

22-AMEND-0002

**Old New Cut Road Apartments
Binding Element Amendment**



Planning Commission

Dante St. Germain, AICP, Planner II

August 4, 2022

Requests

- Appeal of Action by LD&T to Partially Deny an Amendment to Binding Elements for 9-59-01 & 19-DDP-0039

Site Context



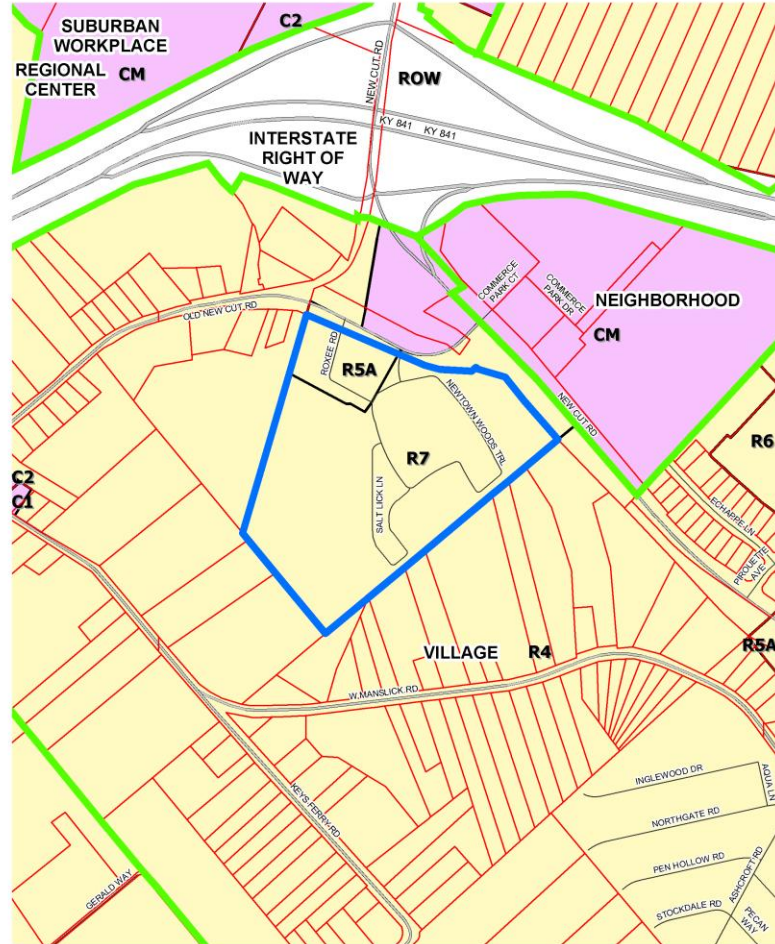
Case Summary

- Previously approved for rezoning, R-4 to R-5A & R-7 for multi-family development (9-59-01) 420 units
- BE #24 required road improvements
- RDDDP 19-DDP-0039, still multi-family, proposed 344 units
- BE #24 carried over as BE #12
- 12(a) proposed to be revised, 12(a)(1) proposed to be deleted
- Remainder of BE #12 no changes proposed

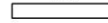
Case Summary

- Land Development and Transportation Committee approved revision to 12(a) but denied deletion of 12(a)(1)
- Applicant appeals to obtain deletion of 12(a)(1)
- Current BE #12 (originally BE #24) not present in LD&T staff report for original rezoning request 9-59-01 but present in PC staff report
- PC originally denied 9-59-01 with no BEs but was overturned by Fiscal Court with BEs in PC staff report including BE #24

Zoning/Form Districts



6501 Old New Cut Road
feet



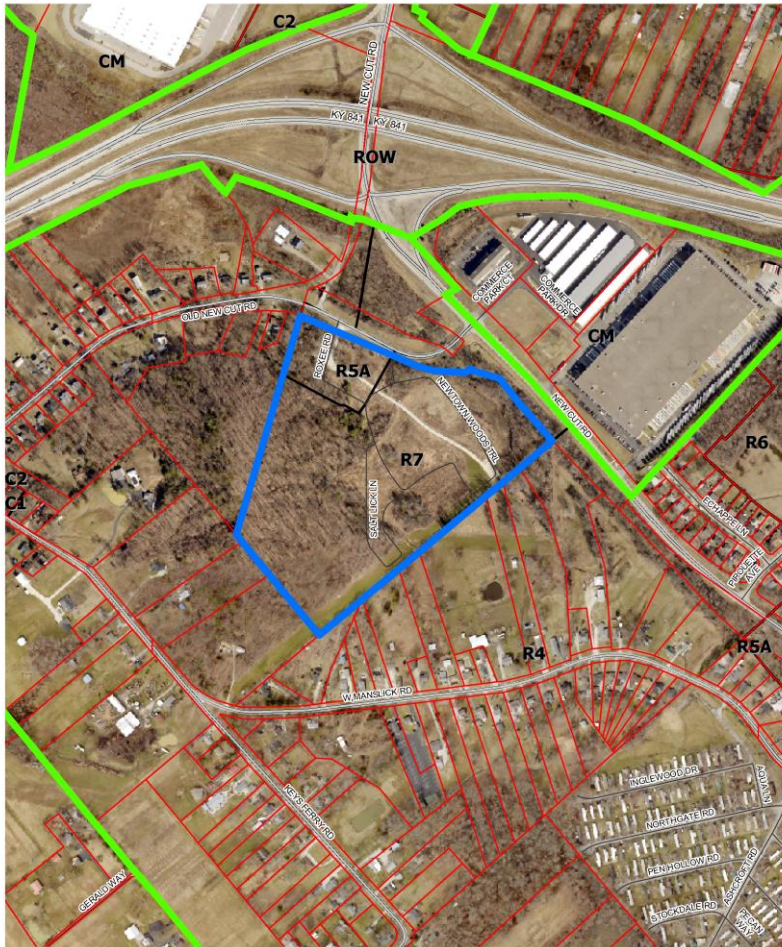
510

Map Created: 6/13/2022

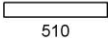


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Aerial Photo



6501 Old New Cut Road
feet



510

Map Created: 6/13/2022



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Site Photos-Subject Property



6448 KY-1865
Louisville, Kentucky
Google
Street View - May 2019



Masterbrand Cabinets
Inc - Fairdale Operations
Expand

Google

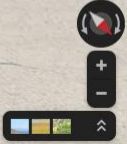


Image capture: May 2019 © 2022 Google United States Terms Privacy Report a problem



View of site from New Cut Road

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Site Photos-Subject Property



View of site from Old New Cut Road

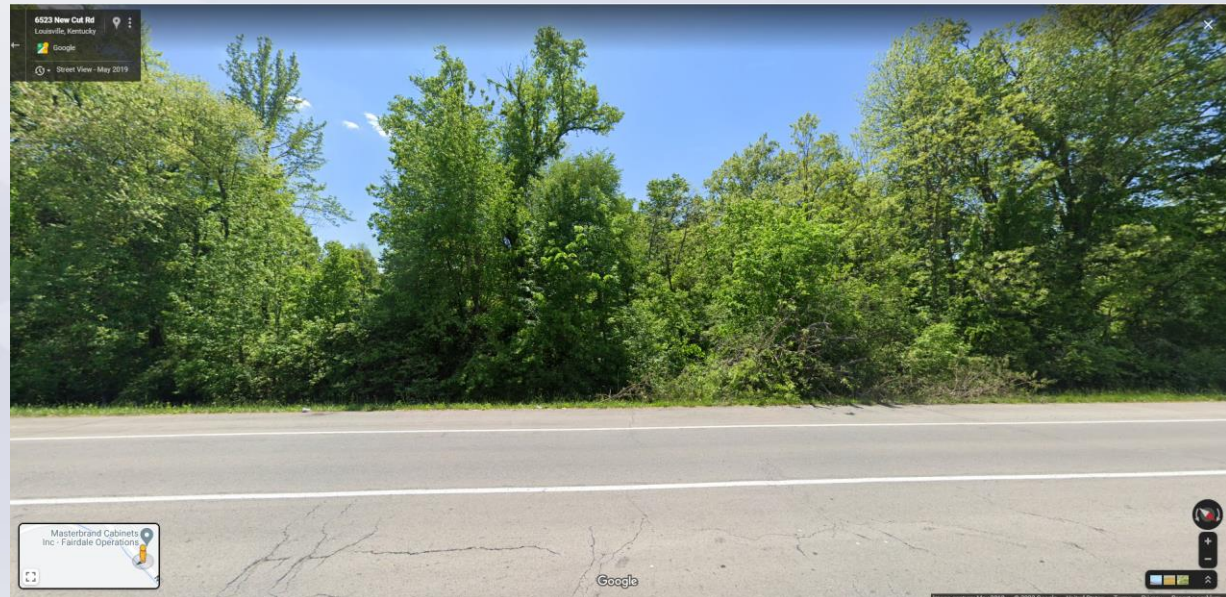
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Site Photos-Surrounding Area

Adjacent single-family to west



Bee Lick
Creek to
east



Site Photos-Surrounding Area

Industrial across
New Cut Road



Bee Lick
Creek across
Old New Cut



Site Photos-Surrounding Area

Single Family to rear of site



Institutional use/single family to rear of site



Existing Binding Element 12(a)

- a. The first two hundred forty (240) units may begin construction upon receipt of approval of a detailed district development plan and construction drawings. However no certificates of occupancy for these units may be requested until the following roadway improvements are completed by the developer:
 - 1. Addition of south bound right turn lane on New Cut Road at Old New Cut Road intersection.
 - 2. Widening of Old New Cut Road to three (3) lanes from New Cut Road to the west property line of the subject property.

Proposed Binding Element 12(a)

- a. The first two hundred forty (240) units may begin construction upon receipt of approval of a detailed district development plan and construction drawings. However no certificates of occupancy for these units may be requested until the following roadway improvements are completed by the developer:
 - 1. Widening of Old New Cut Road to three (3) lanes from New Cut Road to the west property line of the subject property.

Staff Finding

- Planning Commission must determine if BE amendment is adequately justified and meets the standard of review

Required Actions

- **UPHOLD or OVERTURN the LD&T Action to Partially Deny Amendment to Binding Elements**