

# Land Development & Transportation Committee

## Staff Report

March 8, 2018

March 29

Highlight Packet  
MSD - pump station on site  
Needs to be a private lift station (note)  
MSD + applicant working on sanitary sewer service  
Sidewalk on Leisure Lane  
Fire hydrants - BE  
Revised elevations - 4 story  
Trees on Leisure Lane?  
# of cars parking currently

Parcel ID:	17ZONE1069
Zone:	R-6 to R-7
Name:	Park Lake Apartments
Address:	7100 Leisure Lane Dennis Anderson, Park Lake Apartments, LLC
Applicant:	Park Lake Apartments, LLC
Representative:	Cliff Ashburner, Dinsmore & Shohl, LLP
Organization:	Louisville Metro
District:	23 - James Peden
Staff Manager:	Laura Mattingly, AICP, Planner II

### REQUEST(S)

- **Change in Zoning** from R-6, Multi-Family Residential to R-7, Multi-Family Residential on 10.83 acres
- **Detailed District Development Plan** with Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct four additional multi-family structures within an existing apartment community in southern Jefferson County, just west of McNeely Lake Park. The proposed buildings would be three and four stories and will be adding 52 units to the development for a total of 292 units. These changes will alter the overall density of the development from 22.16 units per acre to 27.15 units/acre, requiring a change in zone to allow the higher density. Access will remain from Leisure Lane, a local road. The proposal also includes adding 88 parking spaces for a total of 448 spaces.

### STAFF FINDINGS

The proposal is ready to be scheduled for the next available public hearing. All remaining MSD comments need to be resolved and the area identified by the Ky Heritage Council as an archeological site needs to be delineated on the plan prior to Planning Commission.

### TECHNICAL REVIEW

- Transportation staff has approved the proposal.
- The applicant has agreed to work with MSD to resolve the few remaining comments.
- Kentucky Heritage Council identified an area on this site where Durrets Cave and associated archeological deposits could be disturbed by construction. The applicant has re-designed the site in order to not disturb this area, located at the southeast corner of the site. This area needs to be delineated on the development plan.

### 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 Cornerstone 2020; 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 Cornerstone 2020 which have substantially altered the basic character of the area.

**STAFF ANALYSIS FOR REZONING**

Following is staff’s analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

**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 and incomes. 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, neo-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 condominium-style or rental 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, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to 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.

This proposal contributes to housing choice in an area dominated by single family homes and condominiums. It is near an activity center with offices, retail and institutional uses and is similar to another multifamily development to the west across Hurstbourne Pkwy in site design, density and massing. While near a transit route, the proposal does not include sidewalks and will need to provide some type of mitigation for not providing the parkway buffer along Hurstbourne.

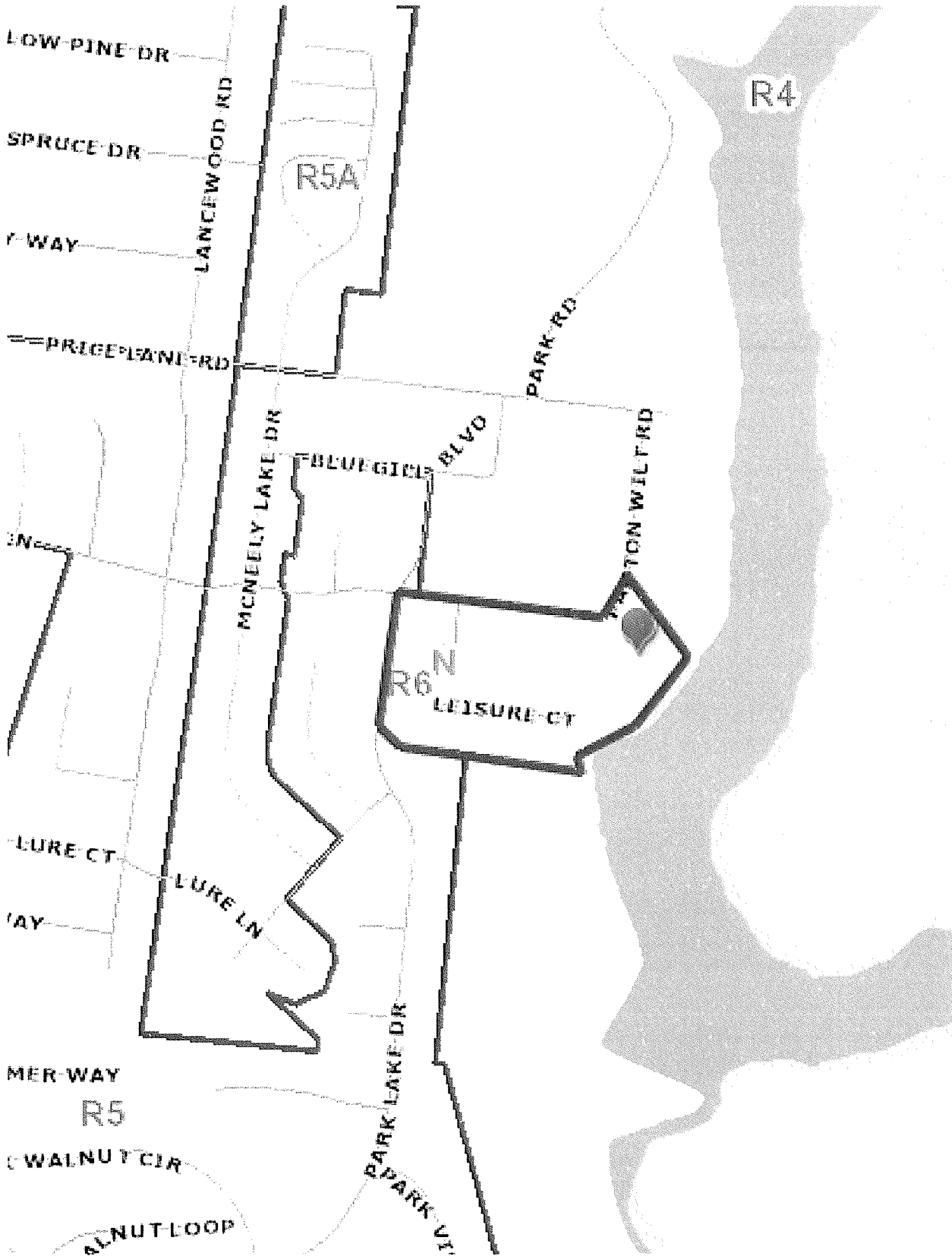
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
2/20/2018	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 23 Notification of Development Proposals
	Hearing before PC / BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 23 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

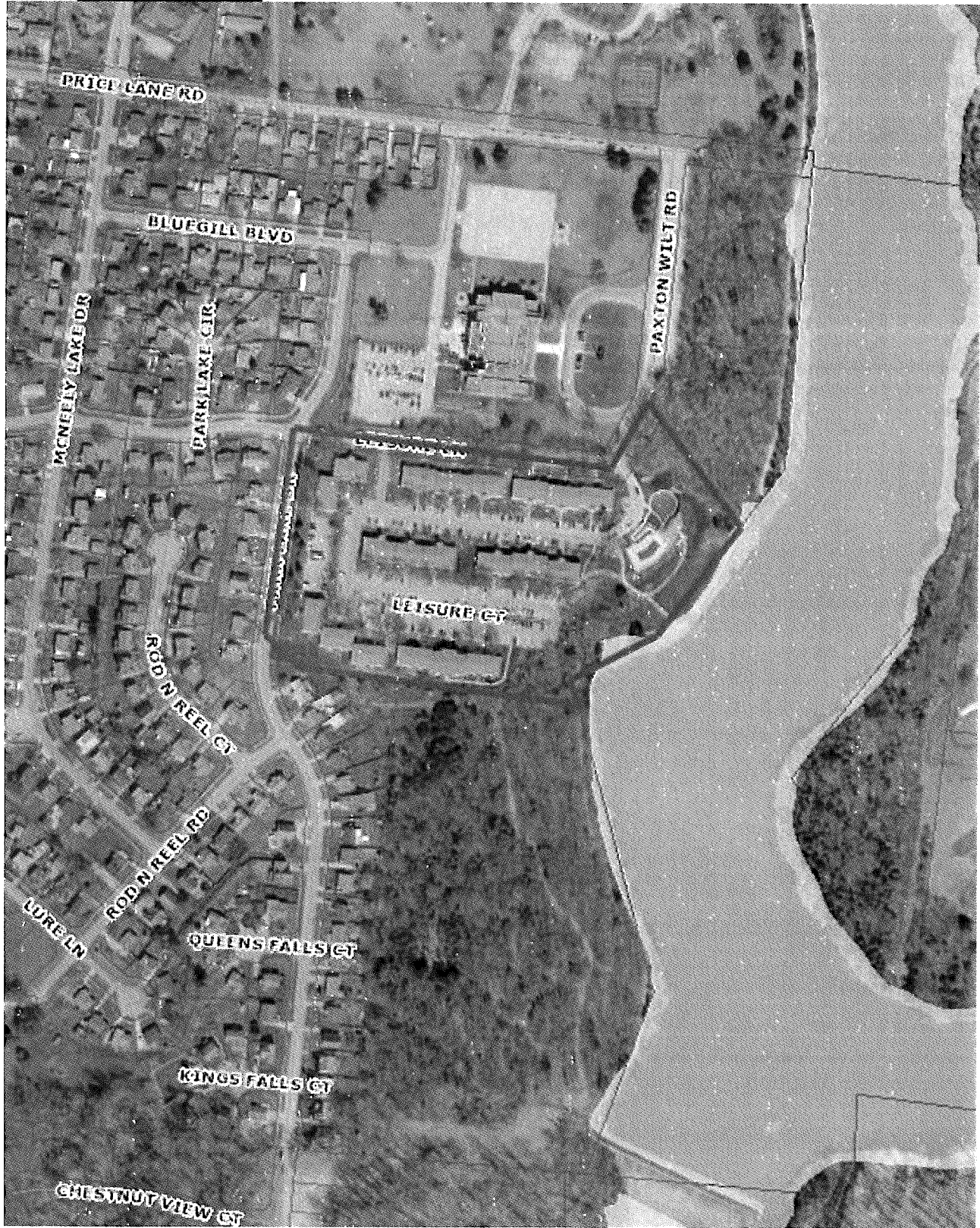
## **ATTACHMENTS**

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

1. Zoning Map



2. **Aerial Photograph**



### **3. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.
9. No land disturbance will occur on the southeast portion of the site where the Kentucky Heritage Council has identified Durrett's Cave and associated archeological deposits, as shown on the development plan.
10. The applicant, developer or property owner will work with the Louisville Metro Parks Department to allow a portion of the Louisville Loop to cross the property along the banks of McNeely Lake. This area will be recorded as an easement or transferred as a fee simple property at the time.