

Development Review Committee
Staff Report
July 15, 2020



Case No:	20-AMEND-0001
Project Name:	Short Term Rental
Location:	4739 S 3 rd Street
Owner(s):	Roderick Townsend
Applicant:	Roderick Townsend
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST

- **Amendment of Binding Element 3**

CASE SUMMARY/BACKGROUND

The subject site is located in the Beechmont neighborhood, on the north side of W Kenwood Way and the east side of the S 3rd Street intersection. According to PVA, it is currently developed as a duplex.

The applicant proposes to amend an existing binding element from the subject property. The applicant plans to use this property as a short term rental, which is currently not permitted by the use restrictions imposed by Binding Element #3.

The subject site was rezoned under 09-017-85 from R-6 apartment to R-8 Apartment. According to the meeting minutes on file for the April 18, 1985 Planning Commission hearing, Vice Chairman Lurding proposed Binding Element #3 in order to restrict the use of the subject site, which, at the time, was proposed to be a dentist office.

Previous cases:

- 9-017-85: Change in zoning from R-6 Apartment to R-8 Apartment

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

The applicant is requesting to remove Binding Element #3:

3. The only uses permitted on the property shall be:
 - a) offices for no more than two (2) dentists, or
 - b) offices for one (1) accountant, architect or insurance agent, or
 - c) single family residential uses.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AMENDMENT TO BINDING ELEMENTS

- (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 removal of Binding Element #3 will not affect any natural resources found on the subject site. The site is already developed, and any living vegetation that was existing before development and could be conserved, has been.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: There are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- (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 must approve any revised detailed district development plans that the developer will have to submit in the future to develop this site.

- (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 subject site is not being changed or developed as a result of this request. The request is to remove Binding Element #3, which restrict the use of the site, so that the applicant may use the property as a short term rental.

- (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 requested modification of binding elements conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Amendment of Binding Element**

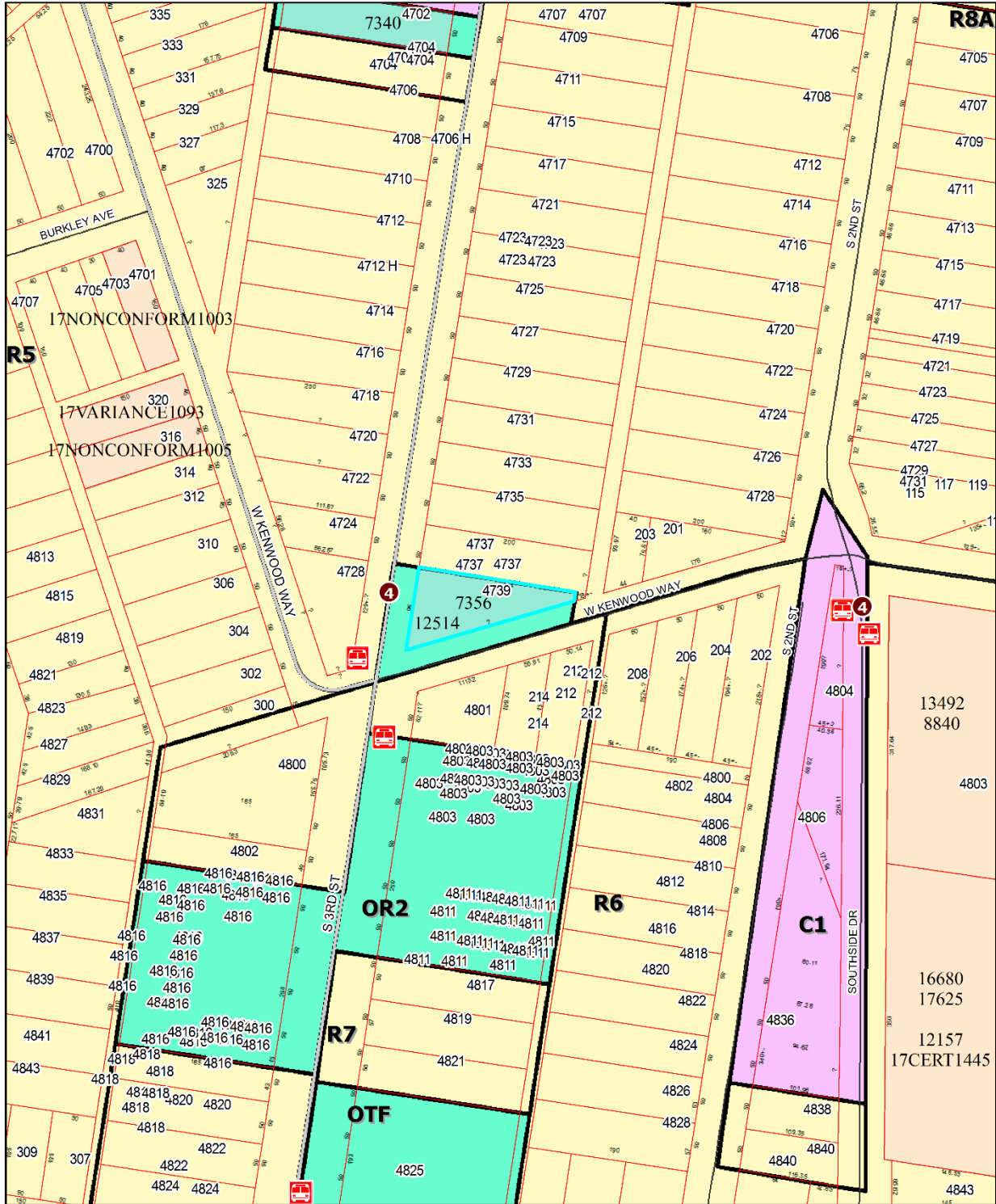
NOTIFICATION

Date	Purpose of Notice	Recipients
7-15-2020	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21

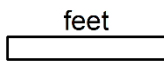
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements 9-17-85
4. Proposed Binding Elements

1. **Zoning Map**



4739 S 3rd STREET



Map Created: 6/23/2020



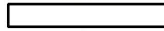
Copyright (c) 2020, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



4739 S 3rd STREET

feet



150

Map Created: 6/23/2020



Copyright (c) 2020, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Existing Binding Elements 9-17-85

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 1300 square feet of gross floor area.
3. ~~The only uses permitted on the property shall be:~~
 - a) ~~offices for no more than two (2) dentists, or~~
 - b) ~~offices for one (1) accountant, architect or insurance agent, or~~
 - c) ~~single family residential uses.~~
4. Before a certificate of occupancy is issued:
 - a) the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
 - b) the size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
 - c) the property owner must obtain approval of a plan for screening along the northeast property line. Such plan shall be implemented prior to occupancy and maintained thereafter.
 - d) the appropriate variances must be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
7. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Elements

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 1300 square feet of gross floor area.
3. Before a certificate of occupancy is issued:
 - a) the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
 - b) the size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

- c) the property owner must obtain approval of a plan for screening along the northeast property line. Such plan shall be implemented prior to occupancy and maintained thereafter.
- d) the appropriate variances must be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

4. If a certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

5. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.

6. The above binding elements may be amended as provided for in the Zoning District Regulations.