Planning Commisison
Staff Report
June 17, 2021

Case No:	21-ZONE-0042
Project Name:	Roosevelt Apartments
Location:	226 N. 17th Street
Owner(s):	New Directions Housing Corporation
Applicant:	New Directions Housing Corporation
Representative(s):	New Directions Housing Corporation
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from C-1, commercial to OR-2, Office-Residential
- **Variances:**
  1. **Variance** from Land Development Code (LDC), section 5.1.12 to allow structures to encroach upon the infill established setback along Columbia Street
  2. **Variance** from Land Development Code (LDC), section 5.1.12 to allow structures to be located further back then the established setback along Duncan Street
  3. **Variance** from LDC, section 5.4.1.D to omit the private yard area

CASE SUMMARY

A change in zoning to a lower intensity but higher density zoning district is requested to allow for the addition of 36 senior housing units on the development site. An individual historic local landmark, Roosevelt School, resides on the site and currently provides 47 residential units. The school is not impacted by the proposed construction as the improvements will be at the rear of the site nearest 18th Street. The proposal entails a 3-story structure housing the newly proposed units with shared parking being maintained in the existing parking lot and utilizing on-street parking as well. Due to the proposed land subdivision and existing conditions, the private yard area will be omitted. Also due to the existing setback of the school and the requirements for infill construction, variances are needed to build the project as proposed.

STAFF FINDING

The proposal is consistent with Plan 2040 as demonstrated in the staff's analysis. The proposal will provide housing options for the aging population to remain in their neighborhood. It preserves existing structures that contribute to the character of the area and allows for the introduction of flexible and alternative housing styles that are served by public transit and connected with activity centers and amenities. The development plan and variances have also been adequately justified based on staff's analysis contained in the standard of review.

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 proposal will decrease the intensity of the existing zone; thus, decreasing commercial activity that can be permitted within proximity to residences. The proposed district is consistent with the area. It is located on a TARC route and is connected or 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 proposal will provide housing options for the aging population to remain in their neighborhood. It preserves existing structures that contribute to the character of the area and allows for the introduction of flexible and alternative housing styles. The individual landmark will be unaffected by the proposal.

The site is in the area of the Portland Neighborhood Plan (2007)

There are no site-specific recommendations within the plan for the subject site. The site is within sub-area 8: Shippingport.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (1 – Columbia Street)

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the setback does not impede the safe movement of pedestrians or vehicles and structures within proximity to property lines is common in the area.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as structures within proximity to property lines is common in the area, especially at corners and for multi-family development, and remains consistent with the pattern of the form district.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the setback does not impeded the safe movement of pedestrians or vehicles and setbacks are consistent with the pattern of the form district and the area.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the does not create a hazard or nuisance, or adversely impact public health, safety, or welfare.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the development is subject to infill which is more restrictive than the general pattern of the area due to the larger setback on Columbia Street.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as relief in accordance with items 'a' through 'd' of the standard of review have been adequately justified.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (2 – Duncan Street)

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the setback does not impede the safe movement of pedestrians or vehicles.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as setbacks at or near the property line to allow for maintenance and access is common for the area and the pattern of the form district. The requested relief is the minimum necessary to allow for provisioning of these items.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the setback does not impede the safe movement of pedestrians or vehicles.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the requested setback does adversely impact public health, safety, or welfare and no hazards or nuisances are created. Further, it is consistent with the character of the area.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the development is subject to infill which is more restrictive than the general pattern of the area and the form district.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as relief in accordance with items 'a' through 'd' of the standard of review have been adequately justified.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE (3 – Private Yard)

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the private yard is for the use and enjoyment of private activities and to maintain a general traditional aesthetic.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the proposed structure sits within the area of what might be considered an accessory use area of the main structure (individual landmark). However, a parking lot rests between the area of development and the landmark, and the proposed property line establishes new orientation for application of the requirements of the yard. A public park is located one block or roughly 500' via sidewalk from eh development site. Sufficient open space to meet the needs of users is available at the public park.

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the private yard is for private use and to maintain a general traditional aesthetic.

(d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the proposal does not cause a hazard or nuisance or result in adverse impacts to public health, safety, or welfare.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone as the proposed structure sits within the area of what might be considered an accessory use area of the main structure (individual landmark). However, a parking lot rests between the area of development and the landmark, and the proposed property line establishes new orientation for application of the requirements of the yard. A public park is located one block or roughly 500' via sidewalk from eh development site. Sufficient open space to meet the needs of users is available at the public park.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land as relief in accordance with items 'a' through 'd' of the standard of review have been adequately justified.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as no development has occurred.

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. Street trees and Interior landscape areas will be provided, and the site is located in a developed traditional neighborhood and on the suite of an historic landmark with large areas of impervious surfaces. A park is nearby to provide recreational amenities. The individual landmark is not affected by the proposal.

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 are provided as the site is served by public transit and sidewalk repairs will be made in the areas abutting he developed portion of the site.

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

STAFF: Open space is provided in a public park roughly 500' from the proposed development site to meet the needs 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 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: The proposed development is generally compatible with development in the area and the pattern of the form district. Structures at or near property lines is common in the area, especially at corners and for multi-family development, and to allow for maintenance and access.

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 all relief requested from the Land Development Code appears to be adequately justified.

REQUIRED ACTIONS

- **RECOMMEND** to the Louisville Metro Council that the **Change-in-Zoning** from C-1, commercial to OR-2, Office-Residential on property described in the attached legal description be **APPROVED** or **DENIED**
- **APPROVE** or **DENY** the requested **Variances:**
    - **Variance** from Land Development Code (LDC), section 5.1.12 to allow structures to encroach upon the infill established setback along Columbia Street
    - **Variance** from Land Development Code (LDC), section 5.1.12 to allow structures to be located further back then the established setback along Duncan Street
    - **Variance** from LDC, section 5.4.1.D to omit the private yard area

NOTIFICATION

Date	Purpose of Notice	Recipients
5/11/21	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 5
6/2/21	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 5
6/2/21	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. 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

#	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 on a TARC route and is connected or 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.
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 will decrease the intensity of the existing zone; thus, decreasing commercial activity that can be permitted within proximity to residences. The proposed district is consistent with the area.
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 redevelops an existing development site and provides housing options for the aging population to remain in their neighborhood.
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 as it is an existing development site.
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. The individual landmark will be unaffected by the proposal.

#	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 proposal contributes to the character of the area by allowing for flexible and alternative housing options for the aging population to remain in their neighborhoods if they so choose.
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 on a TARC route and is connected or near major transportation facilities and transit corridors, and employment centers to support transit-oriented development and an efficient public transportation system. The proposal will allow users to easily connect to these areas through public transit.
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 intensities and 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 as the area is a well-connected and walkable neighborhood along major 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.	✓	Existing roadway infrastructure, in conjunction with multi-modal transportation options is adequate to support a wide range of densities and intensities.
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.	✓	Sidewalk repair will occur in accordance with Department of Public Works standards in the area of improvements on the development site.

#	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.	✓	Sidewalk repair will occur in accordance with Department of Public Works standards in the area of improvements on the development site.
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.	✓	Sidewalk repair will occur in accordance with Department of Public Works standards in the area of improvements on the development site.
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 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 or planned for 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).	✓	MSD preliminary approval has been received to ensure 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 proposed development provides alternative housing on the site of an individual local landmark but does not disturb the local landmark. There are no significant natural features needing to be preserved.

#	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 ground-water resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	No vulnerable geologic features appear to be present within the area of development as it is a previously developed site.
20	Land Use & Development Goal 1: Livability	**21.** Mitigate negative development impacts to the integrity of the regulatory floodplain by encour-aging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	MSD preliminary approval has been received to minimize any adverse impacts of the development upon the floodplain or combined sewer overflow locations.
21	Land Use & Development Goal 1: Housing	**1.** Encourage a variety of housing types including, but not limited to, detached and attached single fam-ily, 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 well-connected neighborhood on a TARC route. Provisioning senior housing allows for the aging population to remain in the neighborhood if they choose to do so.
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 for a variety of housing options in a well-connected neighborhood with access to transit and a nearby park. The proposed district and use allow residents of the neighborhood to age in place.
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 a variety of housing options including mixed-income and mixed-use housing and office uses that are connected to the neighborhood and surrounding area.
24	Land Use & Development Goal 2: Housing	**2.** Locate housing within proximity to multi-modal transportation corri-dors 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 providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. It is located along a transit route.

#	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 supports fair and affordable housing as the proposed district and use allow residents of the neighborhood to age in place and have a choice to remain.
26	Land Use & Development Goal 3: Housing	**2.** As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposed district and land use do not involve displacement but rather allows for additional units to encourage aging in place.

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. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
    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. A reciprocal access, crossover easement agreement, and shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the properties shown on the development site and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
    e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 17, 2021 Planning Commission public hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

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.

Land Development & Transportation Committee
Staff Report
May 27, 2021

Case No:	21-ZONE-0042
Project Name:	Roosevelt Apartments
Location:	226 N. 17th Street
Owner(s):	New Directions Housing Corporation
Applicant:	New Directions Housing Corporation
Representative(s):	New Directions Housing Corporation
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from C-1, commercial to OR-2, Office-Residential
- **Variances:**
  1. **Variance** from Land Development Code (LDC), section 5.1.12 to allow structures to encroach upon the infill established setback along Columbia Street
  2. **Variance** from Land Development Code (LDC), section 5.1.12 to allow structures to be located further back then the established setback along Duncan Street
  3. **Variance** from LDC, section 5.4.1.D to omit the private yard area

CASE SUMMARY

A change in zoning to a lower intensity but higher density zoning district is requested to allow for the addition of 36 senior housing units on the development site. An individual historic local landmark, Roosevelt School, resides on the site and currently provides 47 residential units. The school is not impacted by the proposed construction as the improvements will be at the rear of the site nearest 18th Street. The proposal entails a 3-story structure housing the newly proposed units with shared parking being maintained in the existing parking lot and utilizing on-street parking as well. Due to the proposed land subdivision and existing conditions, the private yard area will be omitted. Also due to the existing setback of the school and the requirements for infill construction, variances are needed to build the project as proposed.

STAFF FINDING

The application is in order and ready for the next available public hearing before the planning Commission.

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.

TECHNICAL REVIEW

The site is located in the area of the Portland Neighborhood Plan (2007)

There are no site-specific recommendations within the plan for the subject site. The site is within sub-area 8: Shippingport.

NOTIFICATION

Date	Purpose of Notice	Recipients
5/11/21	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 5
	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 5
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Binding Elements

1. Zoning Map

2. Aerial Photograph

3. 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. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
    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. A reciprocal access, crossover easement agreement, and shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the properties shown on the development site and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
    e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ 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.

Pre-Application
Staff Report
March 26, 2021

Case No:	21-ZONEPA-0020
Project Name:	Roosevelt Apartments
Location:	226 N. 17th Street
Owner(s):	New Directions Housing Corporation
Applicant:	New Directions Housing Corporation
Representative(s):	New Directions Housing Corporation
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from C-1, commercial to OR-2, Office-Residential

CASE SUMMARY

A change in zoning to a lower intensity but higher density zoning district is requested to allow for the addition of 36 senior housing units. An individual historic local landmark, The Roosevelt School, resides on the site and currently provides 47 residential units. The school is not impacted by the proposed construction as the improvements will be at the rear of the site nearest 18th Street. The proposal entails a 3-story structure housing the newly proposed units with shared parking being maintained in the existing parking lot and utilizing on-street parking as well.

STAFF FINDING

The proposed district generally conforms to the land use and development policies of Plan 2040. The proposal supports fair and affordable housing by allowing neighborhood residents the opportunity and choice to age in place.

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 located 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 proposal will decrease the intensity of the existing zone; thus, decreasing commercial activity that can be permitted within proximity to residences. This does not decrease overall commercial activity in the area. The proposed district will remain consistent with the area. It is located on a TARC route and is connected to or near major transportation facilities and employment centers to support transit-oriented development and an efficient public transportation system. The site is also easily accessible by bicycle, car, transit, pedestrians and people with disabilities as the area is a well-connected and walkable neighborhood.

The proposal supports fair and affordable housing as the proposed district and use allow residents of the neighborhood to age in place and have a choice to remain.

The site is located in the area of the Portland Neighborhood Plan (2007)

There are no site-specific recommendations within the plan for the subject site. The site is within sub-area 8: Shippingport.

NOTIFICATION

Date	Purpose of Notice	Recipients
	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 5
	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 5
	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

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

#	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 on a TARC route and is connected or 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.
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 will decrease the intensity of the existing zone; thus, decreasing commercial activity that can be permitted within proximity to residences. The propose district is consistent with the area.
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 redevelops an existing development site and provides housing options for the aging population to remain in their neighborhood.
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 as it is an existing development site.
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. The individual landmark will be unaffected by the proposal.

#	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 proposal contributes to the character of the area by allowing for flexible and alternative housing options for the aging population to remain in their neighborhoods if they so choose.
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 on a TARC route and is connected or near major transportation facilities and transit corridors, and employment centers to support transit-oriented development and an efficient public transportation system. The proposal will allow users to easily connect to these area through pubic transit.
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 signifi-cant nuisances.	✓	Access to the site is obtained through public roads crossing similar intensities and densities.
9	Land Use & Development Goal 3: Mobility	**2.** To improve mobility, and reduce vehicle miles traveled and con-gestion, 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 as the area is a well-connected and walkable neighborhood along major transit routes.
10	Land Use & Development Goal 3: Mobility	**5.** Evaluate developments for their impact on the transportation net-work (including the street, pedes-trian, transit, freight movement and bike facilities and services) and air quality.	✓	Existing roadway infrastructure, in conjunction with multi-modal transportation options is adequate to support a wide range of densities and intensities.
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 ser-vices made necessary by develop-ment.	+/-	Sidewalk improvements may be necessary.

#	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.	+/-	Sidewalk improvements may be necessary.
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.	+/-	Sidewalk improvements may be necessary.
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 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 or planned for 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. MSD review and approval required.
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 proposed development provides alternative housing on the site of an individual local landmark but does not disturb the local landmark. There are no significant natural features needing to be preserved.

#	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 ground-water resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	No vulnerable geologic features appear to be present within the area of development as it is a previously developed site.
20	Land Use & Development Goal 1: Livability	**21.** Mitigate negative development impacts to the integrity of the regulatory floodplain by encour-aging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	+/-	Review and approval by MSD required.
21	Land Use & Development Goal 1: Housing	**1.** Encourage a variety of housing types including, but not limited to, detached and attached single fam-ily, 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 well-connected neighborhood on a TARC route. Provision senior housing allows for the aging population to remain in the neighborhood if they choose to do so.
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 for a variety of housing options in a well-connected neighborhood with access to transit and a nearby park. The proposed district and use allow residents of the neighborhood to age in place.
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 a variety of housing options including mixed-income and mixed-use housing and office uses that are connected to the neighborhood and surrounding area.
24	Land Use & Development Goal 2: Housing	**2.** Locate housing within proximity to multi-modal transportation corri-dors 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 providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. It is located along a transit route.

#	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 supports fair and affordable housing as the proposed district and use allow residents of the neighborhood to age in place and have a choice to remain.
26	Land Use & Development Goal 3: Housing	**2.** As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposed district and land use does not involve displacement but rathe provision additional units to allow for aging in place.