

PLANNING COMMISSION MINUTES
August 29, 2019

PUBLIC HEARING

CASE NO. 18ZONE1086

Request:	Change in zoning from R-4 to R-7, and Detailed District Development Plan with Binding Elements
Project Name:	Clover Senior Housing
Location:	8700 Old Bardstown Road
Owner:	George E Koppel Jr Rev Trust
Applicant:	Clover Communities Bardstown LLC
Representative:	McBride Dale Clarion
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel

Case Manager: **Dante St. Germain, AICP, Planner II**

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

This case was continued from the August 15, 2019 public hearing to allow Planning & Design to post a sign on the property. Dante St. Germain represented a summary of the request (see staff report and video for the PowerPoint presentation).

The following spoke in favor of this request:

Robert Sweet, 5721 Dragon Way, Suite 300, Cincinnati Ohio 45227

Summary of testimony of those in favor:

Robert Sweet was here to answer questions.

The following spoke in opposition of this request:

No one spoke.

Deliberation

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Commissioners discussed (see recording for detailed presentation).

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in Zoning

On a motion by Commissioner Carlson, seconded by Commissioner Daniels, the following resolution, based on the Staff Report and testimony heard today and on August 15, 2019, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets Community Form: Goal 1 because the subject site is located near an activity center and near a transit corridor. The proposed zoning district would allow higher density and intensity uses; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 1 because required buffers will be provided. The proposed zoning district would create an appropriate transition between the commercial uses to the east and the lower-density residential uses to the west; and

WHEREAS, the Commission further finds that the proposal meets Community Form: Goal 2 because the proposed zoning district would permit new development that provides residential uses; and

WHEREAS, the Commission further finds that the proposal meets Community Form Goal 3 because no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Community Form Goal 4 because no distinctive cultural features are evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Community Form Goal 4 because no historic assets were evident on the site; and

WHEREAS, the Commission further finds that the proposal meets Mobility Goal 1 because the subject site is near an existing activity center. The proposed zoning district would permit higher density and intensity uses; and

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WHEREAS, the Commission further finds that the proposal meets Mobility Goal 2 because access to the site will be achieved from Old Bardstown Road, a primary collector; and

WHEREAS, the Commission further finds that the proposal meets Mobility Goal 3 because proposed zoning district would increase the mixture of compatible land uses in the vicinity; and

WHEREAS, the Commission further finds that the proposal meets Mobility Goal 3 because Transportation Planning has approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Mobility Goal 3 because direct residential access to high speed roadways is not proposed; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities Goal 2 because the relevant utilities have approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Community Facilities Goal 2 because the Louisville Water Company and Metropolitan Sewer District have approved the proposal; and

WHEREAS, the Commission further finds that the proposal meets Livability Goal 1 because karst features have been identified on and near the site but the proposal avoids these features, is not located in the floodplain, and meets the tree canopy requirements; and

WHEREAS, the Commission further finds that the proposal meets Housing Goal 1 because the proposed zoning district would increase the variety of housing types in the general vicinity and the proposed zoning district would permit housing options that support aging in place; and

WHEREAS, the Commission further finds that the proposal meets Housing Goal 2 because the proposed zoning district would permit inter-generational mixed-income development, the proposed development plan would introduce senior housing, and the subject site is located in proximity to Bardstown Road, and a shuttle service will be provided by the applicant to improve the mobility of the residents; and

WHEREAS, the Commission further finds that the proposal meets Housing Goal 3 because the proposed zoning district would encourage the provision of fair and affordable, the site is undeveloped and no existing residents will be displaced, and

housing

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proposed zoning district would permit the use of innovative methods of housing; therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 to R-7 on property described in the attached legal description be **APPROVED**

The vote was as follows:

YES: Commissioners Brown, Tomes, Lewis, Howard, Carlson, Daniels and Jarboe.

NOT PRESENT AND NOT VOTING: Commissioners Smith and Peterson.

Detailed District Development Plan with Binding Elements

On a motion by Commissioner Carlson, seconded by Commissioner Tomes, the following resolution, based on the Staff Report and testimony heard today and on August 15, 2019, was adopted:

WHEREAS, 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; and

WHEREAS, provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan; and

WHEREAS, open space requirements are being met. Recreational open space will be provided with amenities; and

WHEREAS, 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; and

WHEREAS, the overall site design and land uses are compatible with the existing and future development of the area. The site is adjacent to an existing commercial activity center and will provide an appropriate transition between that commercial activity and the lower-density residential uses to the west; and

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WHEREAS, the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following 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 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

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- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 15, 2019 Planning Commission public hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 audible beyond the property line.
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 multi-family units shall be age restricted to 55 years of age and older to comply with the Fair Housing Act and the Housing for Older Persons Act.

The vote was as follows:

YES: Commissioners Brown, Tomes, Lewis, Howard, Carlson, Daniels and Jarboe.

NOT PRESENT AND NOT VOTING: Commissioners Smith and Peterson.