

Planning Commission

Staff Report

May 21, 2026



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| Case No: | 25-DDP-0094 |
| Project Name: | Bluebird Luxury Lofts |
| Location: | 10619 Watterson Trail |
| Applicant: | Happy King LLC |
| Representative: | Land Design & Development, Inc |
| Jurisdiction: | Jeffersontown |
| Council District: | 11 – Kevin Kramer |
| Case Manager: | Abby Bills, Planner I |

REQUEST

- **Waiver** from Jeffersontown Land Development Code 10.2.4.A to waive the property perimeter landscape buffer area between the R-7 and OR-3 zoning boundary on the parcel (26-WAIVER-0043).
- **Revised Detailed District Development Plan (RDDDP)** with revised binding elements.

CASE SUMMARY

The subject site is approximately 5.56 acres, zoned R-7 Multi-Family Residential and OR-3 Office Residential in the Town Center Form District, located in the City of Jeffersontown. There is currently an office building on the subject site that is proposed to be demolished. The applicant is proposing to construct a 161-unit apartment complex, consisting of 3 four-story buildings and 252 parking spaces.

Case History:

- **9-53-79:** A Change in Zoning from R-4 Single-Family Residential to R-7 Multi-family Residential, and a General District Development Plan for a proposed Senior Housing project consisting of single-family houses, apartments, and a nursing home. Obtained in conjunction with case B-76-79.
- **B-76-79:** A Conditional Use Permit for a Nursing Home Facility. Obtained in conjunction with case 9-53-79.
- **9-80-84:** A Change in Zoning from R-7 to R-9, and a General District Development Plan for a proposed office building with 2 dwelling units. The Change in Zoning was for a small portion of the site located on the corner of Bluebird Lane and Watterson Trail.
- **13DEVPLAN1081:** A Revised Detailed District Development Plan for a proposed expansion to the existing Nursing Home Facility, Amendments to Binding Elements, and a Modified Conditional Use Permit.
- **20-DDP-0057:** A Revised Detailed District Development Plan for a proposed 110-unit apartment complex, Amendments to Binding Elements, Variances, and Waivers.
- **20-DDP-0072:** A Revised Detailed District Development Plan, Amendments to Binding Elements, and a waiver.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

STAFF FINDING

Staff finds that the request is adequately justified and meets the applicable standards of review. The proposed development is consistent with the guidelines of Plan 2040 and meets the requirements of the Land Development Code, except for the requested Waiver, which is adequately justified for approval.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (26-WAIVER-0043)

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

STAFF: The waiver will not adversely affect adjacent property owners as the zoning boundary along which the Property Perimeter Landscape Buffer Area is required is internal to the site. The applicant is providing a VUA Landscape Buffer Area where required along the property boundary as well, which will mitigate adverse impacts.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community Form Goal 1, Policy 9 seeks to ensure that there is an appropriate transition between uses that are substantially different in scale and intensity of development through methods such as buffers, berms, etc. As the zoning boundary along which the Landscape Buffer Area is required falls in the middle of the parcel, there will be no difference in the scale or intensity of the development on either side of the boundary. The different uses surrounding the parcel will be adequately buffered by the required VUA Landscape Buffer Area, therefore the development falls in line with the intent of the Comprehensive Plan.

- 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 is the minimum necessary to afford relief to the applicant as the required Landscape Buffer Area cannot be reduced to a more appropriate width to allow the applicant reasonable use of the land, as it is internal to the parcel.

- 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 and would create an unnecessary hardship on the applicant. The zoning boundary is internal to the site. As such, providing the required Landscape Buffer Area would deprive the applicant of a large amount of usable land and would be unnecessary as there is no difference in intensity or use between both sides of the buffer area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 are no significant natural or cultural resources present on the subject site. Compliance with the applicable tree canopy requirements will be achieved through submission of a detailed landscape plan, which will be reviewed and approved by the City of Jeffersontown prior to the issuance of construction permits.

- 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 circulation within the development and the surrounding community have been incorporated into the proposal. Metro Public Works has reviewed and approved the preliminary development plan.

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

STAFF: Provisions for sufficient open space have been provided in the proposal, through both scenic and recreational open space areas. All open space requirements of the Jeffersontown Land Development Code have been met.

- 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 proposed land use are compatible with both existing and anticipated future development in the area. The surrounding context consists of a mix of commercial, industrial, and residential development, making the proposal consistent with the prevailing development pattern. Landscape buffering and screening will be provided to screen adjacent properties and roadways where appropriate.

- 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 complies with the applicable guidelines and policies of the Comprehensive Plan and to the requirements of the Land Development Code, with the exception of the requested waiver.

Housing Goal 1, Policy 1 encourages a variety of housing types including detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and cohousing.

It also allows for accessory residential structures and apartments and encourages housing types that reflect the Form District pattern. The Town Center Form District places more intense commercial and residential uses in proximity to major thoroughfares, with the intensity gradually declining towards “edge” or “transition” areas to lower density residential neighborhoods. The proposal fits the intent of the form district and the Comprehensive Plan, as it contributes to the mixed variety of housing types in the vicinity and is located in close proximity to the major thoroughfare of Taylorsville Rd.

Additionally, Community Form Goal 1, Policy 7 encourages higher density and intensity uses near major transportation facilities, transit corridors, employment centers, activity centers, or other areas where demand and adequate infrastructure exists. The proposed location near the Taylorsville Road and Watterson Trail intersection conforms to the intent of this Community Form goal.

REQUIRED ACTION:

- **RECOMMEND** that the city of Jeffersontown **APPROVE** or **DENY** the **Waiver** from Jeffersontown Land Development Code 10.2.4.A to waive the property perimeter landscape buffer area between the R-7 and OR-3 zoning boundary on the parcel (26-WAIVER-0043).
- **RECOMMEND** that the city of Jeffersontown **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revised binding elements.

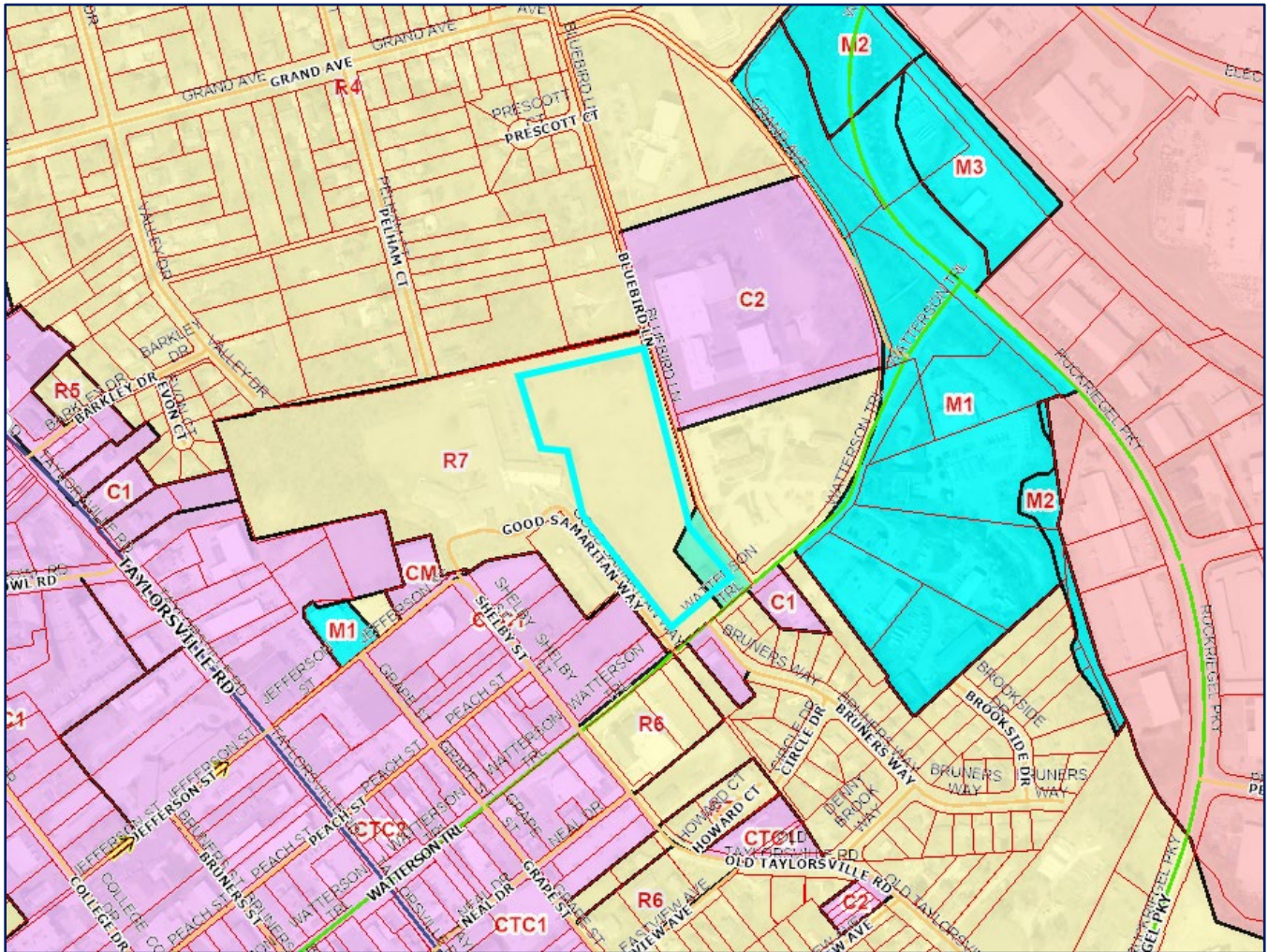
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|--------------------|---|
| 4/2/2026 | Hearing before DRC | 1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 11 |

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with Proposed Revisions

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 or alterations of any binding element(s) shall be submitted to the Planning Commission or its designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance~~
- ~~3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.~~
- ~~4. Outdoor Lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.~~
5. 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.
6. 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 City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).~~
 - ~~b. The appropriate Conditional Use Permits shall be obtained from the Jeffersontown Board of Zoning Adjustment to allow the development as shown on the approved district development plan.~~
 - 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.**
- ~~7. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
- ~~8. If a building permit is not issued within two years of the date of approval of the plan, 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 and the City of Jeffersontown.~~

9. ~~The property owner shall provide any easements that the City of Jeffersontown requires to allow for the construction of the bike and ped path through the property.~~
10. 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 and City of Jeffersontown.
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. **There shall be no blasting allowed during the construction of this development.**

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 and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission or its designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. 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. 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.
4. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. 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. 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 and City of Jeffersontown.
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. There shall be no blasting allowed during the construction of this development.