

Land Development and Transportation Committee

Staff Report

April 27, 2023



Case No:	22-ZONE-0093
Project Name:	LDG Gilmans Point
Location:	4101, 4159, 4163 Westport Rd; 329, 331 and 333 Ridgeway Ave
Owner(s):	Gillmans Point, LLC
Applicant:	LDG Development
Jurisdiction:	St Matthews
Council District:	9 – Andrew Owens
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Change in zoning** from R-7, OR-3, C-1 and CN to R-7 Multifamily residential
- **Variance** of St Matthews Development Code section 4.12.C.8.a to reduce the required open space from 175,000 SF to 124,912 SF
- **Revised District Development Plan** with abandonment of existing binding elements
- **District Development plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 285 multifamily dwelling units in 3 buildings. The subject site is approximately 8.71 acres and currently contains a mix of multifamily residential units and a commercial nursery. The site is located in St Matthews at the intersection of Westport Rd and Ridgeway Ave. The site contains a mix of multifamily residential, commercial and office zoning districts and the surrounding area contains a variety of zoning districts and uses. A portion of the CN zoned area of the site is Plan Certain, previously rezoned under docket 9-44-82 as part of a proposed commercial development.

STAFF FINDING

The proposal is ready for a public hearing. A group of neighbors has submitted a petition for a night hearing at a convenient location with more than 300 verified signatures.

TECHNICAL REVIEW

The preliminary plan has been approved by MSD and Transportation Planning.

REQUIRE ACTIONS

- Set the Public Hearing Date (Night Hearing at Convenient Location)

INTERESTED PARTY COMMENTS

Several area residents have contacted staff to express their opinions regarding this proposal. See attachments for resident emails and petition.

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 Plan 2040; 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 Plan 2040 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Plan 2040.

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium-to high- intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Transit-oriented development and park and ride facilities are encouraged to facilitate the creation of transit nodes throughout the community. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower-density residential uses in adjacent Form Districts. Medium density residential uses may serve as a transition area from lower-to higher-density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

The Louisville Metro Planning Commission is charged with making a recommendation to the City of St Matthews regarding the appropriateness of this zoning map amendment. St Matthews City Council has zoning authority over the property in question.

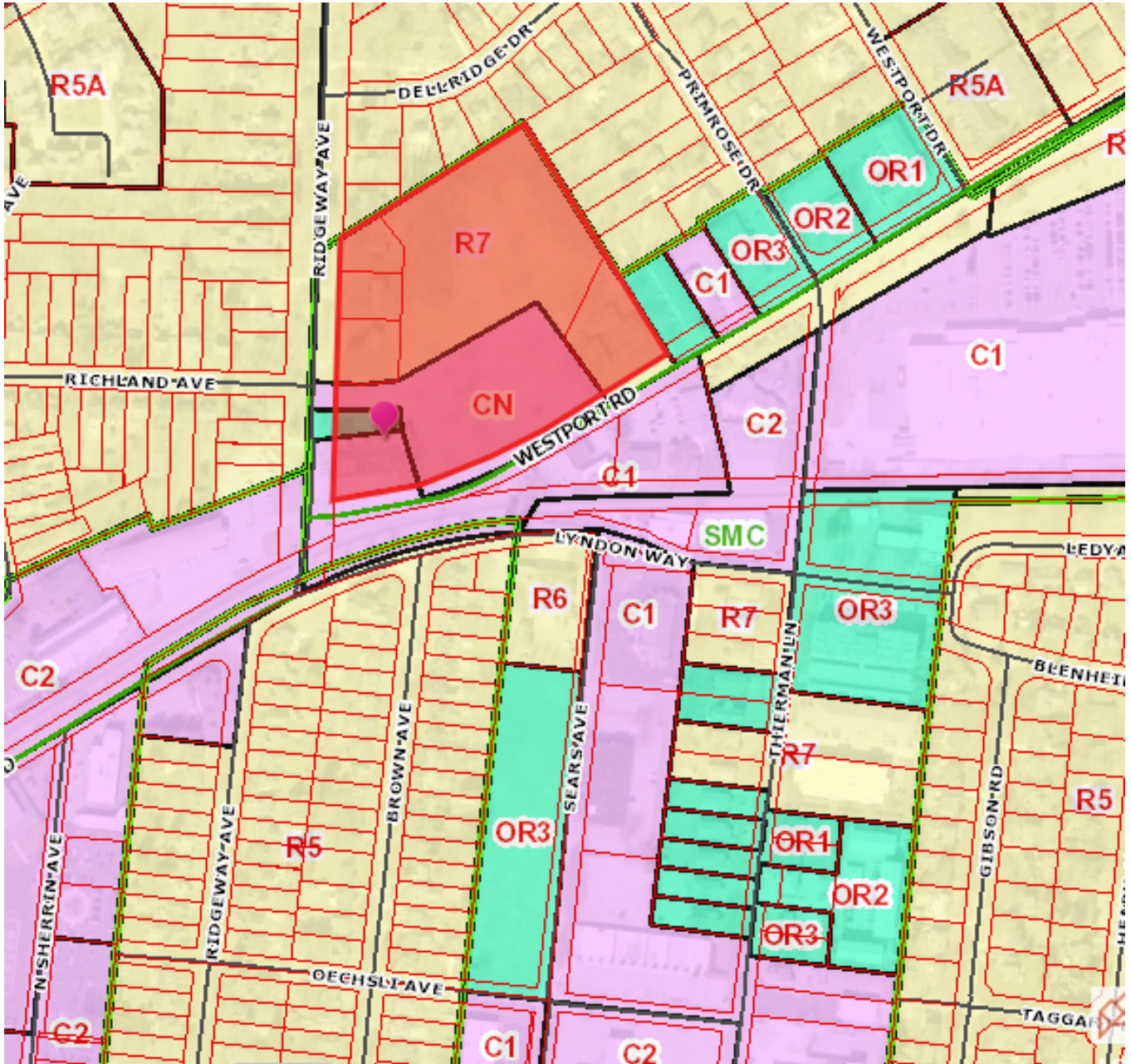
NOTIFICATION

Date	Purpose of Notice	Recipients
4-13-23	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
	Hearing before ____	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 9
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

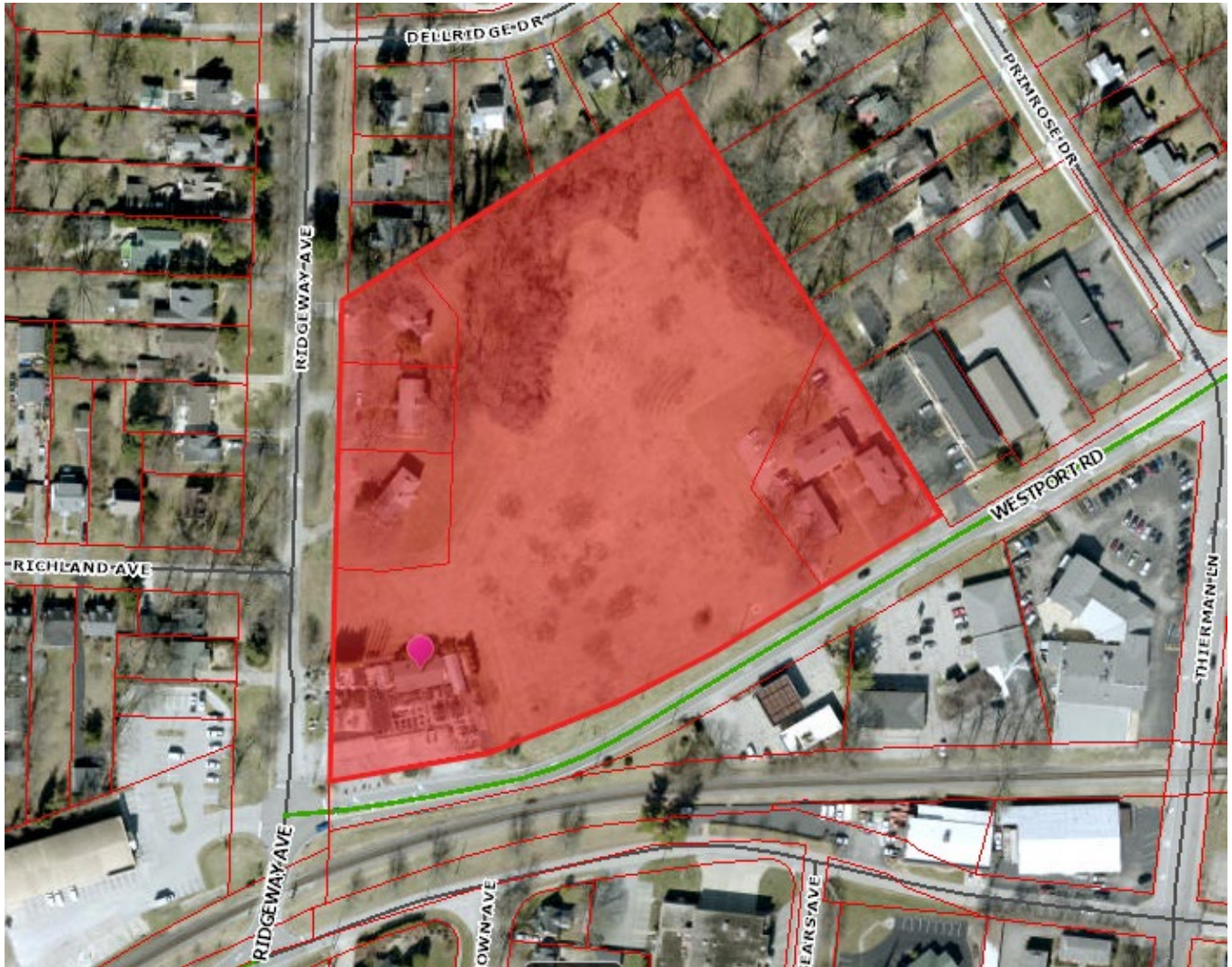
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements from case 9-44-82 to be replaced
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements from case 9-44-82 to be replaced

1. The plan must be reapproved by the Transportation Engineering and Water Management Sections of the Jefferson County Department of Public Works and Transportation.
2. The size and location of any proposed sign must be approved by the City of St. Matthews. No sign shall exceed 24 square feet in area.
3. Buffering in the form of fencing and evergreen plantings shall be implemented as shown on the approved district development plan.
4. The screening shall be maintained by the property owner.
5. The site of this request shall be consolidated with the existing property zoned C-N Neighborhood Commercial and located immediately east of this site.
6. The Ridgeway Avenue access will be limited to customer traffic only. No delivery truck traffic will be permitted to use this access.
7. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Development Code and agreed upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and the City of St Matthews 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 and the City of St Matthews Public Works Director.
 - b. A minor subdivision plat or legal instrument shall be recorded consolidating the development site into a single lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and the City of St Matthews prior to obtaining a building permit.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case

file on record in the offices of the Louisville Metro Planning Commission and the City of St Matthews.

4. 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.
5. 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.