

Planning Commission Staff Report

June 7, 2021



Case No:	20-ZONE-0090
Project Name:	LDG Hikes Lane Apartments
Location:	3042 Hikes Lane
Owner(s):	Roman Catholic Bishop of Louisville
Applicant:	LDG Development, LLC
Representative(s):	Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-4, single-family to R-7, multi-family residential
- **Detailed District Development Plan**

CASE SUMMARY

The subject site is located along Hikes Lane, an arterial roadway, between Breckenridge Lane and Bardstown Road. TARC Route #23 provides transit connectivity along Hikes Lane between major activity centers and transportation/transit corridors. An existing sidewalk network is also available on both sides of Hikes Lane. A religious institution was the most recent use of the property. Structures associated with that use remain on site and will be demolished. The proposed change in zoning to R-7, multi-family is accompanied by a proposed detailed district development plan for 276 residential dwelling units across 4, 3-story structures with associated parking, detention, and outdoor amenities on 9.48 acres.

STAFF FINDING

The proposed change in zoning is in conformance with the Land Use and Development Policies of Plan 2040 as demonstrated in staff's analysis of Plan 2040. The proposed district provides for appropriately located housing choice between activity centers providing a wide variety of goods and services which are served by public transportation in the Neighborhood form district.

TECHNICAL REVIEW

The pre-application and initial formal application on the subject property proposed an R-8A zoning district with 507 dwelling units. The proposal was revised to R-7 on plans submitted March 15, 2021. The R-7 district allows for 34.8 dwellings per acre; resulting in a maximum density of 329 dwelling units on the subject site. 276 units are proposed.

INTERESTED PARTY COMMENTS

All interested party comments received through June 1, 2021 have been incorporated into the record and published for consideration by the Planning Commission in advance of the public meeting. Any comments received after publication will also be forwarded to the Planning Commission and incorporated into the public record.

STANDARD OF REVIEW FOR ZONING/FORM 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 Land use and Development policies of 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 Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

The proposed district is in an area that maintains higher intensities and densities along the frontage of the corridor with lower densities to the rear; thus, providing an appropriate transition between uses. The development plan is in full compliance with the Land Development Code. Further, the proposed higher intensity use is located along a transit corridor within proximity to activity centers providing a wide variety of 1st and 2nd order goods and services. The site is located on an efficient public transportation

system as route #23 on Hikes Lane connects to Bardstown Road and Taylorsville Road, each having their own transit routes into and away from the central business district and to employment areas throughout the Metropolitan area

The development site is previously developed and contain environmental features. MSD preliminary approval to prevent environmental degradation with respect to drainage has been received. A survey of karst features was performed and identified karst features on site which have been shown on the development plan. Disturbance of these features are subject to the requirements of the Land Development Code. Construction measures and appropriate mitigation have bene provided as indicated in the report contained in the Planning Commission record.

The proposed district provides for appropriately located high density development between major transit corridors in the Neighborhood form district. The district remains consistent with the pattern of the corridor in provisioning for alternative forms of housing transitioning form higher density to lower density moving away from the corridor. The subject site and proposed district provide safe and convenient access to employment opportunities and amenities as distance and transit connectivity to nearby services and amenities reduce travel time to essential services, employment, and amenities in the area and throughout Louisville Metro. The proposed district encourages the provisioning of fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling the provision of affordable housing in dispersed locations throughout Louisville Metro. Housing choice permitted by the district allows for multi-generational and mixed income living within neighborhoods at an appropriate location.

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 conserved. The development site is previously developed and contain environmental features. MSD preliminary approval to prevent environmental degradation with respect to drainage has been received. A survey of karst features was performed and identified karst features on site which have been shown on the development plan. Disturbance of these features are subject to the requirements of the Land Development Code. Construction measures and appropriate mitigation have bene provided as indicated in the report contained in the Planning Commission record

- 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 as subject site is in an area that maintains higher intensities and densities along the frontage of the corridor with lower densities to the rear; thus, providing an appropriate transition between uses. The development plan is in full compliance with the Land Development Code. Further, the proposal is located along a transit corridor within proximity to activity centers providing a wide variety of 1st and 2nd order goods and services. The site is located on an efficient public transportation system as route #23

on Hikes Lane connects to Bardstown Road and Taylorsville Road, each having their own transit routes into and away from the central business district and to employment areas throughout the Metropolitan area

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided as recreational opens space is being provided as required by the Land Development Code, and provides functional open space for future occupants of the development.

- 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 proposal is compatible within the scale and site design of nearby existing development and with the form district's pattern of development as the proposal is in an area that maintains higher intensities and densities along the frontage of the corridor with lower densities to the rear; thus, the proposal provides an appropriate transition between uses. The development plan is in full compliance with the Land Development Code.

- 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 Plan 2040 and is in full compliance with the Land Development Code. The proposed land use provisioned by the development provides for appropriately located high density development between major transit corridors in the Neighborhood form district. The proposal remains consistent with the pattern of the corridor in provisioning for alternative forms of housing transitioning from higher density to lower density moving away from the corridor. The subject primary road serving the development provides safe and convenient access to employment opportunities and amenities as distance and transit connectivity to nearby services and amenities reduce travel time to essential services, employment, and amenities in the area and throughout Louisville Metro

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from R-4, single-family to R-7, multi-family residential on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the **Detail District Development Plan**

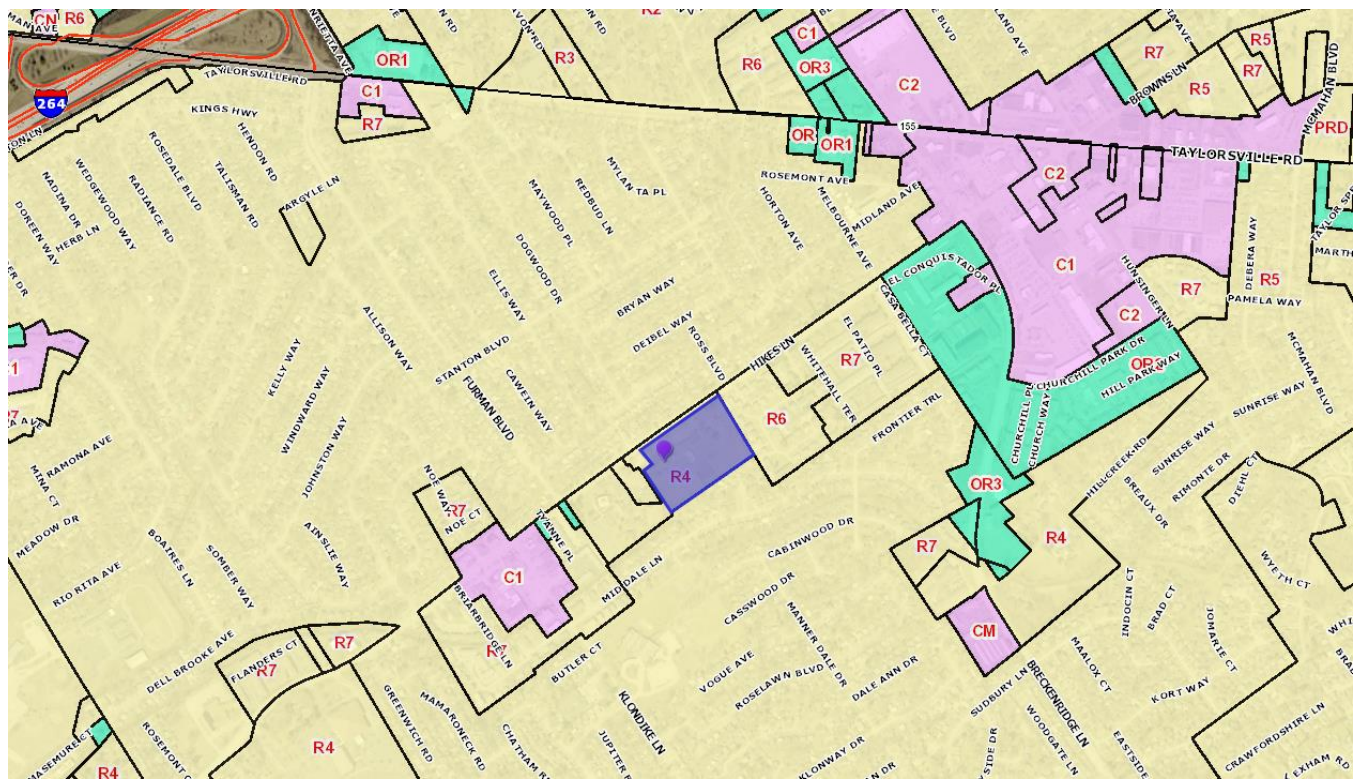
NOTIFICATION

Date	Purpose of Notice	Recipients
4/27/21	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 26
5/18/21	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 26
5/18/21	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

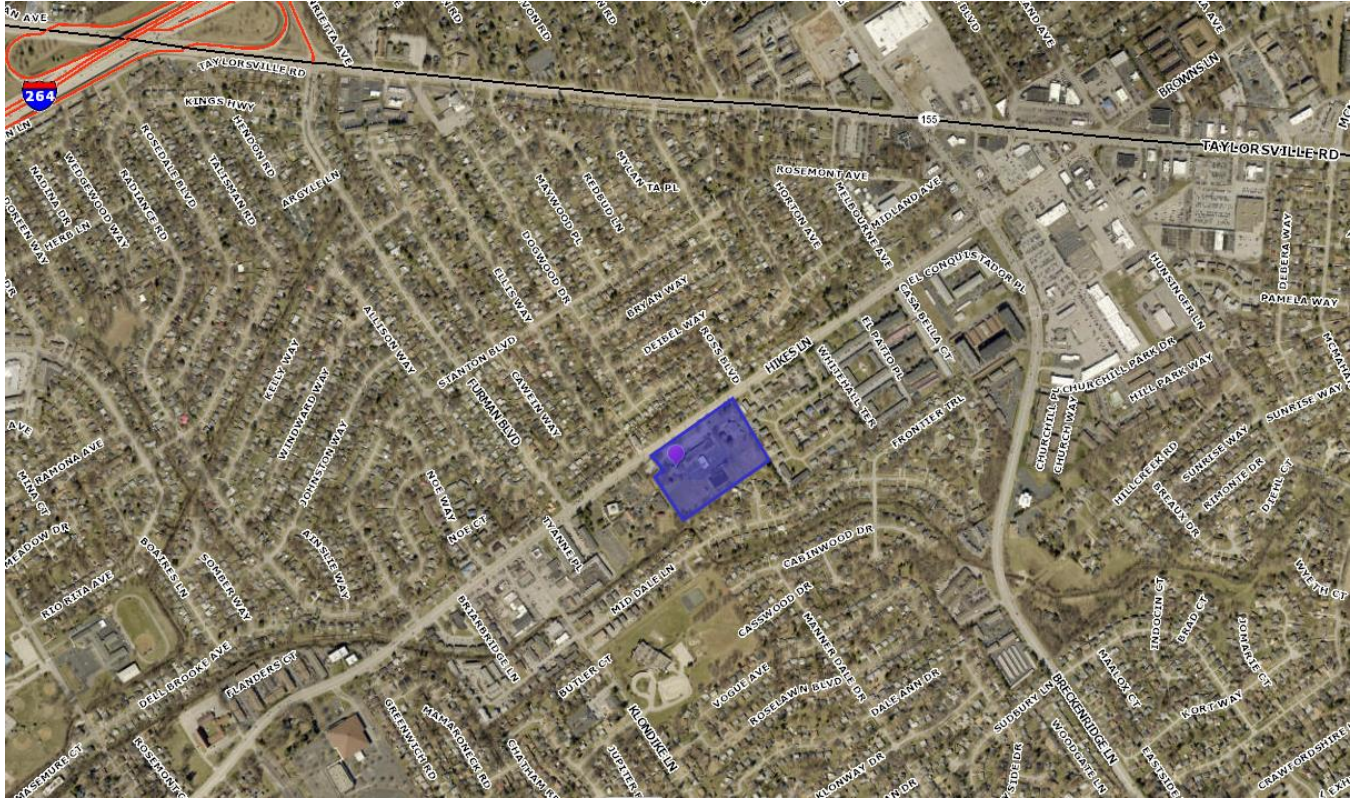
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 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

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 along an arterial roadway with TARC service having connectivity to 2 nearby major transportation corridors and activity centers where demand and adequate infrastructure exists or is planned.
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 proposed district is in an area that maintains higher intensities and densities along the frontage of the corridor with lower densities to the rear; thus, providing an appropriate transition between uses. The development plan is in full compliance with the Land Development Code.
3	Land Use & Development Goal 2: Community Form	9. Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	A former private institution will be placed into a district providing housing choice at an appropriate location.
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 development site is previously developed and does not contain environmental features. MSD preliminary approval to prevent environmental degradation with respect to drainage has been received.
5	Land Use & Development Goal 4: Community Form	2. Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The site does not contain distinctive cultural or natural features. However, structures on site appear to be over 50 years old which requires a 30-day demolition hold and review by Historic Preservation.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
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 site does not contain distinctive cultural or natural features. However, structures on site appear to be over 50 years old which requires a 30-day demolition hold and review by Historic Preservation.
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 higher intensity use is located along a transit corridor within proximity to activity centers providing a wide variety of 1 st and 2 nd order goods and services. The site is located on an efficient public transportation system as route #23 on Hikes Lane connects to Bardstown Road and Taylorsville Road, each having their own transit routes into and away from the central business district and to employment areas throughout the Metropolitan area.
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.	✓	The proposed district is located along an arterial roadway having mixed intensities and densities and would not create a significant nuisance with respect to accessing the site. The frontage roadway is intended to serve high volumes of vehicular traffic.
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 subject property is easily accessible by bicycle, car, transit, pedestrians and people with disabilities as public sidewalks and transit service are available and connectivity from the site to activity centers is readily available.
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 roadway fronting the development site is intended to serve high volumes of vehicular traffic, public sidewalk is available, and transit service is accessible. The development is appropriately located to take advantage of the existing transportation 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.	✓	All improvements to the right-of-way and/or dedication will be made as required, if any.

#	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.	✓	The roadway fronting the development site is intended to serve high volumes of vehicular traffic, public sidewalk is available, and transit service is accessible. The development is appropriately located to take advantage of the existing transportation network. All improvements to the right-of-way and/or dedication will be made as required, if any. Roadway improvements are planned to Hikes Lane and are currently in process.
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.	✓	All improvements to the right-of-way and/or dedication will be made as required, if any. Roadway improvements are planned to Hikes Lane and are currently in process
14	Land Use & Development Goal 3: Mobility	21. Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No direct access to high speed roadways is provided for individual units. Two points of access to Hikes Lane are provided as required.
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 site will be served by existing utilities or capable of being served by public or private utility extensions.
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 development will have an adequate supply of potable water and water for fire-fighting purposes.
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).	✓	MSD preliminary approval has been received to protect public health and to protect water quality in lakes and stream.
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 site does not appear to contain unique landscape characteristics and is previously developed. Tree canopy lost will be replaced as required by the Land Development Code.

#	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.	✓	A survey of karst features was performed and identified karst features on site which have been shown on the development plan. Disturbance of these features are subject to the requirements of the Land Development Code. Construction measures and appropriate mitigation have been provided as indicated in the report contained in the Planning Commission record.
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 site is on a previously developed site and is largely outside of the floodplain, except a small portion in the southwest corner. MSD has reviewed the project and given preliminary approval for development. Construction plans will be reviewed by MSD prior to site disturbance.
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 proposed district provides for appropriately located high density development between major transit corridors in the Neighborhood form district. The district remains consistent with the pattern of the corridor in provisioning for alternative forms of housing transitioning from higher density to lower density moving away from the corridor.
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 and location support aging in place as distance and transit connectivity to nearby services and amenities reduce travel time to essential services.
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 proposal continues the existing pattern of mixed-intensity and density along the corridor that is connected to the neighborhood and nearby centers. Housing choice permitted by the district allow for multi-generational and mixed-income living within neighborhoods at appropriate locations.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
24	Land Use & Development Goal 2: Housing	<p>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.</p>	✓	<p>The subject site and proposed district provide safe and convenient access to employment opportunities and amenities as distance and transit connectivity to nearby services and amenities reduce travel time to essential services, employment, and amenities in the area and throughout Louisville Metro. The proposed higher intensity use is located along a transit corridor within proximity to activity centers providing a wide variety of 1st and 2nd order goods and services. The site is located on an efficient public transportation system as route #23 on Hikes Lane connects to Bardstown Road and Taylorsville Road, each having their own transit routes into and away from the central business district and to employment areas throughout the Metropolitan area.</p>
25	Land Use & Development Goal 3: Housing	<p>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.</p>	✓	<p>The proposed district encourages the provisioning of fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling the provision of affordable housing in dispersed locations throughout Louisville Metro. Housing choice permitted by the district allows for multi-generational and mixed income living within neighborhoods at appropriate locations, and distance and transit connectivity to nearby services and amenities reduce travel time to essential services.</p>
26	Land Use & Development Goal 3: Housing	<p>2. As neighborhoods evolve, discourage displacement of existing residents from their community.</p>	✓	<p>The proposed district allows for an increase in residential occupancy at an appropriate location where a former private institution was present.</p>
27	Land Use & Development Goal 3: Housing	<p>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.</p>	✓	<p>The proposed zoning district allows for a variety of styles and methods which increase choice and opportunity for fair and affordable housing to be provisioned.</p>

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.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 7, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission
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. The owner(s), applicant(s), and/or developer(s) shall coordinate with TARC to provide improvements to the TARC stop located along the subject site's frontage on Hikes lane. The applicant shall install a 9'x3' concrete pad at the rear of the public sidewalk and current bus stop as shown on the approved development plan.
7. Prior to requesting a permit for demolition or ground disturbance on the subject site, an Individual Historic Resource Survey Form (available from the Kentucky Heritage council, the

State Preservation Office) which includes photographs of all elevations and significant architectural features shall be provided to Planning and Design Services' Urban Design/Historic Preservation staff.

8. In accordance with Land Development Code, section 4.9, the proposed treatment and construction method outlined in the geotechnical report approved by the Director of Planning and Design Services and on file with the Louisville Metro Planning Commission shall be followed, unless otherwise approved by the Director. The licensed geotechnical engineer shall be on the construction site to observe and verify that the correct treatment was applied during construction. The licensed geotechnical engineer shall submit a letter to Planning and Design Services stating that the approved treatment method was applied.