

**Development Review Committee**  
**Staff Report**  
March 1, 2023



<b>Case No:</b>	23-DDP-0003
<b>Project Name:</b>	9301 Stonestreet Road
<b>Location:</b>	9301 Stonestreet Road
<b>Owner(s):</b>	Richardson Properties, Inc.
<b>Applicant:</b>	AI Engineering, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Rick Blackwell
<b>Case Manager:</b>	Julia Williams, AICP, Planning Manager

**REQUEST(S)**

- Waivers:
  1. Waiver from 10.2.10 to eliminate the required 15' Landscape Buffer Area (23-WAIVER-0020)
  2. Waiver from 5.11.4.A.4 to not provide the required open space (23-WAIVER-0021)
- Revised Detailed District Development Plan.

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a 27,504 sf multi-family building on 2.96 acres in the C-1 zoning district and neighborhood form district. Two multi-family apartment buildings were approved in 2003 under case number 9-70-90. Only one apartment building was constructed before the plan expired, and this plan is similar to the plan approved in 2003. This site was also part of the change in zoning under the same case number which changed the zoning of this site from R-4 to C-1 in 1990.

**STAFF FINDING**

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. The Planning Commission should further discuss

**INTERESTED PARTY COMMENTS**

Staff has received no interested party comments for this case.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of 10.2.10**

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

STAFF: The waiver will not adversely affect adjacent property owners since the drive lane where the LBA would be required is existing.

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

STAFF: Community Form Goal 1, Policy 9 calls to 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. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. The proposal meets Plan 2040 because the access road is existing. There are existing trees on the adjacent site which are located in a 100' stream buffer for Ponder Creek.

- (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 since the access road is existing. There are existing trees on the adjacent site which are located in a 100' stream buffer for Ponder Creek.

- (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 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 since the access road is existing. There are existing trees on the adjacent site which are located in a 100' stream buffer for Ponder Creek.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of 5.11.4**

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

STAFF: The waiver will not adversely affect adjacent property owners since there is significant open space on those adjacent sites. Bobby Nichols Golf Course and Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane.

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

STAFF: Community Form Goal 3, Policies 2-10 calls to design open space to meet outdoor recreation, natural resource protection, aesthetic, cultural and educational, public, or health and safety needs. Open space may also be associated with civic uses, managed for production of resources and designed to ensure compatibility between differing land uses. Ensure that transitions between existing public parks and new development minimize impacts and provide access. Provide access to greenways whenever possible. Encourage natural features to be integrated within the prescribed pattern of development. Conserve, restore and protect vital natural resource systems such as mature trees, steep slopes, streams and wetlands. Open

spaces should be integrated with other design decisions to shape the pattern of development. Encourage the use of greenways as a way to connect neighborhoods. Encourage use of conservation subdivisions, conservation easements, transfer of development rights and other innovative methods to permanently protect open space. Encourage development that respects the natural features of the site through sensitive site design, avoids substantial changes to the topography, and minimizes property damage and environmental degradation resulting from disturbance of natural systems. There is significant open space on those adjacent sites. Bobby Nichols Golf Course and Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane.

- (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 since there is significant open space on those adjacent sites. Bobby Nichols Golf Course and Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane.

- (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 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 there is significant open space on those adjacent sites. Bobby Nichols Golf Course and Waverly Park are located at the nearby intersection of Valley College Drive and E Pages Lane.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

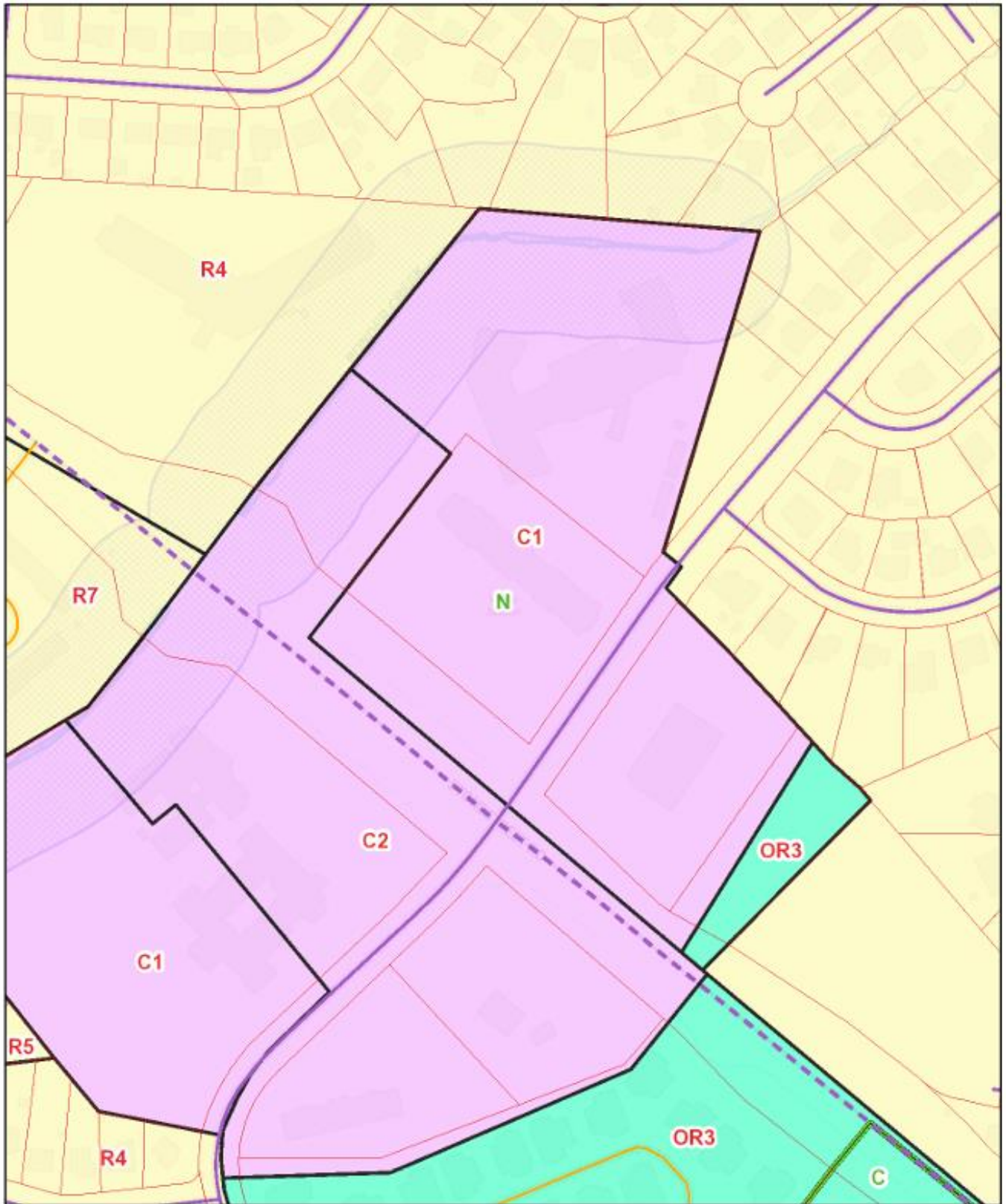
**NOTIFICATION**

Date	Purpose of Notice	Recipients
2/17/23	Hearing before DRC on 3/1/2023	1 <sup>st</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 12.

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements to be Replaced
4. Proposed Binding Elements

1. Zoning Map





2. Aerial Photograph





### 3. Existing Binding Elements to be Replaced

#### DOCKET NO. 9-7-90

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 18.9 dwelling units per acre (56 units on 2.96 acres).
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25 feet to street side property line. The sign shall not exceed 30 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display, or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
8. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
9. 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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
11. 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.
12. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
13. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
14. The Owner/Developer shall install a four-board horse fence similar to that installed by other adjoining developments along Stonestreet Parkway and Valley College Drive.
15. The Owner/Developer shall install landscaping along the Stonestreet Parkway and Valley College Drive frontage using species and in quantities similar to that of other adjoining developments.
16. The Owner/Developer shall install landscape berms along the Stonestreet and Valley College frontage as required by Louisville and Jefferson County's Parkway Policies for commercial properties and uses.
17. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 26, 2002, LD&T meeting.

#### **4. Proposed Binding Elements**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25' to the street side property line. The sign shall not exceed 30 square feet in area per side and 6' in height. No sign shall have more than 2 sides.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage, display, or sales permitted on the site.
5. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cut-off and height of the light standard shall be set so that no light source is visible off-site.
6. 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.
7. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 1, 2023 DRC and the September 26, 2002 LD&T meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.

10. The dumpster shall not be emptied between the hours of 10 pm and 7 am.
11. The owner/developer shall install a four-board horse fence similar to that installed by other adjoining developments along Stonestreet Parkway and Valley College Drive.