

Planning Commission
Staff Report
January 17, 2023



| | |
|--------------------------|---|
| Case No: | 22-ZONE-0012 |
| Project Name: | 4700 S Hurstbourne Parkway Apartments |
| Location: | 4700 S Hurstbourne Parkway, Parcel ID 004405130000, 004404680000 |
| Owner(s): | 4700 S Hurstbourne Parkway LLC |
| Applicant: | 4700 S Hurstbourne Parkway LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 26 – Brent Ackerson |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to R-7 Multi-Family Residential
- **Waivers**
 - #1: from 10.3.5.A to permit a structure to encroach into the required parkway building setback (22-WAIVER-0150)
 - #2: from 10.3.5.A to permit Vehicle Use Area to encroach into the required parkway buffer (22-WAIVER-0150)
- **Alternative Plan for Connectivity**
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located on S Hurstbourne Parkway south of the intersection with Watterson Trail, and consists of three parcels developed with a single-family residence, which is not proposed to be preserved. The applicant proposes to rezone the property in order to construct a new 384-unit multi-family development.

Single-family development and undeveloped land abut the site to the west and south. Single-family development is located to the north across Laurel Spring Drive. A nursing home is located across S Hurstbourne Parkway to the east. S Hurstbourne Parkway is a designated parkway at this location. A commercial activity center is located at the intersection of S Hurstbourne Parkway and Bardstown Road to the south, and another is located at the intersection of S Hurstbourne Parkway and Watterson Trail to the north.

A related case, 22-ZONE-0076, is scheduled for the same hearing date as this case. Both cases were originally heard on November 14, 2022, and were continued back to Land Development and Transportation Committee to review revisions to the plans and to permit noticing issues to be resolved.

STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. The waivers are adequately justified and meet the standard of review. The site plan meets the requirements of the Land Development Code, and generally meets the guidelines of the Comprehensive Plan.

TECHNICAL REVIEW

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

Connectivity is provided to Laurel Spring Drive, but is proposed to be blocked off with a gate for emergency access only. The applicant requests approval of an alternative plan for connectivity to permit the gated access.

INTERESTED PARTY COMMENTS

Staff has received numerous emails and phone calls in opposition to the request. A petition for a night hearing at a convenient location has been received and has been verified to contain at least 300 valid signatures. This hearing was conducted on November 14, 2022. A new night hearing is being conducted in order to resolve issues that arose on November 14, 2022.

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

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.

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

The site is located close to commercial services to both the north and the south along S Hurstbourne Parkway. Although S Hurstbourne Parkway is not a transit route at this location, transit is available nearby to both the north and south. The multi-family uses permitted by the proposed zoning district would provide an appropriate transition between the major arterial at S Hurstbourne Parkway and the lower-intensity residential uses to the west.

Appropriate connectivity is provided with a full curb cut on S Hurstbourne Parkway and access to Bardstown Road via the project proposed to the south. A gate proposed on the connection to Laurel Spring Drive requires an alternative plan for connectivity. The connection to Laurel Spring Drive would provide an alternative means of access to S Hurstbourne Parkway for the residents along that roadway. Laurel Spring Drive crosses a bridge which may require maintenance in the future, which may cut residents off from the roadway network while maintenance is being performed. The connection to Laurel Spring Drive by this development would allow for residents to still access the road network from their homes while maintenance is performed on the bridge.

The proposal would encourage aging in place, by providing current residents with an alternative to home and yard maintenance should they choose to remain in the neighborhood as they age. It would also increase the variety of housing in the neighborhood, and permit persons who may wish to reside in this neighborhood an opportunity to do so.

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. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.3.5.A (#1)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the setback to be encroached is the one along S Hurstbourne Parkway. The encroachment proposed is minimal.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver not will violate specific guidelines of Plan 2040 as Plan 2040 encourages the development, preservation and maintenance of an interconnected system of scenic corridors and parkways. It encourages the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways. The applicant proposes enhanced landscaping and preservation of existing tree canopy to mitigate the encroachment, which is relatively minor.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as moving the buildings out of the parkway setback would move the development closer to the residences at the rear of the property.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant has proposed enhanced landscaping and tree preservation at the location of the encroachment in order to mitigate it.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.3.5.A (#2)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the setback to be encroached is the one along S Hurstbourne Parkway.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver not will violate specific guidelines of Plan 2040 as Plan 2040 encourages the development, preservation and maintenance of an interconnected system of scenic corridors and parkways. It encourages the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways. The applicant proposes enhanced landscaping to mitigate the encroachment. The encroachment of impervious surface into the parkway buffer will not be readily visible with the enhanced landscaping.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as moving the drive aisle out of the parkway setback would move the development closer to the residences across Laurel Spring Drive.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant has proposed enhanced landscaping at the location of the encroachment in order to mitigate it.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: Some tree canopy is proposed to be preserved. The sinkhole collapse feature on the site is proposed to be preserved. The structure on the site is not proposed to be preserved. Required tree canopy will be provided.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Required open space and recreational open space are being provided to meet the needs of the proposed development.

- (d) 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;

STAFF: 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.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. The proposal would provide an appropriate transition between S Hurstbourne Parkway, a major arterial road, and the lower-intensity residential uses to the west.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the requested waivers.

REQUIRED ACTIONS

- **RECOMMEND** that the Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to R-7
- **RECOMMEND** that the Metro Council **APPROVE** or **DENY** the **Alternative Plan for Connectivity**
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

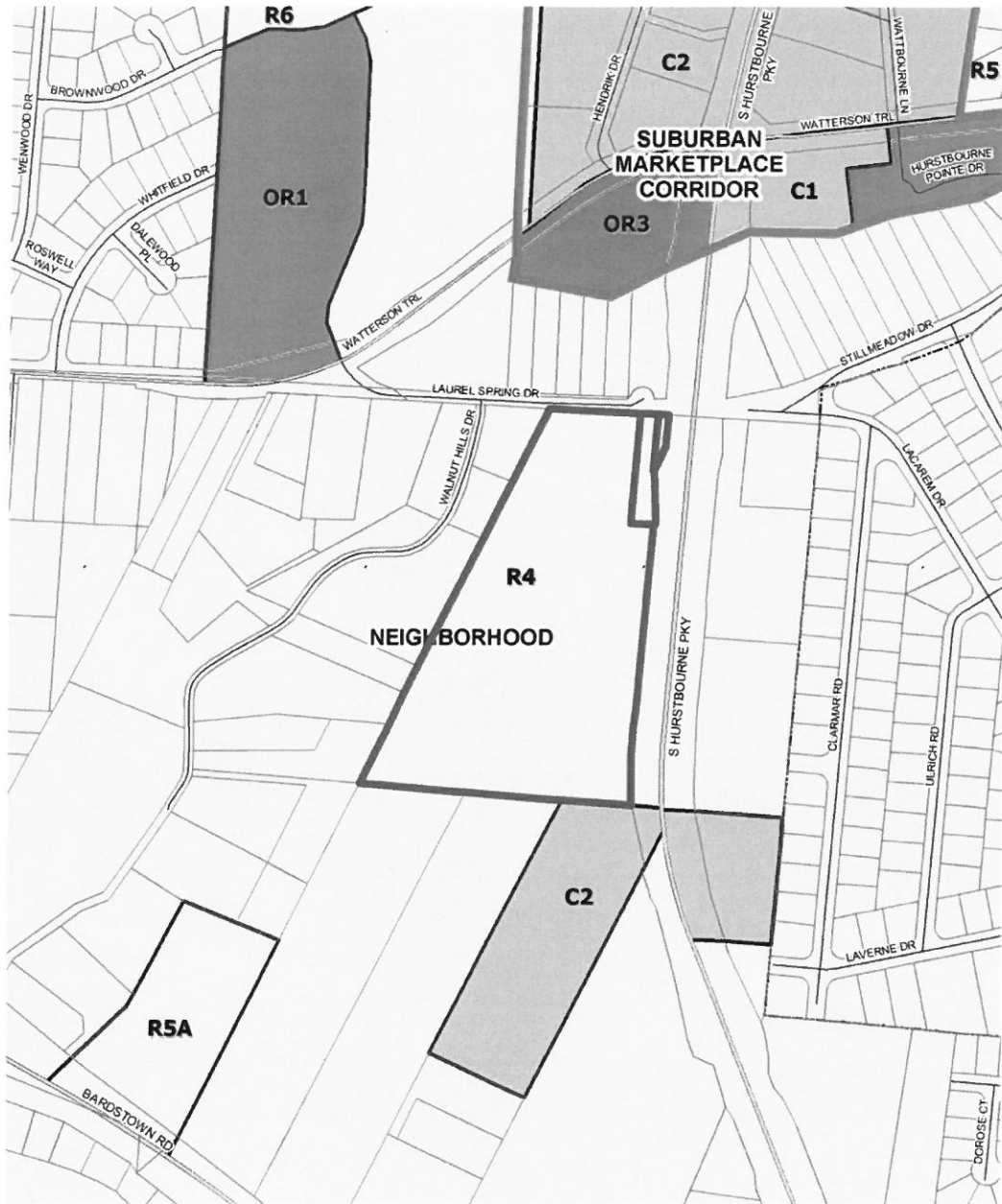
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------------|--------------------------|--|
| 09/09/2022 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26, 24, 2 |
| 12/28/2022 | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26, 24, 2 |
| 12/20/2022 | Hearing before PC | Sign Posting on property |
| 01/04/2023 | Hearing before PC | Legal Advertisement in the Courier-Journal |

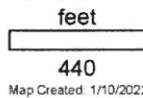
ATTACHMENTS

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

1. Zoning Map

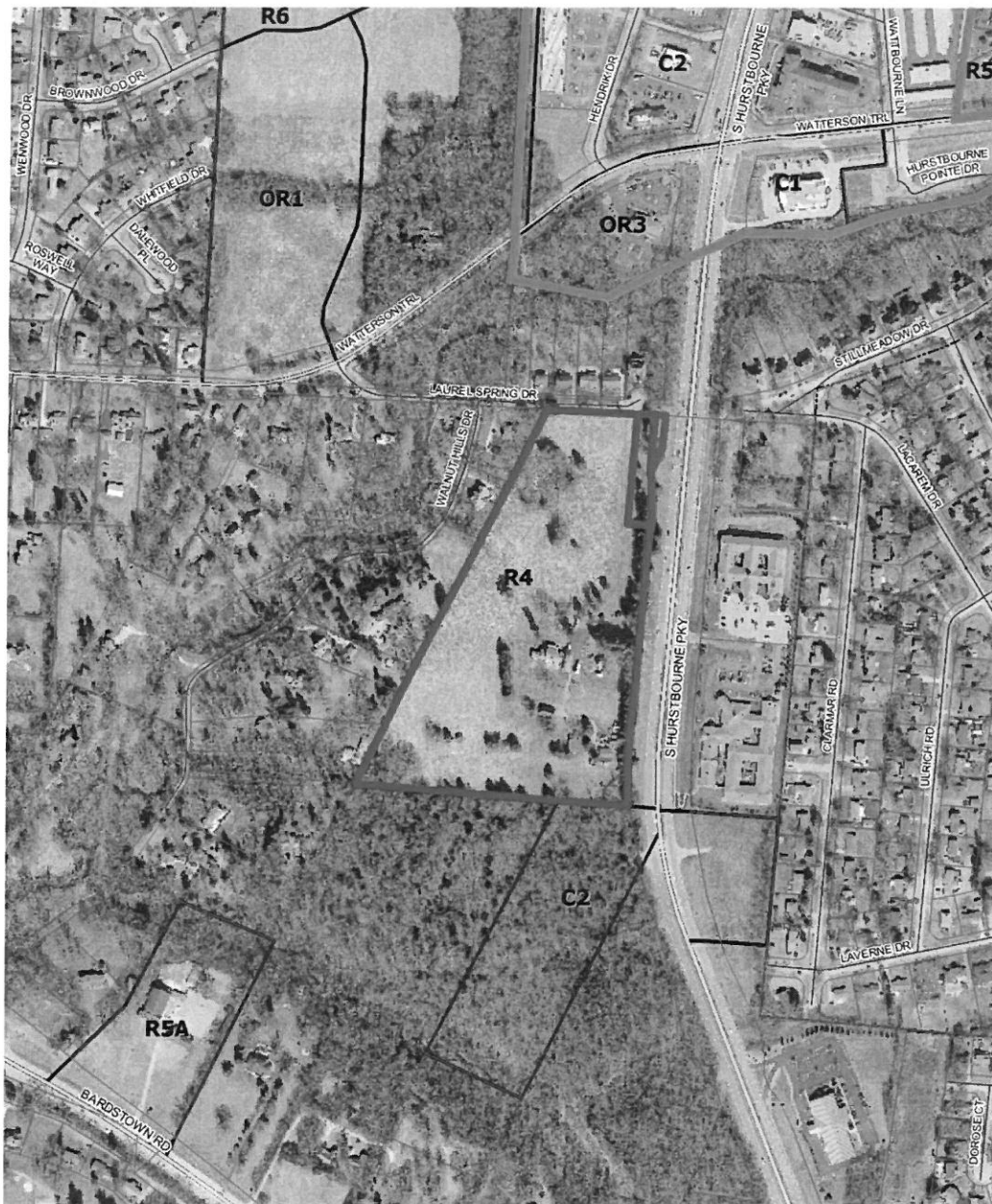


4700 S Hurstbourne Parkway

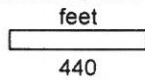


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2. Aerial Photograph



4700 S Hurstbourne Parkway



Map Created 1/10/2022



Copyright (c) 2022 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Staff Plan 2040 Checklist

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

Neighborhood: Residential

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|---|------------------------|---|---------------|---|
| 1 | Community Form: Goal 1 | 7. 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. | ✓ | The proposal is for higher density or intensity zoning. The site is located on S Hurstbourne Parkway and near activity centers at Watterson Trail and Bardstown Road. |
| 2 | Community Form: Goal 1 | 9. 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. | ✓ | Appropriate transitions will be provided. |
| 3 | Community Form: Goal 2 | 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. | ✓ | The proposal would permit new development providing residential uses. |
| 4 | Community Form: Goal 3 | 10. 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. | ✓ | No wet or highly permeable soils are evident on the site. A geotechnical engineering consultant will need to provide guidance on safe development on the site. |
| 5 | Community Form: Goal 4 | 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features. | ✓ | No distinctive cultural features are evident on the site. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|--|---------------|---|
| 6 | Community Form: Goal 4 | 3. 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. | ✓ | No historic assets are evident on the site. |
| 7 | Mobility: Goal 1 | 4. 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. | ✓ | An existing marketplace corridor is located nearby at the intersection with Watterson Trail. |
| 8 | Mobility: Goal 2 | 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. | ✓ | Access to the site is via S Hurstbourne Parkway, a major arterial at this location. |
| 9 | Mobility: Goal 3 | 2. 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. | ✓ | The site is easily accessible by car and bicycle. Access via transit and by and pedestrians and people with disabilities will be improved by the development. |
| 10 | Mobility: Goal 3 | 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. | ✓ | Transportation Planning has approved the proposal. |
| 11 | Mobility: Goal 3 | 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. | ✓ | Transportation Planning has approved the proposal. |
| 12 | Mobility: Goal 3 | 9. 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. | ✓ | Transportation Planning has approved the proposal. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|---|---------------|--|
| 13 | Mobility: Goal 3 | 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. | ✓ | Transportation Planning has approved the proposal. |
| 14 | Mobility: Goal 3 | 21. Prevent safety hazards caused by direct residential access to high speed roadways. | ✓ | No direct residential access to high-speed roadways is proposed. |
| 15 | Community Facilities: Goal 2 | 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. | ✓ | The relevant utilities have approved the proposal. |
| 16 | Community Facilities: Goal 2 | 2. 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. | ✓ | Louisville Water Company has approved the proposal. |
| 17 | Community Facilities: Goal 2 | 3. 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). | ✓ | MSD has approved the proposal. |
| 18 | Livability: Goal 1 | 5. 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. | ✓ | Tree preservation will be provided on the site and required tree canopy will be provided. |
| 19 | Livability: Goal 1 | 17. 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 mitigate potential hazards to such systems resulting from the project. | ✓ | The services of a qualified geotechnical engineering consultant will be required during construction to mitigate sinkholes. The sinkhole collapse feature located on the site will be avoided. |
| 20 | Livability: Goal 1 | 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. | ✓ | The site is not located in the regulatory floodplain. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---|---------------|--|
| 21 | Housing: Goal 1 | 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. | ✓ | The proposed zoning district would increase the variety of housing types in the neighborhood. |
| 22 | Housing: Goal 1 | 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. | ✓ | The proposed zoning district would support aging in place by increasing the variety of housing in the neighborhood. |
| 23 | Housing: Goal 2 | 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. | ✓ | The proposed zoning district would permit inter-generational mixed-income development that is connected to the neighborhood and the surrounding area. |
| 24 | Housing: Goal 2 | 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. | ✓ | The site is located in proximity to an activity center at the intersection of S Hurstbourne Parkway and Watterson Trail, and another is located at the intersection of S Hurstbourne Parkway and Bardstown Road. |
| 25 | Housing: Goal 3 | 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. | ✓ | The proposal would increase the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in Louisville Metro. |
| 26 | Housing: Goal 3 | 2. As neighborhoods evolve, discourage displacement of existing residents from their community. | ✓ | No existing residents will be displaced by the proposal. |
| 27 | Housing: Goal 3 | 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. | ✓ | The proposed zoning district would permit the use of innovative methods of 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.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the S Hurstbourne Parkway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Such plan shall include, at a minimum, the screening plan for the parkway buffer and building setback encroachments as shown at the November 14, 2022 Planning Commission hearing and located in the case file as Exhibit A.
 - 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the site to the south and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. The materials and design of proposed structures shall be reviewed and approved by the Planning Commission or a committee thereof.
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.

7. A qualified geotechnical consultant's services be retained during construction to call if/when sinkholes are encountered. Care shall be taken during earthwork to investigate and properly remediate potential sinkholes, per the geotechnical engineer's recommendations.
8. Development shall be limited to 199 units until such time as an ungated connection to Laurel Spring Drive, or to Bardstown Road through the site at 4900 S Hurstbourne Parkway, is provided.
9. Applicant shall install a 3 ft hedge at end of drive aisle/parking lot at the southwest corner of the development as shown at the January 17, 2023 Planning Commission Public Hearing.
10. Applicant shall construct a 3 ft berm with 6 ft privacy fence along the west property line and Laurel Springs Drive property line, as shown on the January 17, 2023 Planning Commission Public Hearing. Developer/property owner shall maintain the fence in good repair, with any necessary repair or maintenance performed within 30 days of notice that repair or maintenance is needed.
11. All property owners within 500 ft of a proposed blasting location shall be notified 30-days before any blasting operation occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided with copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.
12. Applicant shall preserve the existing fencing and vegetation on Laurel Spring Dr. as shown at the January 17, 2023 Planning Commission Public Hearing.
13. The proposed connection to Laurel Springs Drive shall have an emergency access gate for emergency services and shall not be for resident access. Laurel Springs Drive access shall not be used as a construction entrance.

**Land Development and Transportation
Committee
Staff Report
December 8, 2022**



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This case, with a related case 22-ZONE-0076, were heard by the Planning Commission on November 14, 2022. The Planning Commission found at that time that both cases should be returned to Land Development and Transportation due to noticing problems and issues that arose with respect to the site plans.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

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

INTERESTED PARTY COMMENTS

Staff has received numerous emails and phone calls in opposition to the request. A petition for a night hearing at a convenient location has been received and has been verified to contain at least 300 valid signatures. This hearing was conducted on November 14, 2022. A second night hearing must be scheduled when Land Development and Transportation set a new public hearing date.

STANDARD OF REVIEW FOR REZONING

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

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STAFF ANALYSIS FOR CHANGE IN ZONING

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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.

REQUIRED ACTIONS

- **Set** the public hearing date.

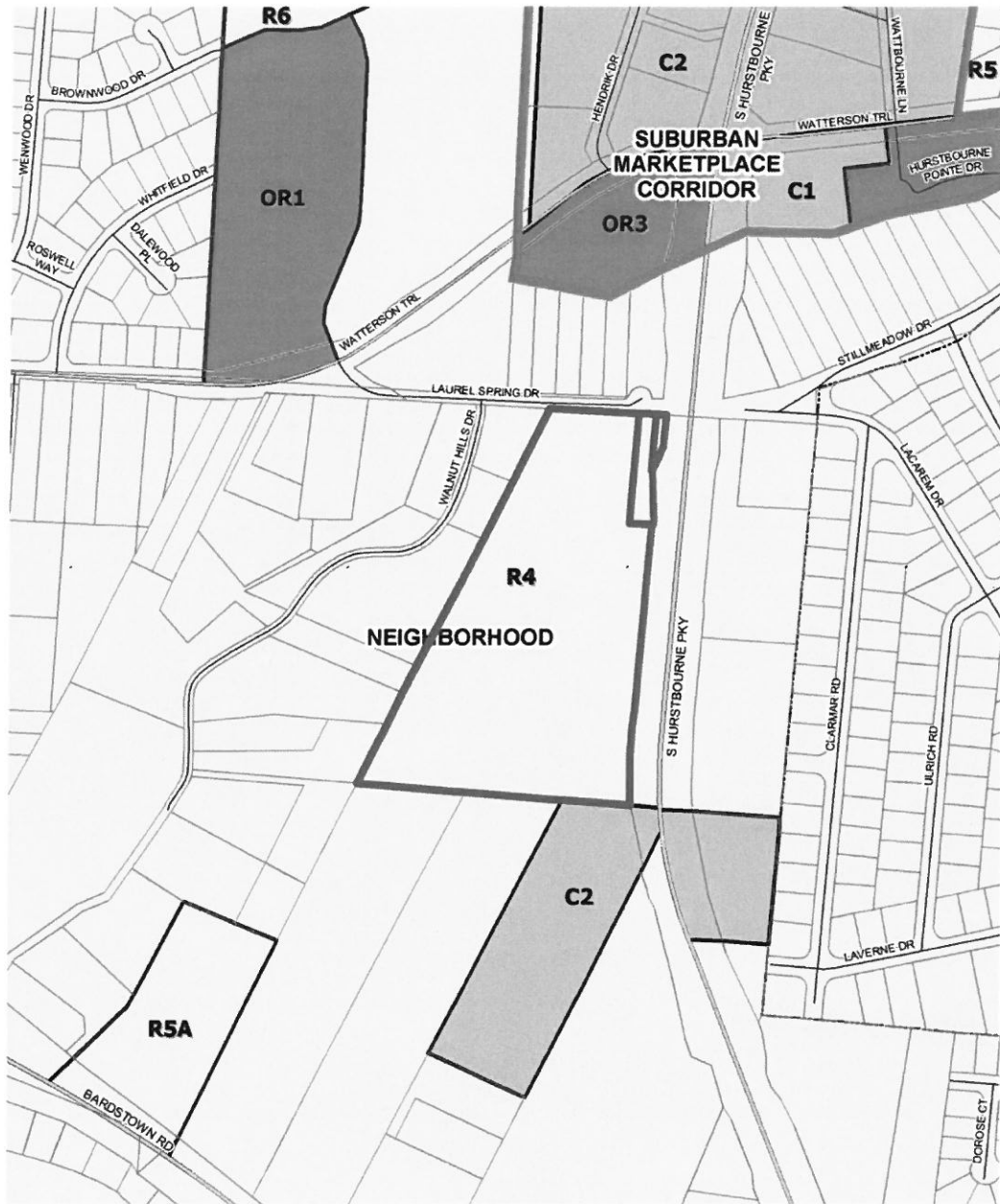
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------------|--------------------------|--|
| 09/09/2022 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26, 24, 2 |
| 10/19/2022 | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26, 24, 2 |
| 11/04/2022 | Hearing before PC | Sign Posting on property |
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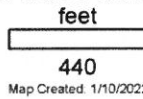
ATTACHMENTS

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

1. Zoning Map



4700 S Hurstbourne Parkway

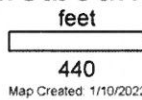


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2. Aerial Photograph



4700 S Hurstbourne Parkway



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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. 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.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the S Hurstbourne Parkway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Such plan shall include, at a minimum, the screening plan for the parkway buffer and building setback encroachments as shown at the November 14, 2022 Planning Commission hearing and located in the case file as Exhibit A.
 - 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the site to the south and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. The materials and design of proposed structures shall be reviewed and approved by the Planning Commission or a committee thereof.
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.

7. A qualified geotechnical consultant's services be retained during construction to call if/when sinkholes are encountered. Care shall be taken during earthwork to investigate and properly remediate potential sinkholes, per the geotechnical engineer's recommendations.
8. Development shall be limited to 199 units until such time as an ungated connection to Laurel Spring Drive, or to Bardstown Road through the site at 4900 S Hurstbourne Parkway, is provided.
9. Applicant shall install a 3 ft hedge at end of drive aisle/parking lot at the southwest corner of the development as shown at the _____, 2023 Planning Commission Public Hearing.
10. Applicant shall construct a 3 ft berm with 6 ft privacy fence along the west property line and Laurel Springs Drive property line, as shown on the _____, 2023 Planning Commission Public Hearing. Developer/property owner shall maintain the fence in good repair, with any necessary repair or maintenance performed within 30 days of notice that repair or maintenance is needed.
11. All property owners within 500 ft of a proposed blasting location shall be notified 30-days before any blasting operation occur and be offered pre-blast surveys. Any homeowners who opt to have a pre-blast survey conducted shall be provided with copies of all materials resulting from that survey, including any photos and/or videos. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.
12. Applicant shall preserve the existing fencing and vegetation on Laurel Spring Dr. as shown at the _____, 2023 Planning Commission Public Hearing.
13. The proposed connection to Laurel Springs Drive shall have an emergency access gate for emergency services and shall not be for resident access. Laurel Springs Drive access shall not be used as a construction entrance.

Planning Commission
Staff Report
November 14, 2022



| | |
|--------------------------|---|
| Case No: | 22-ZONE-0012 |
| Project Name: | 4700 S Hurstbourne Parkway Apartments |
| Location: | 4700 S Hurstbourne Parkway, Parcel ID 004405130000, 004404680000 |
| Owner(s): | 4700 S Hurstbourne Parkway LLC |
| Applicant: | 4700 S Hurstbourne Parkway LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 26 – Brent Ackerson |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to R-7 Multi-Family Residential
- **Waivers**
 - #1: from 10.3.5.A to permit a structure to encroach into the required parkway building setback (22-WAIVER-0150)
 - #2: from 10.3.5.A to permit Vehicle Use Area to encroach into the required parkway buffer (22-WAIVER-0150)
- **Alternative Plan for Connectivity**
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located on S Hurstbourne Parkway south of the intersection with Watterson Trail, and consists of three parcels developed with a single-family residence, which is not proposed to be preserved. The applicant proposes to rezone the property in order to construct a new 384-unit multi-family development.

Single-family development and undeveloped land abut the site to the west and south. Single-family development is located to the north across Laurel Spring Drive. A nursing home is located across S Hurstbourne Parkway to the east. S Hurstbourne Parkway is a designated parkway at this location. A commercial activity center is located at the intersection of S Hurstbourne Parkway and Bardstown Road to the south, and another is located at the intersection of S Hurstbourne Parkway and Watterson Trail to the north.

A related case, 22-ZONE-0076, is scheduled for the same hearing date as this case.

STAFF FINDING

Staff finds that the proposed zoning change meets the guidelines of the Comprehensive Plan. The waivers are adequately justified and meet the standard of review. The site plan meets the requirements of the Land Development Code, and generally meets the guidelines of the Comprehensive Plan.

TECHNICAL REVIEW

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

Connectivity is provided to Laurel Spring Drive, but is proposed to be blocked off with a gate for emergency access only. The applicant requests approval of an alternative plan for connectivity to permit the gated access.

INTERESTED PARTY COMMENTS

Staff has received numerous emails and phone calls in opposition to the request. A petition for a night hearing at a convenient location has been received and has been verified to contain at least 300 valid signatures.

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

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.

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shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

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

The site is located close to commercial services to both the north and the south along S Hurstbourne Parkway. Although S Hurstbourne Parkway is not a transit route at this location, transit is available nearby to both the north and south. The multi-family uses permitted by the proposed zoning district would provide an appropriate transition between the major arterial at S Hurstbourne Parkway and the lower-intensity residential uses to the west.

Appropriate connectivity is provided with a full curb cut on S Hurstbourne Parkway and access to Bardstown Road via the project proposed to the south. A gate proposed on the connection to Laurel Spring Drive requires an alternative plan for connectivity. The connection to Laurel Spring Drive would provide an alternative means of access to S Hurstbourne Parkway for the residents along that roadway. Laurel Spring Drive crosses a bridge which may require maintenance in the future, which may cut residents off from the roadway network while maintenance is being performed. The connection to Laurel Spring Drive by this development would allow for residents to still access the road network from their homes while maintenance is performed on the bridge.

The proposal would encourage aging in place, by providing current residents with an alternative to home and yard maintenance should they choose to remain in the neighborhood as they age. It would also increase the variety of housing in the neighborhood, and permit persons who may wish to reside in this neighborhood an opportunity to do so.

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. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.3.5.A (#1)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the setback to be encroached is the one along S Hurstbourne Parkway. The encroachment proposed is minimal.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver not will violate specific guidelines of Plan 2040 as Plan 2040 encourages the development, preservation and maintenance of an interconnected system of scenic corridors and parkways. It encourages the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways. The applicant proposes enhanced landscaping and preservation of existing tree canopy to mitigate the encroachment, which is relatively minor.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as moving the buildings out of the parkway setback would move the development closer to the residences at the rear of the property.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant has proposed enhanced landscaping and tree preservation at the location of the encroachment in order to mitigate it.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.3.5.A (#2)

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the setback to be encroached is the one along S Hurstbourne Parkway.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver not will violate specific guidelines of Plan 2040 as Plan 2040 encourages the development, preservation and maintenance of an interconnected system of scenic corridors and parkways. It encourages the preservation of important cultural resources, landscapes and scenic vistas in the design, maintenance and development of major thoroughfares and parkways. The applicant proposes enhanced landscaping to mitigate the encroachment. The encroachment of impervious surface into the parkway buffer will not be readily visible with the enhanced landscaping.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as moving the drive aisle out of the parkway setback would move the development closer to the residences across Laurel Spring Drive.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant has proposed enhanced landscaping at the location of the encroachment in order to mitigate it.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: Some tree canopy is proposed to be preserved. The sinkhole collapse feature on the site is proposed to be preserved. The structure on the site is not proposed to be preserved. Required tree canopy will be provided.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Required open space and recreational open space are being provided to meet the needs of the proposed development.

- (d) 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;

STAFF: 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.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. The proposal would provide an appropriate transition between S Hurstbourne Parkway, a major arterial road, and the lower-intensity residential uses to the west.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code, with the exception of the requested waivers.

REQUIRED ACTIONS

- **RECOMMEND** that the Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4 to R-7
- **RECOMMEND** that the Metro Council **APPROVE** or **DENY** the **Alternative Plan for Connectivity**
- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

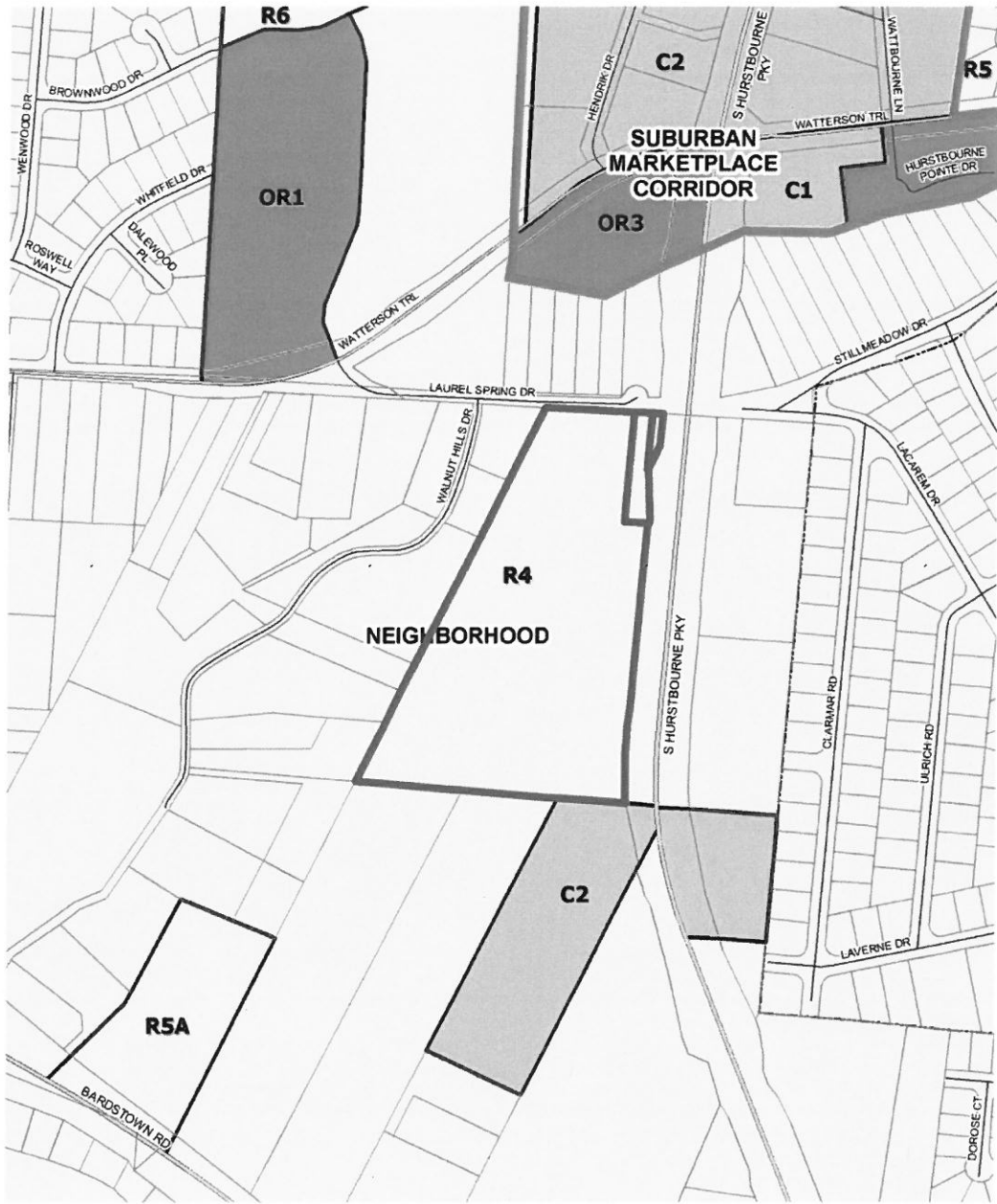
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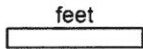
ATTACHMENTS

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

1. Zoning Map



4700 S Hurstbourne Parkway

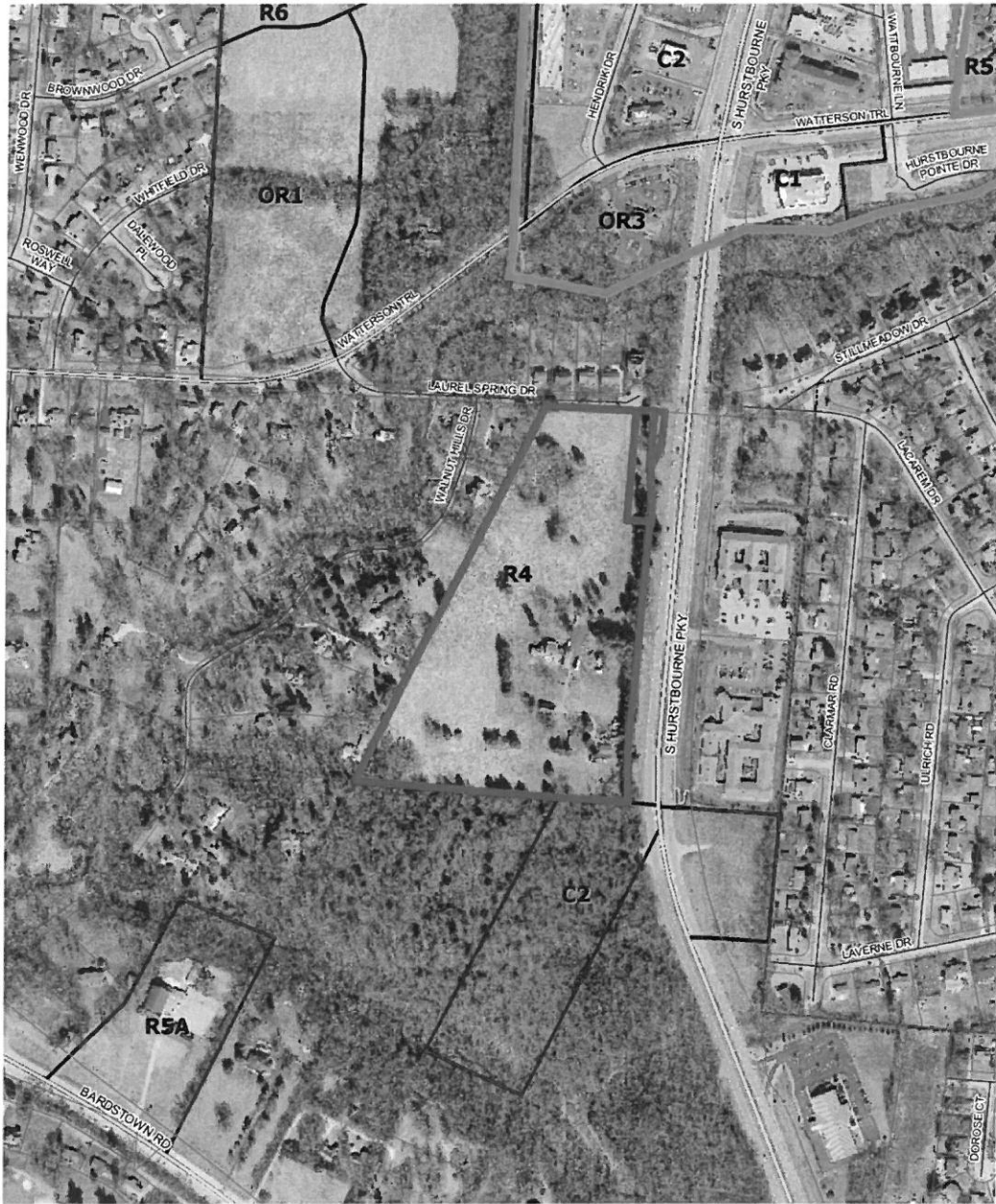


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Map Created 1/10/2022

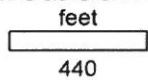


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2. Aerial Photograph



4700 S Hurstbourne Parkway



Map Created: 1/10/2022



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3. Staff Plan 2040 Checklist

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

Neighborhood: Residential

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|---|------------------------|---|---------------|---|
| 1 | Community Form: Goal 1 | 7. 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. | ✓ | The proposal is for higher density or intensity zoning. The site is located on S Hurstbourne Parkway and near activity centers at Watterson Trail and Bardstown Road. |
| 2 | Community Form: Goal 1 | 9. 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. | ✓ | Appropriate transitions will be provided. |
| 3 | Community Form: Goal 2 | 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. | ✓ | The proposal would permit new development providing residential uses. |
| 4 | Community Form: Goal 3 | 10. 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. | ✓ | No wet or highly permeable soils are evident on the site. A geotechnical engineering consultant will need to provide guidance on safe development on the site. |
| 5 | Community Form: Goal 4 | 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features. | ✓ | No distinctive cultural features are evident on the site. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|--|---------------|---|
| 6 | Community Form: Goal 4 | 3. 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. | ✓ | No historic assets are evident on the site. |
| 7 | Mobility: Goal 1 | 4. 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. | ✓ | An existing marketplace corridor is located nearby at the intersection with Watterson Trail. |
| 8 | Mobility: Goal 2 | 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. | ✓ | Access to the site is via S Hurstbourne Parkway, a major arterial at this location. |
| 9 | Mobility: Goal 3 | 2. 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. | ✓ | The site is easily accessible by car and bicycle. Access via transit and by and pedestrians and people with disabilities will be improved by the development. |
| 10 | Mobility: Goal 3 | 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. | ✓ | Transportation Planning has approved the proposal. |
| 11 | Mobility: Goal 3 | 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. | ✓ | Transportation Planning has approved the proposal. |
| 12 | Mobility: Goal 3 | 9. 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. | ✓ | Transportation Planning has approved the proposal. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|---|---------------|--|
| 13 | Mobility: Goal 3 | 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. | ✓ | Transportation Planning has approved the proposal. |
| 14 | Mobility: Goal 3 | 21. Prevent safety hazards caused by direct residential access to high speed roadways. | ✓ | No direct residential access to high-speed roadways is proposed. |
| 15 | Community Facilities: Goal 2 | 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. | ✓ | The relevant utilities have approved the proposal. |
| 16 | Community Facilities: Goal 2 | 2. 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. | ✓ | Louisville Water Company has approved the proposal. |
| 17 | Community Facilities: Goal 2 | 3. 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). | ✓ | MSD has approved the proposal. |
| 18 | Livability: Goal 1 | 5. 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. | ✓ | Tree preservation will be provided on the site and required tree canopy will be provided. |
| 19 | Livability: Goal 1 | 17. 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 mitigate potential hazards to such systems resulting from the project. | ✓ | The services of a qualified geotechnical engineering consultant will be required during construction to mitigate sinkholes. The sinkhole collapse feature located on the site will be avoided. |
| 20 | Livability: Goal 1 | 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. | ✓ | The site is not located in the regulatory floodplain. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---|---------------|--|
| 21 | Housing: Goal 1 | 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. | ✓ | The proposed zoning district would increase the variety of housing types in the neighborhood. |
| 22 | Housing: Goal 1 | 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. | ✓ | The proposed zoning district would support aging in place by increasing the variety of housing in the neighborhood. |
| 23 | Housing: Goal 2 | 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. | ✓ | The proposed zoning district would permit inter-generational mixed-income development that is connected to the neighborhood and the surrounding area. |
| 24 | Housing: Goal 2 | 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. | ✓ | The site is located in proximity to an activity center at the intersection of S Hurstbourne Parkway and Watterson Trail, and another is located at the intersection of S Hurstbourne Parkway and Bardstown Road. |
| 25 | Housing: Goal 3 | 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. | ✓ | The proposal would increase the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in Louisville Metro. |
| 26 | Housing: Goal 3 | 2. As neighborhoods evolve, discourage displacement of existing residents from their community. | ✓ | No existing residents will be displaced by the proposal. |
| 27 | Housing: Goal 3 | 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. | ✓ | The proposed zoning district would permit the use of innovative methods of 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.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the S Hurstbourne Parkway right-of-way.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. Such plan shall include, at a minimum, the screening plan for the parkway buffer and building setback encroachments as shown at the November 14, 2022 Planning Commission hearing and located in the case file as Exhibit A.
 - 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the site to the south and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 14, 2022 Planning Commission meeting. A copy of the approved rendering 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.

7. A qualified geotechnical consultant's services be retained during construction to call if/when sinkholes are encountered. Care shall be taken during earthwork to investigate and properly remediate potential sinkholes, per the geotechnical engineer's recommendations.
8. Development shall be limited to 199 units until such time as an ungated connection to Laurel Spring Drive, or to Bardstown Road through the site at 4900 S Hurstbourne Parkway, is provided.

**Land Development and Transportation
Committee
Staff Report
September 22, 2022**



| | |
|--------------------------|---|
| Case No: | 22-ZONE-0012 |
| Project Name: | 4700 S Hurstbourne Parkway Apartments |
| Location: | 4700 S Hurstbourne Parkway, Parcel ID 004405130000, 004404680000 |
| Owner(s): | 4700 S Hurstbourne Parkway LLC |
| Applicant: | 4700 S Hurstbourne Parkway LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 26 – Brent Ackerson |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to R-7 Multi-Family Residential
- **Waiver** from 10.3.5.A to permit a structure to encroach into the required parkway building setback (22-WAIVER-0150)
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located on S Hurstbourne Parkway south of the intersection with Watterson Trail, and consists of three parcels developed with a single-family residence, which is not proposed to be preserved. The applicant proposes to rezone the property in order to construct a new 384-unit multi-family development.

Single-family development and undeveloped land abut the site to the west and south. Single-family development is located to the north across Laurel Spring Drive. A nursing home is located across S Hurstbourne Parkway to the east. S Hurstbourne Parkway is a designated parkway at this location. A commercial activity center is located at the intersection of S Hurstbourne Parkway and Bardstown Road to the south, and another is located at the intersection of S Hurstbourne Parkway and Watterson Trail to the north.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

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

INTERESTED PARTY COMMENTS

Staff has received numerous emails and phone calls in opposition to the request. A petition for a night hearing at a convenient location has been received and has been verified to contain at least 300 valid signatures.

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

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.

REQUIRED ACTIONS

- **Set the public hearing date.**

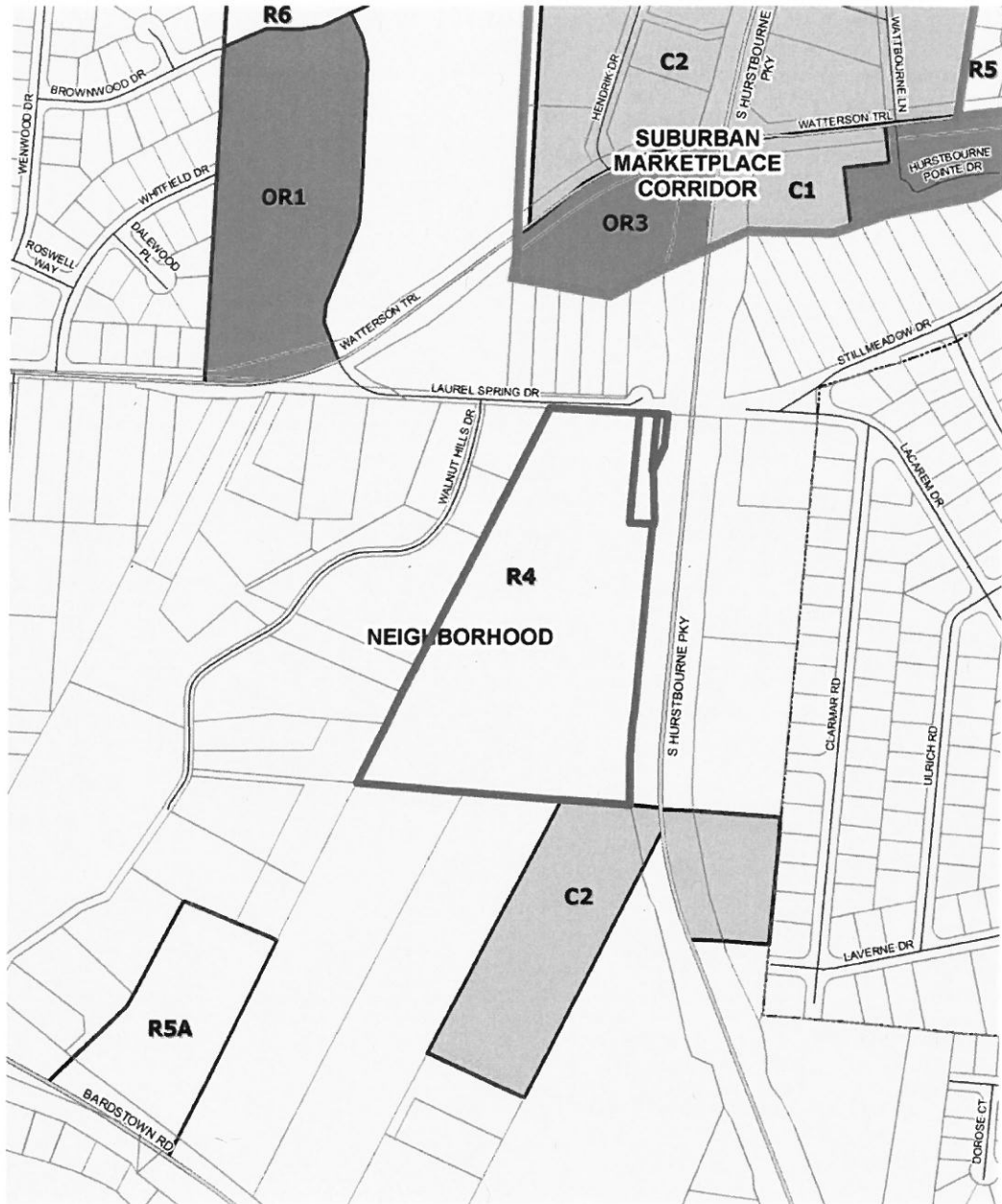
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------------|--------------------------|--|
| 09/09/2022 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26, 24, 2 |
| | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26, 24, 2 |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

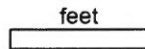
ATTACHMENTS

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

1. **Zoning Map**



4700 S Hurstbourne Parkway



440
Map Created 1/10/2022

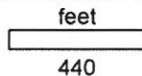


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2. Aerial Photograph



4700 S Hurstbourne Parkway



Map Created 1/10/2022



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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. 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.
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 - 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 for any work in the S Hurstbourne Parkway right-of-way.
 - 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 certificate of occupancy. 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the subject site and the site to the south and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; a copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____, 2022 Planning Commission meeting. A copy of the approved rendering 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.

7. A qualified geotechnical consultant's services be retained during construction to call if/when sinkholes are encountered. Care shall be taken during earthwork to investigate and properly remediate potential sinkholes, per the geotechnical engineer's recommendations.

**Pre-Application
Staff Report**
January 5, 2022



| | |
|--------------------------|---------------------------------------|
| Case No: | 21-ZONEPA-0163 |
| Project Name: | 4700 S Hurstbourne Parkway Apartments |
| Location: | 4700 S Hurstbourne Parkway |
| Owner(s): | 4700 South Hurstbourne Parkway LLC |
| Applicant: | 4700 South Hurstbourne Parkway LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 26 – Brent Ackerson |
| Case Manager: | Dante St. Germain, AICP, Planner II |

REQUEST

- **Change in zoning** from R-4 Single Family Residential to R-7 Multi-Family Residential

CASE SUMMARY/BACKGROUND

The subject site is located on S Hurstbourne Parkway south of the intersection with Watterson Trail, and consists of three parcels developed with a single-family residence, which is not proposed to be preserved. The applicant proposes to rezone the property in order to construct a new 384-unit multi-family development.

Single-family development and undeveloped land abut the site to the west and south. Single-family development is located to the north across Laurel Spring Drive. A nursing home is located across S Hurstbourne Parkway to the east. S Hurstbourne Parkway is a designated parkway at this location. A commercial activity center is located at the intersection of S Hurstbourne Parkway and Bardstown Road to the south, and another is located at the intersection of S Hurstbourne Parkway and Watterson Trail to the north.

STAFF FINDING

The proposal to rezone the property to R-7 appears to be appropriate given the site location and context. The applicant must conduct a neighborhood meeting to prepare for the formal filing.

TECHNICAL REVIEW

Land Development Code (2022) Louisville Metro

Please see detailed agency review comments.

INTERESTED PARTY COMMENTS

Staff has received one interested party comment from attorney Steve Porter, indicating that he represents neighbors located on Laurel Spring Drive and Walnut Hills Drive.

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 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 proposal is for higher density or intensity zoning. The site is located on S Hurstbourne Parkway and near activity centers at Watterson Trail and Bardstown Road. Appropriate transitions will be provided. The proposal would permit new development providing residential uses. More information regarding severe, steep or unstable slopes is needed from the applicant. No wet or highly permeable soils are evident on the site. No distinctive cultural features are evident on the site. No historic assets are evident on the site.

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. The Louisville Metro Council has zoning authority over the property in question.

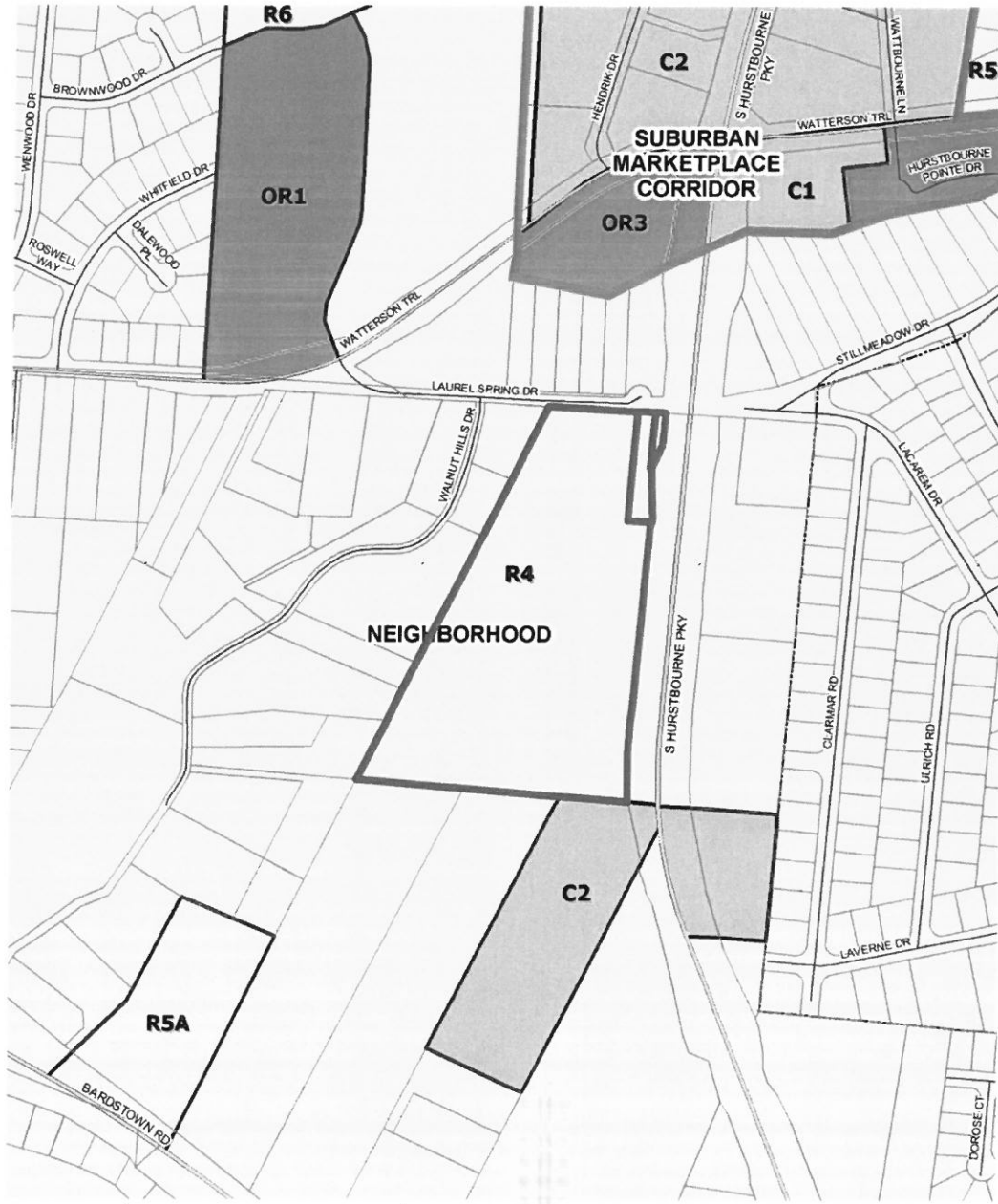
NOTIFICATION

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

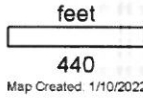
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Plan 2040 Checklist

1. Zoning Map

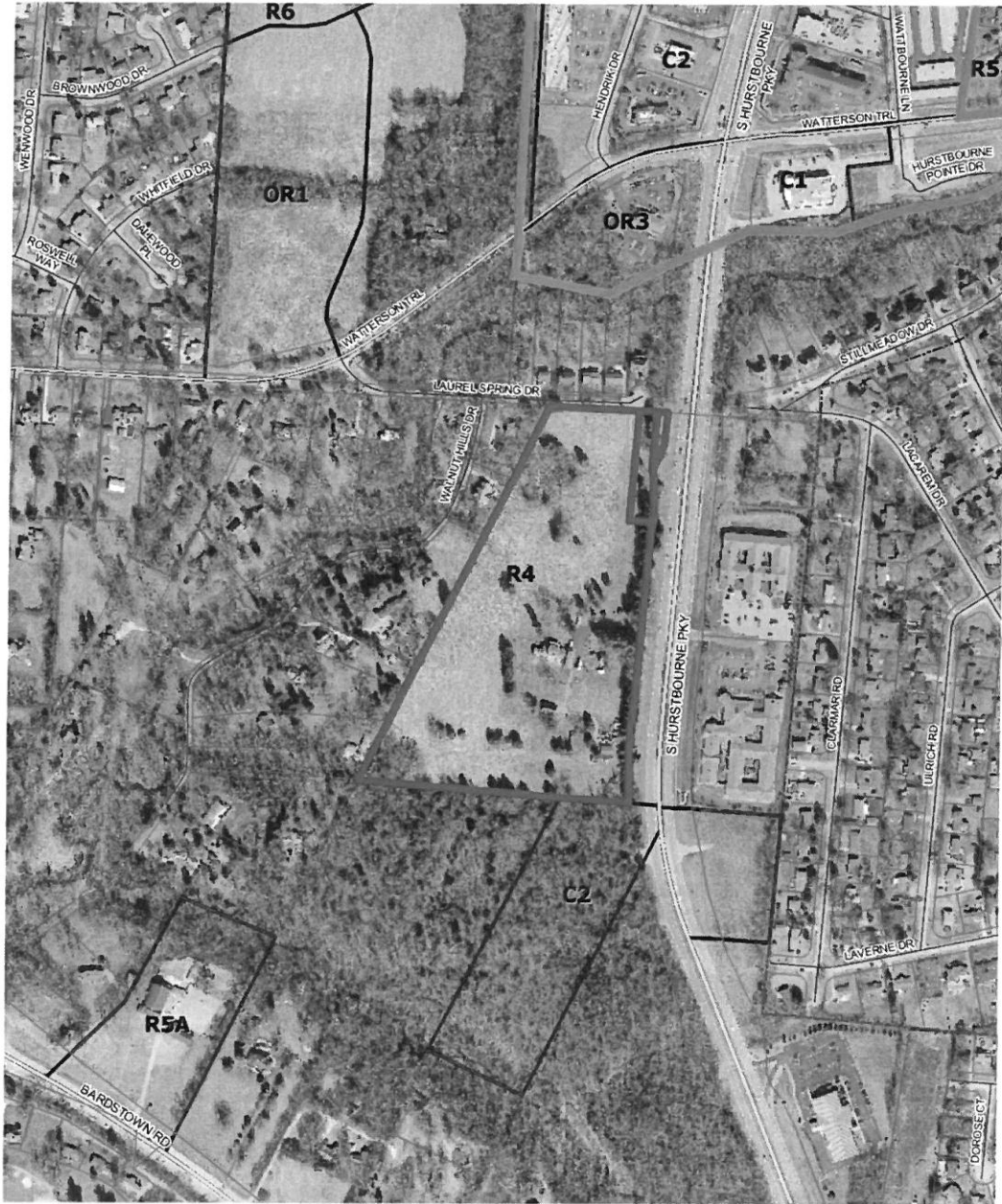


4700 S Hurstbourne Parkway



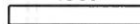
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2. Aerial Photograph



4700 S Hurstbourne Parkway

feet



440

Map Created 1/10/2022



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3. Staff Plan 2040 Checklist

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

Neighborhood: Residential

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|---|------------------------|---|---------------|---|
| 1 | Community Form: Goal 1 | 7. 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. | ✓ | The proposal is for higher density or intensity zoning. The site is located on S Hurstbourne Parkway and near activity centers at Watterson Trail and Bardstown Road. |
| 2 | Community Form: Goal 1 | 9. 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. | ✓ | Appropriate transitions will be provided. |
| 3 | Community Form: Goal 2 | 9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses. | ✓ | The proposal would permit new development providing residential uses. |
| 4 | Community Form: Goal 3 | 10. 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. | +/- | More information regarding severe, steep or unstable slopes is needed from the applicant. No wet or highly permeable soils are evident on the site. |
| 5 | Community Form: Goal 4 | 2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features. | ✓ | No distinctive cultural features are evident on the site. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|--|---------------|--|
| 6 | Community Form: Goal 4 | 3. 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. | ✓ | No historic assets are evident on the site. |
| 7 | Mobility: Goal 1 | 4. 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. | ✓ | An existing marketplace corridor is located nearby at the intersection with Watterson Trail. |
| 8 | Mobility: Goal 2 | 4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances. | ✓ | Access to the site is via S Hurstbourne Parkway, a major arterial at this location. |
| 9 | Mobility: Goal 3 | 2. 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. | +/- | The site is easily accessible by car, bicycle, transit and pedestrians. More information is needed regarding access by people with disabilities. |
| 10 | Mobility: Goal 3 | 5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. | +/- | Transportation Planning is reviewing the proposal. |
| 11 | Mobility: Goal 3 | 6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development. | +/- | Transportation Planning is reviewing the proposal. |
| 12 | Mobility: Goal 3 | 9. 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. | +/- | Transportation Planning is reviewing the proposal. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------------|---|---------------|--|
| 13 | Mobility: Goal 3 | 10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. | +/- | Transportation Planning is reviewing the proposal. |
| 14 | Mobility: Goal 3 | 21. Prevent safety hazards caused by direct residential access to high speed roadways. | ✓ | No direct residential access to high-speed roadways is proposed. |
| 15 | Community Facilities: Goal 2 | 1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions. | +/- | The relevant utilities are reviewing the proposal. |
| 16 | Community Facilities: Goal 2 | 2. 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. | +/- | Louisville Water Company is reviewing the proposal. |
| 17 | Community Facilities: Goal 2 | 3. 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). | +/- | MSD is reviewing the proposal. |
| 18 | Livability: Goal 1 | 5. 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. | +/- | More information regarding how the unique characteristics of the identified general landscape and native plant communities will be recognized and incorporated is needed from the applicant. |
| 19 | Livability: Goal 1 | 17. 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 mitigate potential hazards to such systems resulting from the project. | ✓ | The site is not located on karst terrain. |
| 20 | Livability: Goal 1 | 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. | ✓ | The site is not located in the regulatory floodplain. |

| # | Plan 2040 Plan Element | Land Use & Development Policy | Staff Finding | Staff Analysis |
|----|------------------------|---|---------------|--|
| 21 | Housing: Goal 1 | 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. | ✓ | The proposed zoning district would increase the variety of housing types in the neighborhood. |
| 22 | Housing: Goal 1 | 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. | ✓ | The proposed zoning district would support aging in place by increasing the variety of housing in the neighborhood. |
| 23 | Housing: Goal 2 | 1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area. | ✓ | The proposed zoning district would permit inter-generational mixed-income development that is connected to the neighborhood and the surrounding area. |
| 24 | Housing: Goal 2 | 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. | ✓ | The site is located in proximity to an activity center at the intersection of S Hurstbourne Parkway and Watterson Trail, and another is located at the intersection of S Hurstbourne Parkway and Bardstown Road. |
| 25 | Housing: Goal 3 | 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. | ✓ | The proposal would increase the provision of fair and affordable housing by increasing the variety of ownership options and unit costs in Louisville Metro. |
| 26 | Housing: Goal 3 | 2. As neighborhoods evolve, discourage displacement of existing residents from their community. | +/- | More information regarding displacement of existing residences is needed from the applicant. |
| 27 | Housing: Goal 3 | 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. | ✓ | The proposed zoning district would permit the use of innovative methods of housing. |

