

Planning Commission Staff Report

December 2, 2021



Case No:	21-ZONE-0021
Project Name:	4634 Southcrest Drive
Location:	4634 Southcrest Drive
Owner(s):	Sherman Enterprise Properties, LLC
Applicant:	Sherman Enterprise Properties, LLC
Representative(s):	Pitt, Franck, Distler, Bearden, & Henderson, PSC
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Joel P. Dock, AICP, Planning Coordinator

REQUEST(S)

- **Change-in-Zoning** from R-5, single-family to R-5B, two-family residential
- **Detailed District Development Plan**

CASE SUMMARY

The applicant has proposed a change in zoning to accommodate 2 existing dwelling units on the property. The subject site is 3 blocks west of Southern Parkway, an arterial roadway with transit service (TARC route #4), and south of I-264. A driveway from Southcrest Drive provides for off-street parking and alley access is also available. A paved walk is proposed to the entrance of one of the dwellings from the driveway. No other improvements are proposed.

STAFF FINDING

This case will need to be continued to the December 16, 2021 public hearing. Staff failed to post the required notice (sign) of the public hearing on the property.

The proposed change in zoning conforms to the land use and development policies of Plan 2040. The proposed district expands opportunities for people to live in quality, variably priced housing in locations of their choice that is also in proximity to transit, employment, goods and services, and amenities.

The detailed district development plan is adequately justified for approval based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

- An appeal of a non-conforming rights determination was made to the Board of Zoning Adjustment in case 20-APPEAL-0006. The minutes of record reflect that the property existed as a duplex, but the continuous use as a duplex from 1971 to the present could not be established and non-conforming rights and the appeal were denied.
- A conditional use permit for an accessory apartment is an option but this would require relief from the standards, specifically the occupancy status of the owner. The owner does not reside at the property.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

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

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

The site is in the Traditional Neighborhood Form District

This form is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings. Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood- serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces

The proposed district is located within proximity to transportation and transit corridors, as well as commercial activities where demand and adequate infrastructure are present. The site is 3 blocks west of Southern Parkway, which provides for TARC service route #4 connecting from the site to Downtown Louisville. The International airport and surrounding employment centers are near the site.

The proposed district allows appropriately located housing choice and options in a neighborhood with a variety of amenities. It preserves existing structures that contribute to the character of the area and allows for the introduction of flexible and alternative housing styles at an appropriate location. The subject site is near shopping and transit routes, as well as medical and other supportive facilities. The proposal ensures the continuation of inclusive housing within neighborhoods as the proposed density allows for 2 residential dwellings to be present. This type of housing expands opportunities for people to live in quality, variably priced housing in locations of their choice.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- 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: 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 will be provided. The site does not contain environmental features. The proposal preserves existing structures that contribute to the character of the area.

- 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 transportation within and around the development and the community will be provided. Sidewalks are present along transit routes.

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

STAFF: No open space is required. A rear yard provides for private open space for residents.

- 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 provisions 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: No changes to the subject site which would reduce compatibility are proposed. The dwellings are within an existing structure and no new structures are proposed.

- 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 proposed development plan conforms to the Comprehensive Plan and the Land Development Code. No relief has been requested. The proposal is near transportation and transit corridors, as well as commercial activities where demand and adequate infrastructure are present. The site is 3 blocks west of Southern Parkway, which provides for TARC service route #4 connecting from the site to Downtown Louisville. The International airport and surrounding employment centers are near the site. Further, the proposal preserves existing structures that contribute to the character of the area and allows for appropriately located housing choices.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-5, single-family to R-5B, two-family residential on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detailed District Development Plan**

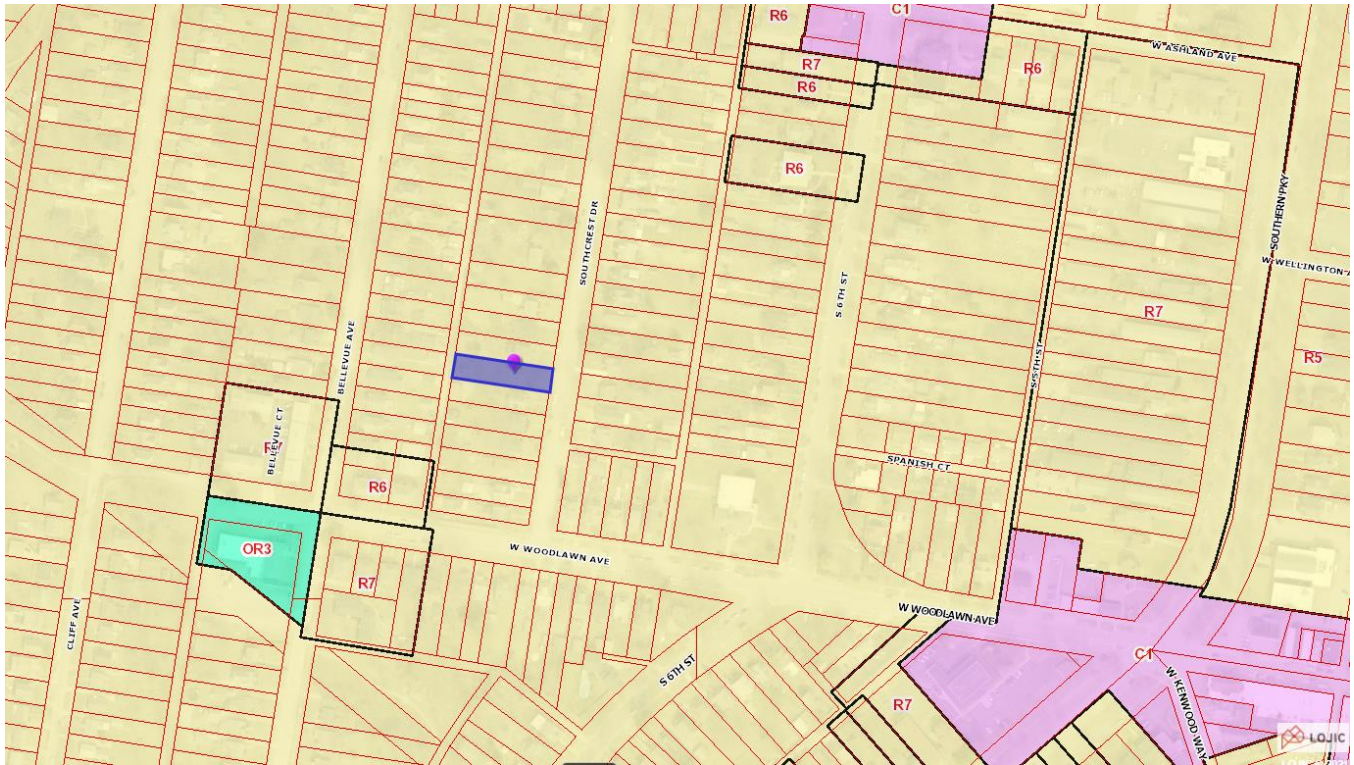
NOTIFICATION

Date	Purpose of Notice	Recipients
10/13/21	Hearing before LD&T	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 21
11/18/21	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 21
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Staff Analysis

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Traditional Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	7. Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed district is located within proximity to transportation, transit, and commercial activities where demand and adequate infrastructure is present. The site is 3 blocks west of Southern Parkway, which provides for TARC service route #4 connecting from the site to Downtown Louisville. The International airport and surrounding employment centers are near the site.
2	Land Use & Development Goal 1: Community Form	9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development as surrounding land uses are similar in intensity and density to the proposed district and no mitigation is needed between 1 unit and 2 units on abutting property. The proposed density allows no more than 2 dwellings on the property which is roughly the equivalent of one primary dwelling and one accessory dwelling.
3	Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The proposal provides for residential flexibility at an appropriate location within proximity to a wide variety of services and amenities and transit.
4	Land Use & Development Goal 3: Community Form	10. Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site does not appear to possess any issues related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
5	Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The proposal preserves existing structures that contribute to the character of the area and allows for the introduction of flexible and alternative housing styles at an appropriate location.
6	Land Use & Development Goal 4: Community Form	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	✓	The proposal contributes to the character of the area by allowing for the introduction of flexible and alternative housing styles within an existing structure or as infill development within established neighborhoods.
7	Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed district is located 3 blocks from a transit line serving downtown Louisville and near commercial activities which support a transit-oriented development patterns and efficient public transportation network.
8	Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	Access to the site is obtained through public roads crossing similar and compatible densities.
9	Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district is easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Sidewalks are not available on the frontage road, but they are present along the nearby transit routes.
10	Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The proposal does not impact the street network.
11	Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	No improvements to the transportation network are required of this development.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
12	Land Use & Development Goal 3: Mobility	9. When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	No improvements to the transportation network are required of this development.
13	Land Use & Development Goal 3: Mobility	10. Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	No improvements to the transportation network are required of this development.
14	Land Use & Development Goal 3: Mobility	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No access to high speed roadways is proposed or provided.
15	Land Use & Development Goal 2: Community Facilities	1. Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposal is in an area served by existing utilities. The subject site is in the urban services district.
16	Land Use & Development Goal 2: Community Facilities	2. Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. The subject site is in the urban services district.
17	Land Use & Development Goal 2: Community Facilities	3. Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	An adequate means of sewage treatment and disposal to protect public health and to protect water quality will be provided.
18	Land Use & Development Goal 1: Livability	5. Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	The proposal has no impact on landscape and native plant communities as it is a developed site in a traditional neighborhood.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
19	Land Use & Development Goal 1: Livability	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	The proposal has no impact on karst terrain or features as it is a developed site in a traditional neighborhood.
20	Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The proposed zoning district does not disrupt the integrity of the floodplain as it is a developed site in a traditional neighborhood.
21	Land Use & Development Goal 1: Housing	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposal ensures the continued inclusion of a variety of housing types in a neighborhood which reflect the pattern of the form district. The proposal allows for no more than 2 dwelling units on the subject site.
22	Land Use & Development Goal 1: Housing	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	The proposed district allows appropriately located housing choice and options in a neighborhood with a variety of amenities. The subject site is near shopping and transit routes, as well as medical and other supportive facilities.
23	Land Use & Development Goal 2: Housing	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposed district allows for mixed-income and mixed-use development that is located within the neighborhood and connected to surrounding land uses.
24	Land Use & Development Goal 2: Housing	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	✓	The proposed district is located within proximity to multi-modal transportation corridors (Southern Parkway – TARC route #4) providing safe and convenient access to employment opportunities and downtown Louisville. The housing allowed by the proposed district is also near amenities and neighborhood goods and services.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
25	Land Use & Development Goal 3: Housing	1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.	✓	The proposal ensures the continuation of inclusive housing within neighborhoods as the proposed density allows for 2 residential dwellings to be present. This type of housing expands opportunities for people to live in quality, variably priced housing in locations of their choice.
26	Land Use & Development Goal 3: Housing	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposed district allows for an appropriate level of density in an area that is served by transit options. No displacement will occur as a result of this zoning change.
27	Land Use & Development Goal 3: Housing	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	✓	The district allows for duplex dwellings in an existing neighborhood to increase the production of fair and affordable housing.

4. 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. A minimum 4' wide concrete walk shall be provided from the existing driveway to the building entrance facing the front and on the north side of the property as shown on the development plan.
7. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.