

**Land Development & Transportation Committee  
Staff Report**  
April 27, 2017



<b>Case No:</b>	17ZONE1005
<b>Request:</b>	R-4 to R-6
<b>Project Name:</b>	Tucker Station Apartments
<b>Location:</b>	1411 Tucker Station Rd
<b>Owner:</b>	Anna & Charles Voit
<b>Applicant:</b>	Archview Properties
<b>Representative:</b>	Bardenwerper, Talbott & Roberts, PLLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20-Stuart Benson
<b>Case Manager:</b>	Laura Mattingly, Planner II

**REQUEST**

- Change in zoning from R-4 to R-6, *R-4 to PEC*
- ~~Detailed District Development Plan~~  
*General & Detailed*

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is proposing a 370 unit multi-family development on a 39.5 acre site in central eastern Jefferson County. The proposal consists of 17 two and three story apartment buildings, garages, a clubhouse and pool, dog park and carwash. The site contains a protected waterway and floodplain on the eastern portion. No development is proposed in this area and all required waterway buffers are proposed. The site has two access points from Tucker Station Road and will be dedicating 40 feet of right-of-way.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single Family Residential	R-4	SW
<b>Proposed</b>	Multi-Family Residential	R-6	SW
<b>Surrounding Properties</b>			
<b>North</b>	Interstate	NA	NA
<b>South</b>	Single Family Residential	R-4	SW
<b>East</b>	Single Family Residential	R-4	SW
<b>West</b>	Industrial/Office/Single Family	PEC	SW

**PREVIOUS CASES ON SITE**

None found.

**INTERESTED PARTY COMMENTS**

Staff has received several emails and one phone call in opposition.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### 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 proposed to be located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

### TECHNICAL REVIEW

The plan is in order and has received preliminary approvals from Transportation and MSD.

Public Works has reviewed the Traffic Impact Study and determined that the applicant contribute to a traffic signal at the intersection of Tucker Station Road and Bluegrass Pkwy in order to mitigate for increased traffic. A binding element has been proposed to indicate this.

TARC has recommended the construction of a 24' x 8' boarding area due to the large number of dwelling units proposed and the increased demand for transit in the area of Bluegrass Park.

### STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

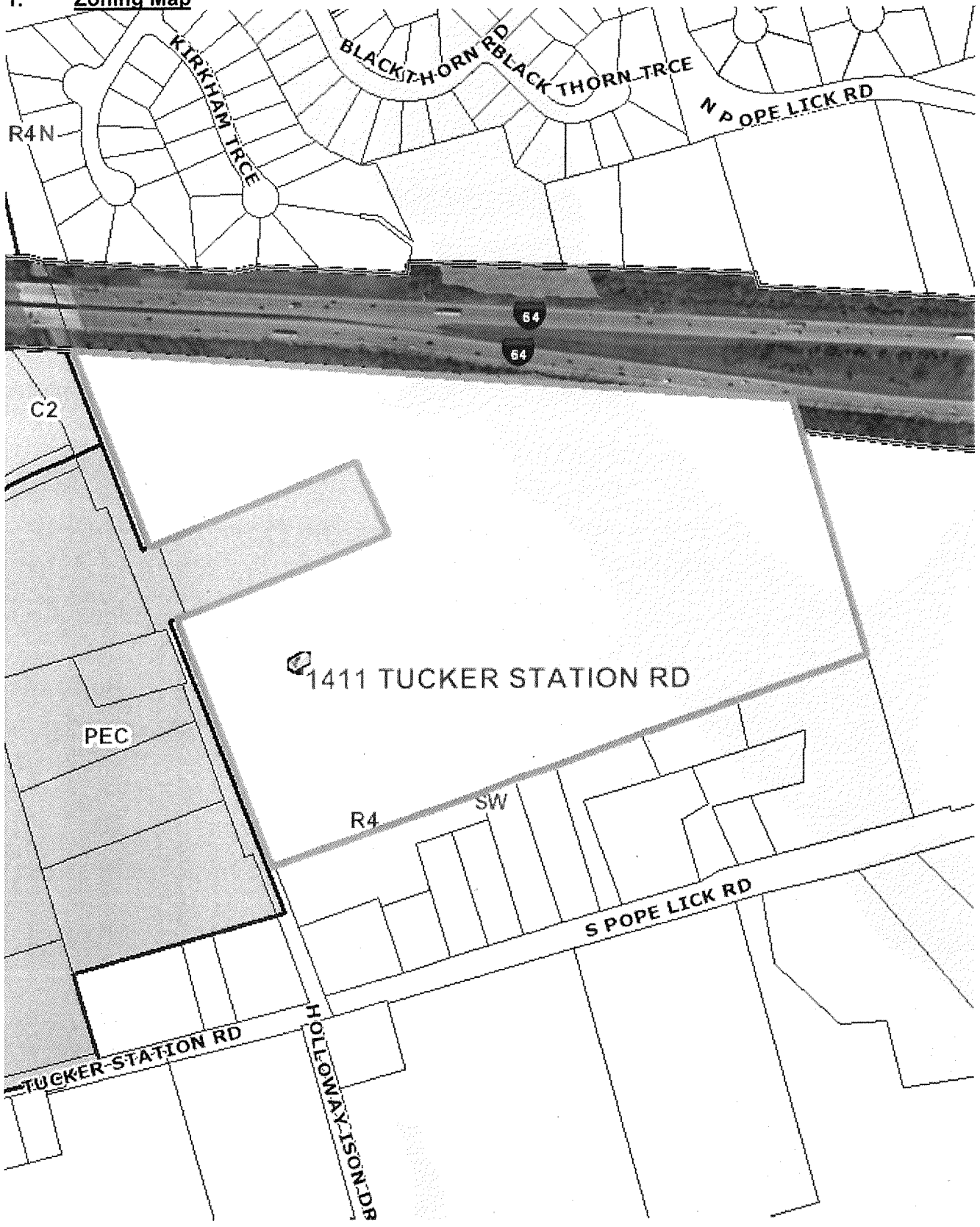
### NOTIFICATION

Date	Purpose of Notice	Recipients
04/11/17	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 10 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 10 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

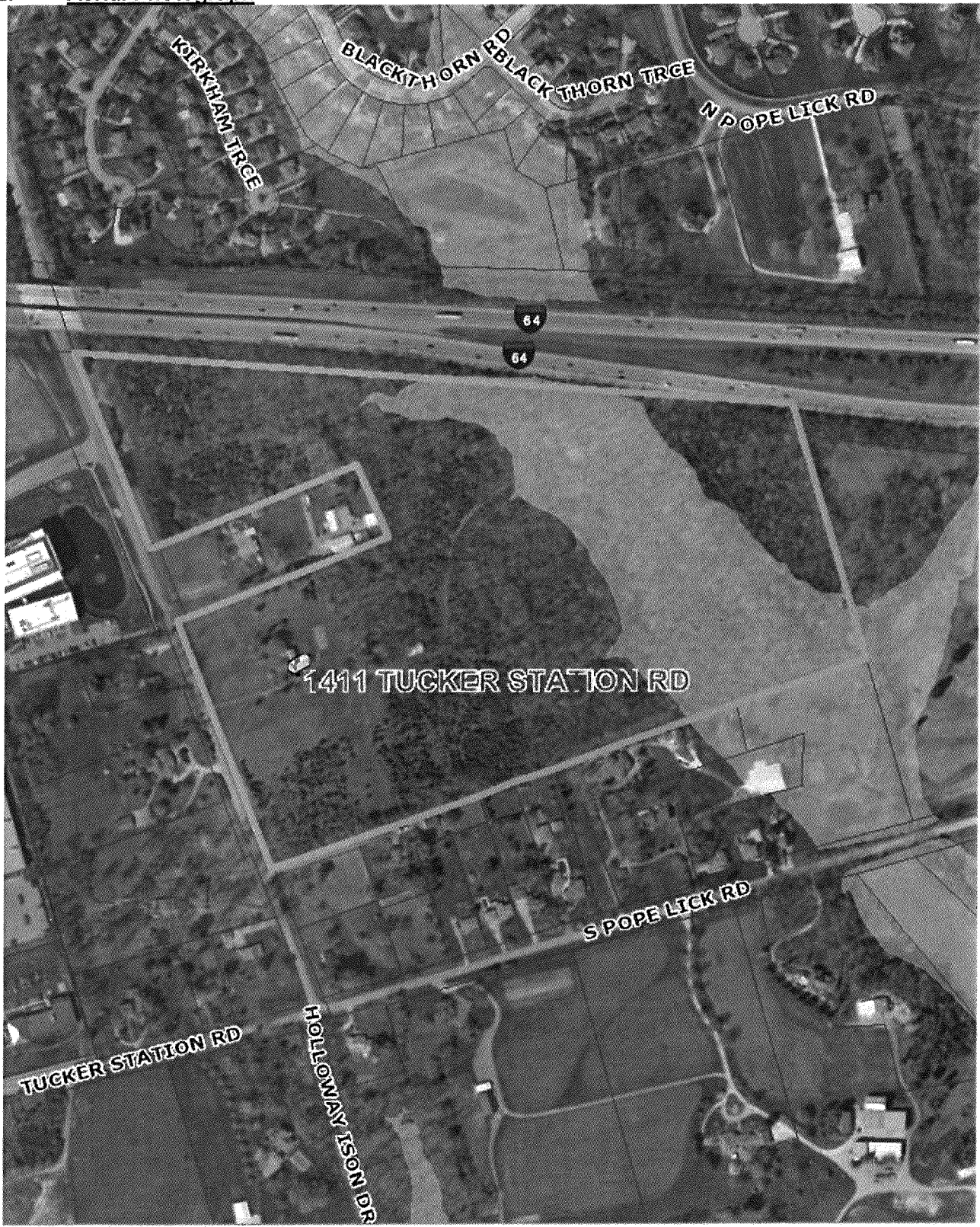
### ATTACHMENTS

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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - 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.
  - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - e. 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. The developer shall contribute their prorated portion, not to exceed \$10,200 to the cost of the signal installation at Tucker Station Rd and Bluegrass Pkwy; this shall be paid within 30 days of the request by the Director of Louisville Metro Public Works.