

Planning Commission

Staff Report

March 16, 2022



Case No:	21-DDP-0083
Project Name:	W Orell Road Multi-family development
Location:	6605 Orell Road
Owner(s):	CAT, PB LLC
Applicant:	Land Design and Development, INC
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Revised Detailed District Development plan with proposed binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a multi-family complex comprised of ten 3-story buildings that will house a total of 240 units. The site is zoned C-M Commercial in the Suburban Marketplace Corridor Form District. There is no maximum density in C-M zoning.

The applicant is proposing 122,362 SF open space which includes 28,461 of recreational open space which will include a clubhouse, a pool, and a dog park and walking path.

STAFF FINDING

Staff finds that the proposal meets the Standard of Review except for not providing a pedestrian connection to Dixie Hwy. There are TARC stops to the north and to the south of this access and not providing sidewalks to safe passage to Dixie Hwy doesn't meet mobility guidelines of the Comprehensive.

Not providing this connection violates mobility and livability guidelines of Plan 2040:

Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 of Plan 2040 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. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Promote joint access and circulation systems for development sites comprised of more than one building site or lot.

Livability Goal 1 Policy 35 Ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multi-modal transportation options.

TECHNICAL REVIEW

MSD and Transportation Planning have preliminarily approved the plan.

INTERESTED PARTY COMMENTS

Staff received a phone call from an adjoining property owner who was concerned with traffic, noise, crime, low income housing and property values.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

- 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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: A pedestrian connection to Dixie Hwy is not being provided. The development plan conforms to the Comp Plan and LDC with the exception of not having a pedestrian connection to Dixie Hwy.

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

STAFF: The applicant is providing 56,922 SF of recreational open space that will include an outdoor pool, clubhouse, dog park and a walking path.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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. Mobility Goal 3, Policies 1-5, 9, 12, 17, 18, 20 of Plan 2040 calls 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. Evaluate developments for their ability to promote public transit and pedestrian use. Encourage development of walkable centers to connect different modes of travel. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. Ensure that

transportation facilities of new developments are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. Promote joint access and circulation systems for development sites comprised of more than one building site or lot. Livability Goal 1 Policy 35 calls to ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multi-modal transportation options

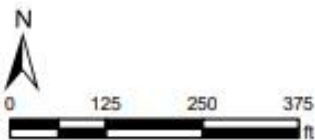
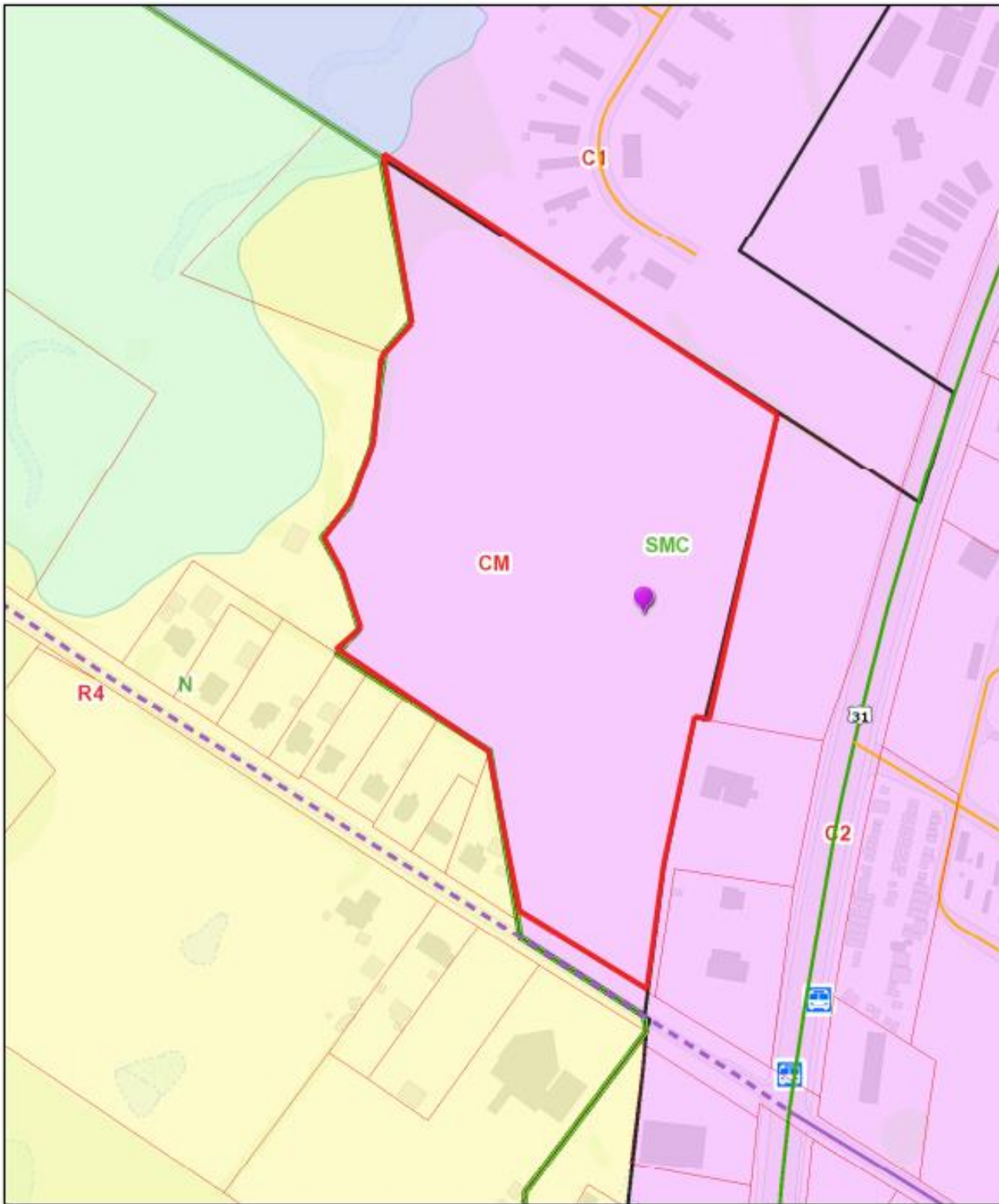
NOTIFICATION

Date	Purpose of Notice	Recipients
3-7-22	Hearing before 3-17-22	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 14

ATTACHMENTS

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

1. Zoning Map



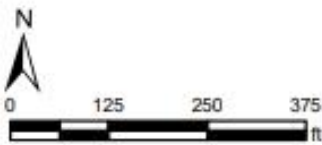
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2. Aerial Photograph



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3. Existing 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 agree upon binding elements unless amended pursuant of the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to 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 commons property lines. 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 and demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau of Highways for any work within the state 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 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.
- ~~6) No over idling or idling of trucks while loading or unloading equipment shall be permitted on site.~~
- 7) The applicant shall submit a Detailed District Development Plan to be approved by Planning Commission prior to construction plan approval that addresses the following elements: building design use, access to W. Orell Rd. specifically pertaining to truck traffic, landscaping adjacent to the single family residences to the south and landscaping along the private access easement and the 6 foot berm. Notification of the meeting shall include anyone who spoke at the Planning Commission public hearing for Case No. 17ZONE1019 & **21-DDP-0083**
- 8) Any change of use or change to the approved development plan shall require Metro Council review and approval.
- ~~9) There shall be no coal ash/fly ash on the premises.~~

5. 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 agree upon binding elements unless amended pursuant of the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
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