

Planning Commission

Staff Report

October 7, 2021



Case No:	20-ZONE-0121
Project Name:	Smyrna Parkway Apartments
Location:	9301-9309 Smyrna Parkway, Parcels 066202630000, 066202760000
Owner(s):	Robert & Pauline Penrod
Applicant:	GKG Investments LLC
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Detailed District Development Plan** with Binding Elements as relates to tree canopy preservation

CASE SUMMARY/BACKGROUND

The subject site is located on Smyrna Parkway near the intersection with Cooper Chapel Road, and consists of five contiguous parcels. It is currently undeveloped. The applicant proposes to rezone the property to construct a new 144-unit multi-family development.

Single-family uses abut the site to the west and east. Commercial developments are located to the north and south. The site is within the study area for the Highview Neighborhood Plan.

This case was heard before the Planning Commission on April 1, 2021, and was forwarded to Metro Council with a favorable recommendation on the zoning change. Metro Council has returned the case to Planning Commission to reconsider the tree canopy preservation, as the site is essentially fully covered in tree canopy and the original proposal was to preserve only 11% of the tree canopy rather than the full required 20%. The applicant proposed a fee-in-lieu for the remaining tree canopy. The new proposal is for 20% tree canopy preservation as shown on a revised development plan. The Planning Commission must consider the new development plan specifically as relates to tree canopy preservation.

STAFF FINDING

Staff finds that the plan meets the requirements of the Land Development Code with the exception of a previously approved waiver.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff as relates specifically to the development plan and tree canopy preservation.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (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: Tree canopy exists on the site. The applicant now proposes to preserve 20% of the existing canopy. No other natural resources or historic assets are evident on the site.

- (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 has been provided, and Metro Public Works has approved the preliminary development plan.

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

STAFF: Required common and recreational open space is being provided for the future residents of the development.

- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design is in compliance with the Land Development Code and is compatible with existing and projected future development in the vicinity. The site is located within an existing activity center, identified as a neighborhood node in the Highview Neighborhood Plan, providing neighborhood goods and services. The site plan provides required buffering between the development and existing adjacent single-family development.

- (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 development plan conforms to applicable guidelines and policies of the Land Development Code with the exception of a previously-approved waiver.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Detailed District Development Plan** with **Binding Elements**

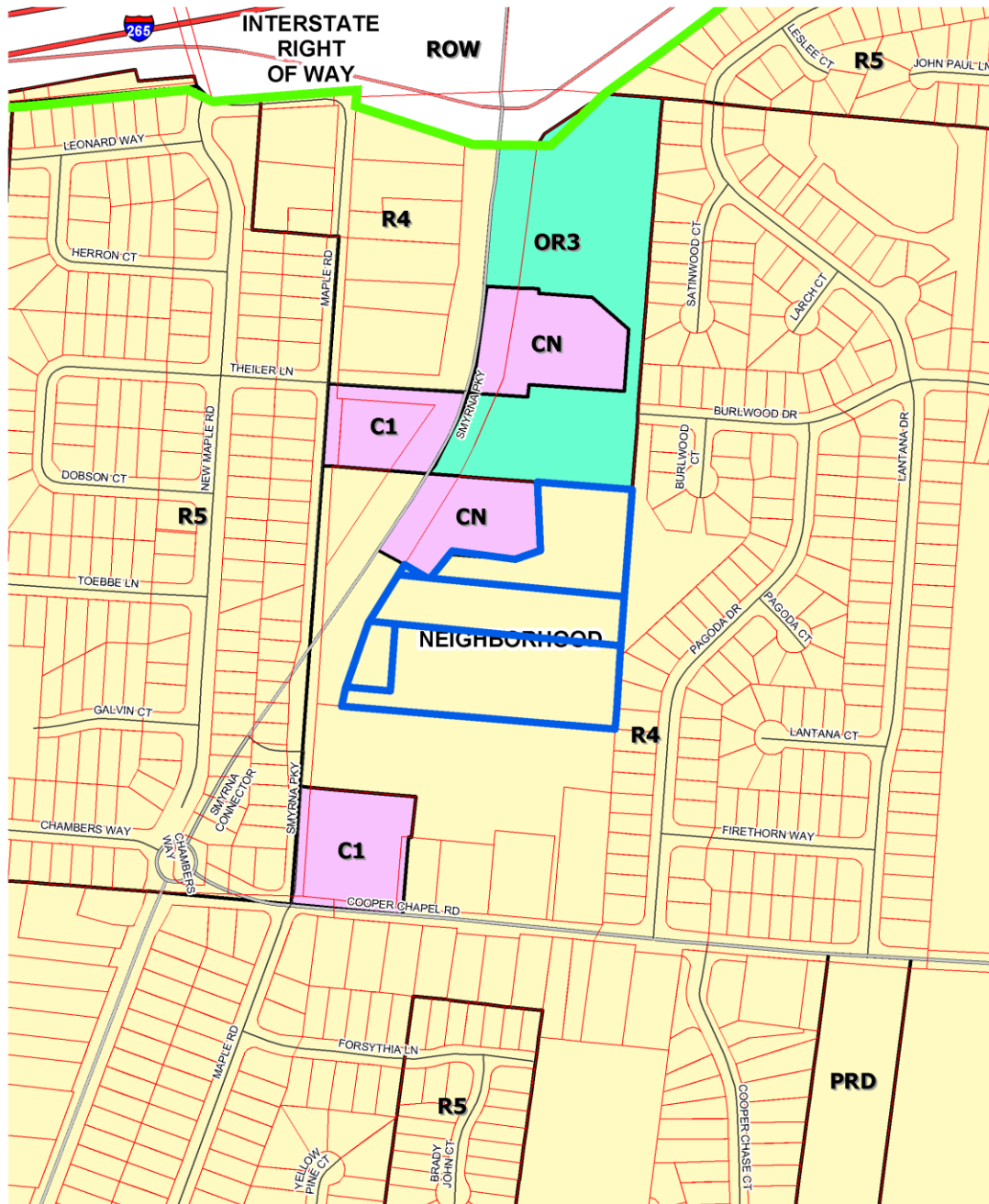
NOTIFICATION

Date	Purpose of Notice	Recipients
09/23/2021	Hearing before PC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23

ATTACHMENTS

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

1. Zoning Map



Smyrna Parkway Apartments

feet



375

Map Created: 2/16/2021



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2. Aerial Photograph



Smyrna Parkway Apartments

feet



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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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor plat or legal instrument shall be recorded consolidating the parcels into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. The landscape plan shall include, at a minimum, plantings as presented at the April 1, 2021 Planning Commission public hearing.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 1, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission. The colors of siding shall vary as presented from building to building.
5. 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.
6. 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.

7. Final design of the fence on the southern and eastern property lines shall be approved by Planning and Design Services staff. The applicant/developer shall consult with the affected neighbors prior to submitting a design by mailing the proposal to the affected property owners and providing for a 14-day comment period.