purchase. The purpose of their appearance is to resolve the zoning issue. Bates responded to questions from Commissioners. (See recording for details).

Deliberation:

02:18:00 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.

Change in zoning from R-5 single family to R-5B, two-family residential

02:19:15 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 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. The surrounding land uses are similar in intensity and density to the proposed district, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because 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, and

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 25-ZONE-0001

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because the proposal preserves existing structures that contribute to the character of the area and allows for the introduction of flexible and alternative housing styles, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the subject site is located within proximity to both transit and commercial activities which supports transit-oriented development patterns, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because 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, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposed plan has received preliminary approval from Transportation Planning. The site can be accessed via an alleyway to the rear of the site, preventing safety hazards caused by direct residential access to high-speed roadways, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the proposed zoning district would be in an area already well served by existing utilities. The site is located within the Urban Services District. The plan has received preliminary approval from MSD. Louisville Water has infrastructure near the site, and

WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because the proposed development provides alternative housing that is contextually appropriate for the character of the area. No vulnerable geologic features appear to be present within the area of development. The subject site is not in a floodplain, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because 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, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because 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 Planning Commission finds the proposal meets Housing: Goal 3 because the proposed zoning allows for a variety of housing options that promotes the provisioning

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 25-ZONE-0001

of fair and affordable housing. Residents would not be displaced by the proposal; now, therefore be it.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Metro Council **APPROVE** the requested Change in zoning from R-5 single family to R-5B, two-family residential.

The vote was as follows:

YES: Commissioners Mims, Cheek, Benitez, Fischer, Steff, and Kern

NO: Commissioners Lannert, Bond, and Sistrunk

ABSENT: Commissioner Lohan

Detailed District Development plan with Binding Elements

02:20:10 On a motion by Commissioner Cheek, seconded by Commissioner Steff, 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 there are no open space requirements pertinent to this proposal, 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. There is no new construction, and

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.

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 25-ZONE-0001

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development plan with 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.
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,

PLANNING COMMISSION MINUTES

April 24, 2025

PUBLIC HEARING

CASE NO. 25-ZONE-0001

contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

The vote was as follows:

YES: Commissioners Mims, Cheek, Benitez, Fischer, Steff, and Kern

NO: Commissioners Lannert, Bond, and Sistrunk

ABSENT: Commissioner Lohan