Louisville Metro Planning Commission – December 20, 2018 Louisville Metro Land Development & Transportation Committee – November 29, 2018 Neighborhood Meeting – February 15, 2018

### Docket No. 18ZONE1006

Proposed change in zoning from R-4 to R-6 to allow a 12-unit condominium community on approximately
1.43 acres on property located at 3930, 3934 & 3936 Massie Ave in the City of St. Matthews

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- 8. Proposed findings of fact pertaining to compliance with the Comprehensive Plan

Attorneys: Bardenwerper, Talbott & Roberts, PLLC Engineer/Landscape Architect: Carman

## TAB I LOJIC ZONING MAP



## TAB 2 AERIAL PHOTOGRAPH OF THE SITE AND SURROUNDING AREA









Zoomed in image of rear of subject property

## TAB 3 GROUND LEVEL PHOTOGRAPHS OF THE SITE AND SURROUNDING AREA

+Z



3930 Massie Ave.



3934 Massie Ave.



3936 Massie Ave.



Looking northeast down Massie Ave. Site is on the right.



Homes across Massie Ave. from site.



Looking southwest down Massie Ave towards Chenoweth Lane. Site is on the left.



Surrey Place condominium community adjacent to site on southwest side of site.



Massie Place condominiums - corner of St. Matthews Ave and Massie Ave.

## TAB 4 NEIGHBORHOOD MEETING NOTICE LIST MAP, LETTER TO NEIGHBORS INVITING THEM TO THE MEETING AND SUMMARY OF MEETING

Adjoining property owner notice list map wherein 72 neighbors were invited to the various neighborhood meetings and the subsequent LD&T and Planning Commission public hearing.



- ATTORNEYS AT LAW -

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223 (502) 426-6688 • (502) 425-0561 (fax) • www.Bardlaw.net

Nicholas R. Pregliasco Direct dial: 426-0388, ext. 139 Email: <u>NRP@BARDLAW.NET</u>

January 30, 2018

Dear Neighbor,

RE: Proposed change in zoning from R-4 to R-6 to allow a 12-unit condominium community on approximately 1.41 acres on property located on the south side of Massie Ave. across from Woodrow Ave. at 3930, 3934 & 3936 Massie Ave. in the City of St. Matthews

We are writing to invite you to a meeting we have scheduled to present neighbors with our zone change plan to allow a 12-unit condominium community to be located as above.

Accordingly, we have filed a plan for pre-application review on Monday, January 22, 2018 with the Division of Planning and Design Services (DPDS) that has been assigned case manager, Laura Mattingly and case number 18ZONE1006. We would like to show and explain to neighbors this plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on Thursday, February 15<sup>th</sup> at 6:00 p.m. at St. Matthew's Episcopal Church in the *Clingman Chapel* located at 330 N. Hubbards Lane, Louisville, KY.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or the land planning and engineering firm representative Ivy Clinton at (502) 742-6581.

We look forward to seeing you.

Sincerely, Nicholas Pregliasco

cc: Hon. Richard Tonini, Mayor, City of St. Matthews
 Hon. Bill Hollander, Councilman, District 9
 Laura Mattingly, case manager with Division of Planning & Design Services
 Ivy Clinton, land planners with Carman

#### Neighborhood Meeting Summary

A neighborhood meeting was held on Thursday, February 15th at 6:00 p.m. at St. Matthew's Episcopal Church located at 330 N. Hubbards Lane. Those in attendance included the applicant's representatives, Nick Pregliasco, attorney with Bardenwerper Talbott & Roberts and Ivy Clinton, land planner and engineer with CARMEN, as well as the applicant. Nick Pregliasco showed a Powerpoint presentation explaining exactly what is being proposed for the three properties that are dilapidated and in poor condition. Pregliasco explained the layout of the 12 proposed condominiums explaining the drainage proposals as well as the private street in the interior of the proposed development. The Powerpoint presentation included the proposed elevations and design of the new proposed condominiums.

Pregliasco answered questions as to the proposed traffic to be generated by the development and the screening and buffering with the neighboring condominium regime to the east and the residential homes to the west. Many of the questions related to the currently existing drainage issues on the subject site and how the developer proposes to address same. Ivy Clinton discussed the drainage and the ways this would be addressed through underground storage being proposed, as well as the drainage swale in the rear of the property. Many residents mentioned that the site, as it currently exists, is a swamp in the rear of the properties. Clinton and Pregliasco explained that while there will be additional impervious surface if the proposal is built, it would improve this current swamp like condition, helping with the mosquitos that many complained about. Those in attendance mentioned that they believed the property is located over a natural spring with a very high water table. Clinton and Pregliasco explained that this the neighborhood meeting is the first step in the process and the exact drainage plan would be determined through the process through working with MSD to meet their requirements. Most of the properties in the area were constructed prior to MSD being actively involved in the review of drainage plans in the early 1980s. Clinton also discussed the potential off-site issues that are causing some of the existing drainage issues.

Pregliasco answered questions as to the process and explained the exact steps that will be required for the proposed rezoning in detail. Many in attendance asked questions about the private alley behind the property and whether a connection to the alley would be proposed. Pregliasco explained that while a prior proposed simple subdivision of the subject 3 tracts had a proposed connection to the alley, the current proposal has no proposed connection understanding this is a concern of the neighbors.

The applicant answered questions as to the proposed cost for the units and the likely purchasers, which ultimately will be what the market demands, but projections were provided. Pregliasco provided the case number and the phone number and email address of the case manager as those in attendance asked for same. Pregliasco also explained that anyone that included an email address on the sign in sheet, would be sent the Powerpoint presentation by email for their information and so they have all the details discussed at the meeting.

### TAB 5 DEVELOPMENT PLAN





### TAB 6 BUILDING ELEVATIONS





1 SEMI-DETACHED MODEL 1 FRONT EXTERIOR 2





(1) SEMI-DETACHED MODEL 2 FRONT EXTERIOR





1 SEMI-DETACHED MODEL 1 FRONT EXTERIOR









2 SEMI-DETACHED MODEL 1 SECOND FLOOR (1298 GSF) 1/8" = 1'-0"











1 TOWNHOUSE FRONT EXTERIOR 2











(2) TOWNHOUSE - SECOND FLOOR (1070 GSF) 1/8" = 1'-0"





TAB 7 STATEMENT OF COMPLIANCE FILED WITH THE ORIGINAL ZONE CHANGE APPLICATION WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

### BARDENWERPER, TALBOTT & ROBERTS, PLLC

Attorneys at law

Building Industry Association of Greater Louisville Bldg • 1000 N. Hurstbourne Parkway • Second Floor • Louisville, Kentucky 40223 (502) 426-6688 • www.Bardlaw.net

#### <u>STATEMENT OF COMPLIANCE WITH THE APPLICABLE GUIDELINES AND</u> <u>POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN</u>

Applicant & Owner:	WHWJR, LLC
Location:	3930, 3934 and 3936 Massie Ave
Proposed Use:	Multi-family residential community
Engineers, Land Planners and Landscape Architects:	Carmen

Requests:

Change in Zoning from R-4 to R-6

#### **GUIDELINE - 1 COMMUNITY FORM**

WHWJR, LLC ("WHWJR") proposes a condominium community consisting of 12-unit townhome style condominium community on 1.41 +/- acres along the south side of Massie Avenue Road between Chenoweth Lane and St. Matthews Avenue, being in the City of St. Matthews.

The subject property lies within the Neighborhood Form District and adjoins the existing Surry Place condominiums. The subject property is located within the old Massie Avenue small area plan area requiring the conditions thereof to be incorporated into the proposed development design. The site's location provides opportunities for this anticipated community of residents to gain quick and easy access to many schools, shopping and dining opportunities and services, to workplace job opportunities along Westport and Shelbyville Roads and its ease of access to other suburban and downtown employment centers. This proposal will provide this area with new, attractive housing choices for residents who desire to live in a condominium form of developmet without the exterior and yard maintenance.

WHWJR proposes a townhome community, of all 2-story buildings. Gross density will be on the low side of the high density range at 8.5 dwelling units per acre. Buildings will be constructed of attractive durable building materials (stone and "hardy plank" lap siding) and will feature high end architectural details as will be shown by the detailed building elevations that will be submitted with the application.

Perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC), which will screen and buffer resident activities with existing tree masses or new landscaping from and as to adjoining property owners. No waivers or variances are requested with this application.

The Traditional Neighborhood form district is comprised of a significant range of housing opportunities, including multi-family dwellings. This proposed condominium regime is a great adaptive re-use of the existing three lots with dilapidated homes that provides an additional housing opportunity in an area that very few exist.

#### **GUIDELINE – 2 CENTERS**

The proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 4, 5, 7, 11, 12, 13, 14, 15, and 16 of Guideline 2 of the for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in a robust area where residents currently seek new housing options that have easy access to the Shelbyville Road, Chenoweth Lane, and Brownsboro Road commercial corridors and nearby workplace areas. Future residents will also support the businesses and services in these nearby activity centers. Parking is compact and shared, and walking and biking are convenient. The property is located close to Holy Trinity School and offers a maintenance free living opportunity needed in the area; and

#### **GUIDELINE – 3 COMPATIBILITY**

The proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24 and 28 of Guideline 3 for all the reasons described above and because this proposed community is in a density range and design comparable to other nearby condominium communities and compatible with neighboring single family residential properties; buildings will be of a townhouse style 2 stories in height and constructed with attractive building materials comparable to residential communities in the area, in this case brick, masonry and "hardy plank". Perimeter landscaping, screening and buffering will be provided and/or retained along all property lines. Buildings are oriented toward internal open spaces and the access road avoiding additional impacts on the neighboring properties.

Sidewalks will be provided where required, and accommodations will be made for pedestrian and bicycle transportation as well as the handicapped and elderly. Odors won't exist as in commercial industrial developments, and air quality concerns related to traffic congestion or delay will be mitigated by the fact that this is a residential development and that internal roads and sidewalks are efficiently organized to control traffic flow and prevent delays with only minimal additional impacts over the existing three residential lots that exist. Refuse will be picked up on a regular basis. Lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations, which is further addressed by the buildings being oriented toward the interior of the site. All signage will be in conformance with LDC regulations. No waivers or variances are sought.

#### **GUIDELINE – 4 OPEN SPACE**

The proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 3, 4, 6, and 7 of Guideline 4 for all the reasons described above and because as a condominium regime all exterior areas will be open space for the enjoyment of the entire condominium regime. All open space areas will be maintained in common by the condominium association ensuring uniform maintenance that doesn't exist currently with the single family residences.

#### **GUIDELINE – 6 MARKETPLACE**

The proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 2, 3 and 6 of Guideline 6 because, as noted above, future residents will support and be supported by the businesses, services, schools and churches in and around the nearby activity

center of the very robust Shelbyville Road, Chenoweth Lane, and Brownsboro Road corridors, which are all increasingly popular places which to work, live and play. This proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services. The condominium community, as proposed, will have easy access to Westport Road, Chenoweth Lane, and Shelbyville Road and several other roads in the area, and from there to other Louisville employment and commercial centers.

#### <u>GUIDELINES – 7 (CIRCULATION), 8 (TRANSPORTATION FACILITY DESIGN), and</u> <u>9 (BICYCLE, PEDESTRIAN AND TRANSIT)</u>

The proposed condominium community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed Detailed District Development Plan (DDDP) has been designed in conformance with all Metro Public Works and Transportation Planning design policies. Good internal circulation, appropriate access, sight distances, corner clearances and parking are provided. Massie Avenue has adequate traffic-carrying capacity. Sidewalks and bike racks will be provided as required. The DDDP will require the stamp of approval from Metro Transportation Planning, prior to official review by the Planning Commission, thus assuring compliance with all Metro Public Works standards addressed by these Guidelines.

#### <u>GUIDELINES – 10, 11 and 12 - FLOODING AND STORMWATER, WATER QUALITY</u> <u>and AIR QUALITY</u>

The proposed condominium community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, all drainage will run to internal underground catch basins and sufficiently sized detention basin, and from there to an existing drainage channel and in that way will comply with all MSD storm water management requirements. Therefore, post development peak rates of stormwater discharge will not exceed peak pre-development rates. Moreover, this DDDP must receive the preliminary stamped of approval by MSD, as reviewed by St. Matthews, prior to docketing for LD&T review. Louisville Water Company will provide water to the site. A soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction. MSD water quality regulatory requirements will also be addressed. Air quality is addressed by virtue of the referenced shorter commuting distances explained hereinabove.

#### **GUIDELINE 13 – LANDSCAPE CHARACTER**

The proposed condominium community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided and/or trees retained around buildings, along the Massie Avenue entrance and frontage, along internal streets, and along property perimeters as noted above. Recreational space is provided through the internal open space. Passive recreational enjoyment will be enjoyed within internal landscaped areas and open areas. Tree canopy requirements will be met with the layout designed to retain as many of the large trees on the site as possible.

#### **GUIDELINE 14 – INFRASTRUCTURE**

The proposed condominium community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric, phone and cable service connections are available by nearby connection to ensure a reduced cost for infrastructure.

\*\*\*\*

For all these reasons those set forth in the applicant's detailed Statement of Compliance with the Cornerstone 2020 Comprehensive Plan, and as evidenced by the DDDP and other evidence submitted with this application and to be presented at LD&T and Planning Commission meetings, the proposed community complies with the specific Intents, Policies and Guidelines of Comprehensive Plan.

Respectfully submitted,

Nicholas R. Pregliasco Bardenwerper Talbott & Roberts, PLLC 1000 N. Hurstbourne Parkway, Second Floor Louisville, KY 40223

# TAB 8 PROPOSED FINDINGS OF FACT PERTAINING TO COMPLIANCE WITH THE COMPREHENSIVE PLAN

### BARDENWERPER, TALBOTT & ROBERTS, PLLC

- Attorneys at law

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#### PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant & Owner:

Location:

Proposed Use:

WHWJR, LLC

3930, 3934 and 3936 Massie Ave

Multi-family residential townhome condominium community

Engineers, Land Planners and Landscape Architects:

Carmen

Requests:

Change in Zoning from R-4 to R-6

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on December 20, 2018 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

#### **GUIDELINE - 1 COMMUNITY FORM**

**WHEREAS,** WHWJR, LLC ("WHWJR") proposes a condominium community, with no requested waivers or variances, consisting of 12-unit townhome style condominium community on 1.4 +/- acres along the south side of Massie Avenue between Chenoweth Lane and St. Matthews Avenue, being in the City of St. Matthews; and

WHEREAS, the subject property lies within the Neighborhood Form District and adjoins the existing Surry Place condominiums; the subject property is located within the old Massie Avenue small area plan area to be considered in this proposal; the site's location provides opportunities for this anticipated community of residents to gain quick and easy access to many schools, shopping and dining opportunities and services, to workplace job opportunities along Westport Road, Shelbyville Road and Brownsboro Road and its ease of access to other suburban and downtown employment centers; this proposal will provide this area with new, attractive housing choices for residents who desire to live in a condominium form of development without the exterior and yard maintenance; and

**WHEREAS,** applicant proposes a townhome community, of all 2-story buildings; gross density will be on the low side of the high density range at 8.5 dwelling units per acre; buildings will be constructed of attractive durable building materials (stone and "hardy plank" lap siding) and will feature high end architectural details as will be shown by the detailed building elevations that will be submitted with the application; and

WHEREAS, perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC), which will screen and buffer resident

activities with existing tree masses or new landscaping from and as to adjoining property owners; no waivers or variances are requested with this application; and

**WHEREAS**, the Traditional Neighborhood form district is comprised of a significant range of housing opportunities, including multi-family dwellings; this proposed condominium regime is a great adaptive re-use of the existing three lots with dilapidated homes that provides an additional housing opportunity in an area where very few exist; and

#### **GUIDELINE – 2 CENTERS**

WHEREAS, the proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 4, 5, 7, 11, 12, 13, 14, 15, and 16 of Guideline 2 of the for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in a robust area where residents currently seek new housing options not available that have easy access to the Shelbyville Road, Chenoweth Lane, and Brownsboro Road commercial corridors and nearby workplace areas; future residents will also support the businesses and services in these nearby activity centers; parking is compact and shared, and walking and biking are convenient; and the property is located close to Holy Trinity School and offers a maintenance free living opportunity needed in the area; and

#### **<u>GUIDELINE – 3 COMPATIBILITY</u>**

WHEREAS, the proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24 and 28 of Guideline 3 for all the reasons described above and because this proposed community is in a density range and design comparable to other nearby condominium communities and compatible with neighboring single family residential properties; buildings will be of a townhouse style 2 stories in height and constructed with attractive building materials comparable to residential communities in the area, in this case brick, masonry and "hardy plank"; perimeter landscaping, screening and buffering will be provided and/or retained along all property lines; and buildings are oriented toward internal open spaces and the access road avoiding additional impacts on the neighboring properties; and

WHEREAS, sidewalks are already provided on Massie Avenue, and accommodations will be made for pedestrian and bicycle transportation as well as the handicapped and elderly; odors won't exist as in commercial industrial developments, and air quality concerns related to traffic congestion or delay will be mitigated by the fact that this is a residential development located close to jobs and services and internal roads and sidewalks are efficiently organized to control traffic flow and prevent delays with only minimal additional impacts over the existing three residential lots that exist; refuse will be picked up on a regular basis; lighting will be residential in character and directed down and away from adjoining properties in conformance with LDC regulations, which is further addressed by the buildings being oriented toward the interior of the site; all signage will be in conformance with LDC regulations; and no waivers or variances are sought; and

#### **GUIDELINE – 4 OPEN SPACE**

**WHEREAS,** the proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 3, 4, 6, and 7 of Guideline 4 for all the reasons described above and because as a condominium regime all exterior areas will be open space for the enjoyment of the

entire condominium regime; and will be maintained in common by the condominium association ensuring uniform maintenance that doesn't exist currently with the single family residences; and

#### **<u>GUIDELINE – 6 MARKETPLACE</u>**

WHEREAS, the proposed condominium community conforms with the overall Intents of and specifically with Policies 1, 2, 3 and 6 of Guideline 6 because, as noted above, future residents will support and be supported by the businesses, services, schools and churches in and around the nearby activity centers of the very robust Shelbyville Road, Chenoweth Lane, and Brownsboro Road corridors, which are all increasingly popular places which to work, live and play; this proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services; and the condominium community, as proposed, will have easy access to Westport Road, Chenoweth Lane, Brownsboro Road and Shelbyville Road and several other roads in the area, and from there to other Louisville employment and commercial centers; and

#### <u>GUIDELINES – 7 (CIRCULATION), 8 (TRANSPORTATION FACILITY DESIGN), and</u> <u>9 (BICYCLE, PEDESTRIAN AND TRANSIT)</u>

WHEREAS, the proposed condominium community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed Detailed District Development Plan (DDDP) has been designed in conformance with all Metro Public Works and Transportation Planning design policies; good internal circulation, appropriate access, sight distances, corner clearances and parking are provided; Massie Avenue has adequate traffic-carrying capacity; sidewalks and bike racks will be provided as required; the DDDP will require the stamp of approval from Metro Transportation Planning, prior to official review by the Planning Commission, thus assuring compliance with all Metro Public Works standards addressed by these Guidelines; and

#### <u>GUIDELINES – 10, 11 and 12 - FLOODING AND STORMWATER, WATER QUALITY</u> and AIR QUALITY

WHEREAS, the proposed condominium community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, all drainage will run to internal underground catch basins and sufficiently sized detention basin, and from there to an existing drainage channel and in that way will comply with all MSD storm water management requirements; therefore, post development peak rates of stormwater discharge will not exceed peak pre-development rates; moreover, this DDDP received the preliminary stamped of approval by MSD, as reviewed by St. Matthews, prior to docketing for LD&T review; Louisville Water Company will provide water to the site; a soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction; MSD water quality regulatory requirements will also be addressed; and air quality is addressed by virtue of the referenced shorter commuting distances explained hereinabove; and

#### **GUIDELINE 13 – LANDSCAPE CHARACTER**

**WHEREAS**, the proposed condominium community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided and/or trees retained around buildings, along the Massie Avenue entrance and frontage, along internal streets, and along property perimeters as noted above; recreational space

is provided through the internal open space; passive recreational enjoyment will be enjoyed within internal landscaped areas and open areas; and tree canopy requirements will be met with the layout designed to retain as many of the large trees on the site as possible; and

#### **GUIDELINE 14 – INFRASTRUCTURE**

**WHEREAS**, the proposed condominium community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric, phone and cable service connections are available by nearby connection to ensure a reduced cost for infrastructure; and

\* \* \*

**WHEREAS,** for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books, on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

**NOW, THEREFORE**, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that it rezone the subject property from R-4 to R-6 and approves the Detailed District Development Plan.