

Land Development and Transportation Staff Report

February 23, 2023



Case No:	22-ZONE-0113/22-VARIANCE-0165
Project Name:	LDG 1615 N English Station
Location:	1615 N English Station Rd
Owner(s):	Emma Jean Powers Living Trust
Applicant:	LDG Development
Representative(s):	Cliff Ashburner – Dinsmore and Shohl
Council District:	17 – Markus Winkler
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, Single-family Residential to R-6 Multi-family residential
- **Variance** from Land Development Code table 5.3.1 to exceed the 35-foot maximum height by three feet.
- **District Development Plan** with binding elements

CASE SUMMARY

The applicant is proposing to construct 168 multifamily dwelling units on approximately 10.23 acres. The subject site is located in the Berrytown neighborhood of Eastern Louisville Metro. The access to the site is located along a curved portion of N English Station Rd, and there are significant treed areas both within the right-of-way and on adjacent sites that potentially limit sight distance for the entrance.

The case was reviewed by the Land Development and Transportation Committee on January 26, 2023 and the committee expressed concerns about the ability for the development to provide safe sight distance due to the topography and geometry of N English Station Rd.

STAFF FINDING

The applicant has submitted new exhibits demonstrating compliance with AASHTO safety standards for the entrance location. The Committee must determine if these submittals adequately demonstrate that the development can be constructed in a way that allows for safe vehicular movement around the site.

TECHNICAL REVIEW

The preliminary plan has been approved by MSD and Louisville Metro Public Works. Transportation planning staff have indicated that sight distances will need to be verified in the field prior to construction plan approval.

INTERESTED PARTY COMMENTS

A number of area residents have expressed a variety of concerns over the proposed development. See attachments for full comments and concerns.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

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.

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

- **Set the public hearing date.**

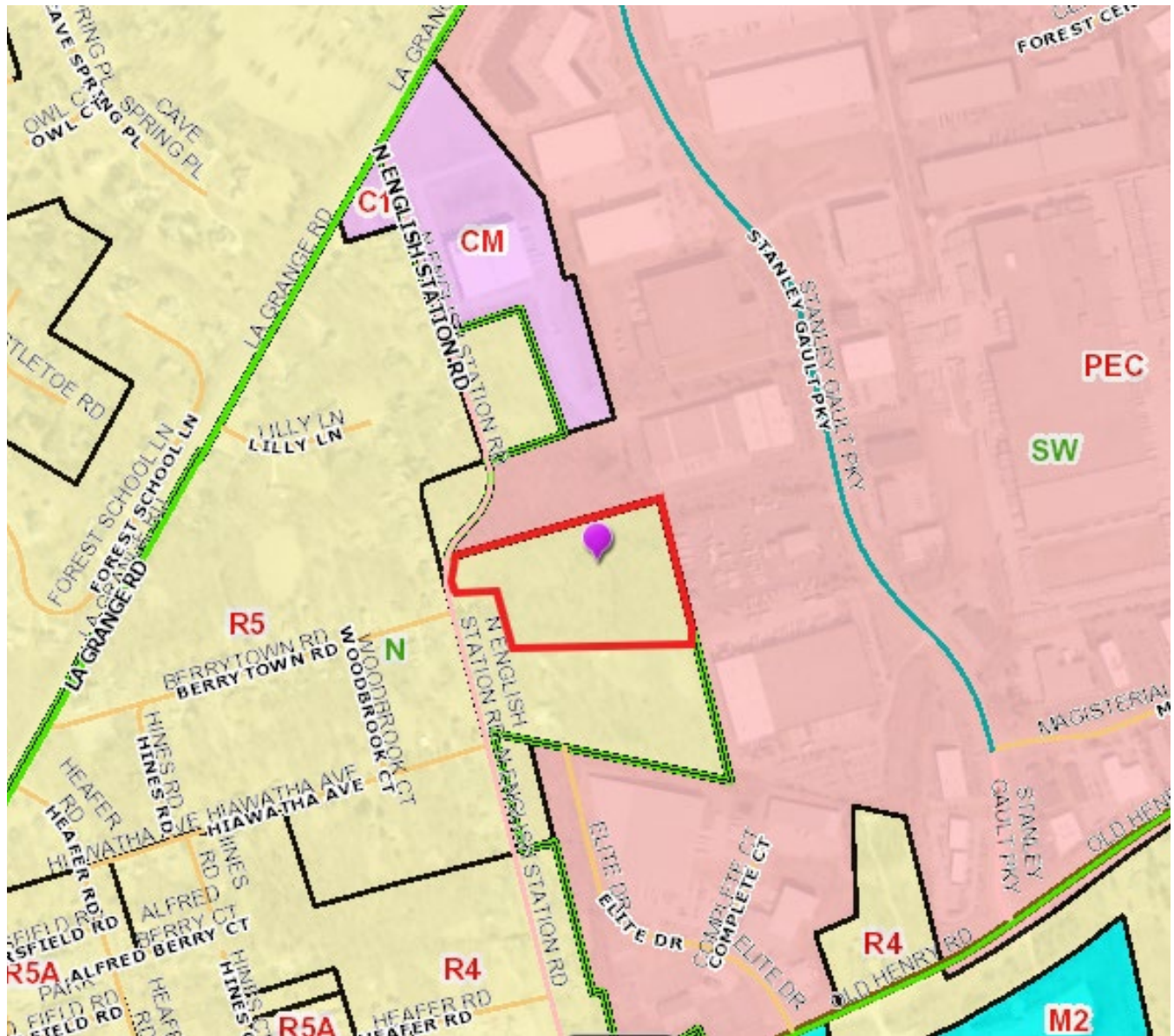
NOTIFICATION

Date	Purpose of Notice	Recipients
1-10	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 17
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 17
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. **Zoning Map**



2. **Aerial Photograph**



3. 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. 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.
3. 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.
 - b. 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.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to those shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. 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.
5. 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.
6. Prior to Public Works construction plan approval, clearing along the property and off-site will be required and then sight distance must be confirmed in the field by Public Works/Transportation before construction plan approval is given.