

ORDINANCE No. 165, SERIES 2015

AN ORDINANCE CHANGING THE ZONING FROM R-4 AND R-5 RESIDENTIAL SINGLE FAMILY TO R-7 RESIDENTIAL MULTI-FAMILY AND C-1 COMMERCIAL ON PROPERTY LOCATED 4646 – 4650 CANE RUN ROAD CONTAINING A TOTAL OF 34.53 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 15ZONE1012).

SPONSORED BY: COUNCILWOMAN MADONNA FLOOD

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission on August 20, 2015, and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 15ZONE1012; and,

WHEREAS, the Council concurs in and adopts the findings of the Planning Commission for the zoning change in Case No. 15ZONE1012 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records;

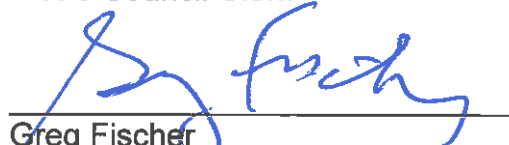
NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

Section I: That the zoning of the property located at 4646 – 4650 Cane Run Road, containing 34.53 acres, and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in Case No. 15ZONE1012, is hereby changed from R-4 and R-5 Residential Single Family to R-7 Residential Multi-Family and C-1 Commercial; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 15zone1012.

Section II: That the alternative plan for connectivity shown on the Detailed District Development Plan for the subject property (Lot 3's emergency access to new intersection of Raven Ridge Drive and Trumpet Way) is also hereby APPROVED.

Section III: This Ordinance shall take effect upon passage and approval.


H. Stephen Ott
Metro Council Clerk


Greg Fischer
Mayor


David W. Tandy
President of the Council

Approved: 9/28/15
Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: 



O-261-15

Case No. 15ZONE1012 Binding Elements

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested General District Development Plan and the binding elements on pages 11 and 12 of the staff report, **ON CONDITION** that parking on Lot 5 is evaluated if the third access point is permitted by the State; and **ON CONDITION** that direct pedestrian connections are provided to sublots 1 and 5 when those lots are proposed for development; and **ON CONDITION** that sidewalks either be provided or a waiver obtained for the new public road connection at the rear of the property. The binding elements are as follows:

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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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 Develop Louisville and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. 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; transmittal of

approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

- e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 20, 2015 Planning Commission meeting for Lots 2, 3, 4 and 8.
 8. The materials and design of proposed structures for Lots 1, 5, 6 and 7 shall be reviewed for compliance with the LDC upon submittal of a Detailed District Development Plan for each lot.

CASE #15ZONE1012
CAN RUN MULTI-USE DEVELOPMENT
ZONING DESCRIPTION
FROM R-4 & R-5 TO C-1
(Revised 8/17/15)

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Being a certain tract of land in Jefferson County, Kentucky, located north of Teakwood Circle, south of Donald Drive and east of Veneto Drive, being bound on the east by Cane Run Road and being more particularly described as follows:

Beginning at a point in the west right-of-way line of said Cane Run Road, approximately 180 feet south of its intersection with said Donald Drive, said point being the southeast corner of lot 49 as created on the plat of Melody Manor Subdivision as recorded in Plat and Subdivision Book 18, Page 57 and conveyed to Anthony & Karen Glover as recorded in Deed Book 8777, Page 191 in the office of the Clerk of Jefferson County, Kentucky; Thence with the west right-of-way line of said Cane Run Road the following (4) four calls: **S 46°27'28" W**, a distance of **7.75 feet** to a point; Thence with a curve turning to the left, having an arc length of 611.10 feet, a radius of 3869.72 feet, a chord bearing of **S 41°55'44" W**, and a chord length of **610.47 feet** to a point; Thence with a compound curve turning to the left, having an arc length of 214.86 feet, a radius of 3869.72 feet, a chord bearing of **S 35°48'51" W**, and a chord length of **214.83 feet** to a point; Thence **S 34°13'25" W**, a distance of **709.81 feet** to a point, said point lying in the north line of lot 72 as created on the plat of Teakwood Manor as recorded in Plat and Subdivision Book 24, Page 91 as conveyed to Terry & Eugene Rice as recorded in Deed Book 8453, Page 539 in the office aforesaid; Thence with the north line of said Teakwood Manor Subdivision, **N 54°26'18" W**, a distance of **216.07 feet** to a point; Thence leaving the north line of said Teakwood Manor and running through the properties conveyed to The Salvation Army as recorded in Deed Book 8643, Page 703 and Louisville/Jefferson County Metro Government as recorded in Deed Book 8723, Page 168, both in the office aforesaid, the following (9) nine calls: **N 34°13'25" E**, a distance of **947.51 feet** to a point; Thence **N 56°19'16" E**, a distance of **25.00 feet** to a point; Thence with a curve turning to the left, having an arc length of 26.17 feet, a radius of 475.00 feet, a chord bearing of **N 35°15'25" W**, and a chord length of **26.16 feet** to a point; Thence **N 53°09'54" E**, a distance of **50.02 feet** to a point; Thence with a curve turning to the left, having an arc length of 16.38 feet, a radius of 100.00 feet, a chord bearing of **N 48°28'17" E**, and a chord length of **16.37 feet** to a point; Thence **S 60°52'34" E**, a distance of **20.25 feet** to a point; Thence **N 29°07'26" E**, a distance of **333.39 feet** to a point; Thence **N 61°05'54" W**, a distance of **25.00 feet** to a point; Thence **N 29°07'26" E**, a distance of **150.00 feet** to a point in the south line of said Melody Manor Subdivision; Thence with the said south line the following (4) four calls: **S 61°05'54" E**, a distance of **132.81 feet** to a point; Thence **S 61°05'54" E**, a distance of

119.87 feet to a point; Thence S 28°54'14" W, a distance of 23.88 feet to a point; Thence S 60°52'35" E, a distance of 94.55 feet to the point of beginning.

Having an area of 358,893.5 square feet or 8.239 acres.

Being a portion of the same property conveyed to the Louisville/Jefferson County Metro Government by deed dated October 27, 2005 of record in Deed Book 8723, Page 168 on file in the office of the County Clerk of Jefferson County, Kentucky.

Also being a portion of the same property conveyed to The Salvation Army, a Georgia Corporation by deed dated June 21, 2005 of record in Deed Book 8643, Page 703 on file in the office of the County Clerk of Jefferson County, Kentucky.

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CASE #15ZONE1012
CAN RUN MULTI-USE DEVELOPMENT
ZONING DESCRIPTION
FROM R-4 & R-5 TO R-7
(Revised 8/17/15)

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Being a certain tract of land in Jefferson County, Kentucky, located north of Teakwood Circle, south of Donald Drive and east of Veneto Drive, being bound on the east by Cane Run Road and being more particularly described as follows:

Commencing at a point in the west right-of-way line of said Cane Run Road, approximately 180 feet south of its intersection with said Donald Drive, said point being the southeast corner of lot 49 as created on the plat of Melody Manor Subdivision as recorded in Plat and Subdivision Book 18, Page 57 and conveyed to Anthony & Karen Glover as recorded in Deed Book 8777, Page 191 in the office of the Clerk of Jefferson County, Kentucky;

Thence with the west right-of-way line of said Cane Run Road the following (4) four calls:
S 46°27'28" W, a distance of 7.75 feet to a point; Thence with a curve turning to the left, having an arc length of 611.10 feet, a radius of 3869.72 feet, a chord bearing of S 41°55'44" W, and a chord length of 610.47 feet to a point; Thence with a compound curve turning to the left, having an arc length of 214.86 feet, a radius of 3869.72 feet, a chord bearing of S 35°48'51" W, and a chord length of 214.83 feet to a point; Thence S 34°13'25" W, a distance of 709.81 feet to a point, said point lying in the north line of lot 72 as created on the plat of Teakwood Manor as recorded in Plat and Subdivision Book 24, Page 91 as conveyed to Terry & Eugene Rice as recorded in Deed Book 8453, Page 539 in the office aforesaid; Thence with the north line of said Teakwood Manor Subdivision, N 54°26'18" W, a distance of 216.07 feet to a point, said point being the true point of beginning;

Thence with the said north line, N 54°26'18" W, a distance of 459.51 feet to a point; Thence with the east line of said Teakwood Subdivision, N 12°39'04" E, a distance of 9.20 feet to a point; Thence N 09°07'13" E, a distance of 961.82 feet to a point; Thence N 09°07'13" E, a distance of 568.92 feet to a point, said point being the southwest corner to said Melody Manor Subdivision; Thence with the south line of said Melody Manor Subdivision the following (3) three calls: S 60°52'34" E, a distance of 289.97 feet to a point, said point being the southeast terminus point of Trumpet Way; Thence with the east line of said Trumpet Way, N 09°00'08" E, a distance of 21.21 feet to a point; Thence S 61°05'54" E, a distance of 793.30 feet to a point; Thence leaving the south line of said Melody Manor and running through the properties conveyed to The Salvation Army as recorded in Deed Book 8643, Page 703 and Louisville/Jefferson County Metro Government as recorded in Deed Book 8723, Page 168, both in the office aforesaid, the following (9) nine calls: S 29°07'26" W, a distance of 150.00 feet to a point; Thence S 61°05'54" E, a distance of 25.00 feet to

a point; Thence S 29°07'26" W, a distance of 333.39 feet to a point; Thence N 60°52'34" W, a distance of 20.25 feet to a point; Thence with a curve turning to the right, having an arc length of 16.38 feet, a radius of 100.00 feet, a chord bearing of S 48°28'17" W, and a chord length of 16.37 feet to a point; Thence S 53°09'54" W, a distance of 50.02 feet to a point; Thence with a curve turning to the right, having an arc length of 26.17 feet, a radius of 475.00 feet, a chord bearing of S 35°15'25" E, and a chord length of 26.16 feet to a point; Thence S 56°19'16" W, a distance of 25.00 feet to a point; Thence S 34°13'25" W, a distance of 947.51 feet to the true point of beginning.

Having an area of 1,169,007.9 square feet or 26.837 acres.

Being a portion of the same property conveyed to the Louisville/Jefferson County Metro Government by deed dated October 27, 2005 of record in Deed Book 8723, Page 168 on file in the office of the County Clerk of Jefferson County, Kentucky.

Also being a portion of the same property conveyed to The Salvation Army, a Georgia Corporation by deed dated June 21, 2005 of record in Deed Book 8643, Page 703 on file in the office of the County Clerk of Jefferson County, Kentucky.

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Riverport Development, LLC

Justification Statement

for rezoning from R-4 and R-5 to R-7 and C-1

4650 Cane Run Road

June 15, 2015

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Introduction:

The applicant, Riverport Development, LLC, proposes to rezone the subject property from R-4 and R-5 to R-7 and C-1. The proposed development will contain a Family Scholar House campus, senior apartments, family apartments, a Boys and Girls Club, and commercial space. The proposed rezoning includes changing the zoning along Cane Run Road to C-1 to allow neighborhood-serving commercial space and to R-7 for the remainder of the subject property. The property is surrounded by single-family residential on three sides and Cane Run Road on the fourth.

Guideline 1-Community Form:

The subject property is located in the Neighborhood Form District. The Neighborhood Form District encourages a variety of housing options, including multi-family and inclusive housing. The Form District also encourages commercial, though more often at the intersection of an arterial street and a collector. The proposed development complies with this Guideline as it contains housing for single-parent college students (Family Scholar House), families (family apartments) and seniors (senior apartments). The proposal includes commercial along Cane Run Road but at a size and location that is appropriate for the area. In addition to these uses, the proposed development will include a Boys and Girls Club and an academic services center, both of which will serve the residents in the proposed development and the broader community.

Guideline 2-Centers:

The proposed development complies with this Guideline and its applicable policies. The subject property is over 34 acres, a size that rivals many centers. The proposed development includes three different multi-family options, community facilities, open space and a small amount of commercial space. The project forms a campus or center unto itself, and commercial uses are appropriate in this circumstance. The proposed commercial is designed to be neighborhood-serving, and the applicant is marketing the proposal to neighborhood-serving

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users. The proposed development includes a park area, internal pedestrian connections and community serving uses in the Boys and Girls Club and academic services center.

Guideline 3-Compatibility

The proposed development complies with this Guideline and its applicable policies. The proposed buildings for which renderings are available are traditional in style and building materials. The buildings are also at least 70' from the nearest property line and, in most cases, much more. The applicant will provide screening and buffering to mitigate any incompatibility between the proposal and nearby residences. At the neighbor meeting, the applicant stated that it would work with adjacent landowners on buffer design. The proposed development has been designed to place the most intense uses along Cane Run Road, with residential properties behind and between the commercial and surrounding residential uses. The proposed development is also at a density that is appropriate on Cane Run Road, especially considering the size of the subject property and the amenities included in the project. The proposed development should have no impact on noise, odor or light pollution.

Guidelines 4-Open Space and 5-Natural Areas and Scenic and Historic Resources

The proposed development complies with these Guidelines and their applicable policies. The proposed design includes a 2.6 acre park area and other open space within both the family apartments and Family Scholar House site. There is also ample open space on the senior apartment site. There are no known natural features that impact the development of the project, nor are there any known historic resources.

Guidelines 7-Circulation and 8-Transportation Facility Design

The proposed development complies with these Guidelines and their applicable policies. The proposed development contains three entrances onto Cane Run Road, and a single emergency access to Trumpet Way. The proposal is designed as a self contained campus, with internal pedestrian connections and connections to the area sidewalk system. There is adequate parking and adequate room for transit circulation within the site. All of the individual sites will have pedestrian and vehicular access to the main internal access road, "Street A."

Guideline 9-Bicycle, Pedestrian and Transit

The proposed development complies with this Guideline and its applicable policies. The proposed development will provide bicycle parking per the LDC and contains an access network sufficient to allow for transit service.

Guideline 10-Flooding and Stormwater

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The proposed development complies with this Guideline and its applicable policies. The subject property will provide onsite detention sufficient to comply with all MSD standards and contains many, many acres of open space. The project should have no negative effect on adjacent landowners due to stormwater.

Guideline 11-Water Quality

The proposed development complies with this Guideline and its applicable policies. The proposed development contains several acres of open space, both within the various sections and within the 2.6 acre park. The proposed development will also contain detention basins sized to handle stormwater runoff from the new development and to serve, as required by MSD, as water quality measures.

Guideline 12-Air Quality

The proposed development complies with this Guideline as it should have no negative impact on air quality. The proposal is near transit and has contemplated transit in its design. The proposal is a mixed use development, which should encourage residents within and near the proposed development to walk to the commercial area of the project.

Guideline 13-Landscape Character

The proposed development complies with this Guideline as landscaping will be provided to meet or exceed the requirements of the LDC. The applicant is also proposing to retain or install tree canopy and interior landscape areas that exceed the requirements of the LDC.

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Case No. 15ZONE1012 Findings of Fact

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1-Community Form**. The subject property is located in the Neighborhood Form District. The Neighborhood Form District encourages a variety of housing options, including multi-family and inclusive housing. The Form District also encourages commercial though more often at the intersection of an arterial street and a collector. The proposed development complies with this Guideline as it contains housing for single-parent college students {Family Scholar House}, families {family apartments} and seniors {senior apartments}. The proposal includes commercial along Cane Run Road but at a size and location that is appropriate for the area. In addition to these uses, the proposed development will include a Boys and Girls Club and an academic services center, both of which will serve the residents in the proposed development and the broader community; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2-Centers**. The proposed development complies with this Guideline and its applicable policies. The subject property is over 34 acres, a size that rivals many centers. The proposed development includes three different multi-family options, community facilities, open space and a small amount of commercial space. The project forms a campus or center unto itself, and commercial uses are appropriate in this circumstance. The proposed commercial is designed to be neighborhood-serving, and the applicant is marketing the proposal to neighborhood-serving users. The proposed development includes a park area, internal pedestrian connections and community serving uses in the Boys and Girls Club and academic services center; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3-Compatibility**. The proposed development complies with this Guideline and its applicable policies. The proposed buildings for which renderings are available are traditional in style and building materials. The buildings are also at least 70' from the nearest property line and, in most cases, much more. The applicant will provide screening and buffering to mitigate any incompatibility between the proposal and nearby residences. At the neighbor meeting, the applicant stated that it would work with adjacent landowners on buffer design. The proposed development has been designed to place the most intense uses along Cane Run Road, with residential properties behind and between the commercial and surrounding residential uses. The proposed development is also at a density that is appropriate on Cane Run Road, especially considering the size of the subject property and the amenities included in the project. The proposed development should have no impact on noise, odor or light pollution; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 4-Open Space and 5-Natural Areas and Scenic and Historic Resources**. The proposed development complies with these Guidelines and their applicable policies. The proposed design includes a 2.6 acre park area and other open space

within both the family apartments and Family Scholar House site. There is also ample open space on the senior apartment site. There are no known natural features that impact the development of the project, nor are there any known historic resources; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 7-Circulation and 8-Transportation Facility Design**. The proposed development complies with these Guidelines and their applicable policies. The proposed development contains three entrances onto Cane Run Road, and a single emergency access to Trumpet Way. The proposal is designed as a self-contained campus, with internal pedestrian connections and connections to the area sidewalk system. There is adequate parking and adequate room for transit circulation within the site. All of the individual sites will have pedestrian and vehicular access to the main internal access road, "Street A."; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 9-Bicycle, Pedestrian and Transit**. The proposed development complies with this Guideline and its applicable policies. The proposed development will provide bicycle parking per the LDC and contains an access network sufficient to allow for transit service; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 10-Flooding and Stormwater**. The proposed development complies with this Guideline and its applicable policies. The subject property will provide onsite detention sufficient to comply with all MSD standards and contains many, many acres of open space. The project should have no negative effect on adjacent landowners due to stormwater; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 11-Water Quality**. The proposed development complies with this Guideline and its applicable policies. The proposed development contains several acres of open space, both within the various sections and within the 2.6 acre park. The proposed development will also contain detention basins sized to handle stormwater runoff from the new development and to serve, as required by MSD, as water quality measures; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 12-Air Quality**. The proposed development complies with this Guideline as it should have no negative impact on air quality. The proposal is near transit and has contemplated transit in its design. The proposal is a mixed use development, which should encourage residents within and near the proposed development to walk to the commercial area of the project; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 13-Landscape Character**. The proposed development complies with this Guideline as landscaping will be provided to meet or exceed the requirements of the LDC. The applicant is also proposing to retain or install tree canopy and interior landscape areas that exceed the requirements of the LDC; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented and the applicant's justification that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in Zoning from R-4 and R-5 (Single Family Residential) to R-7 (Multi-Family Residential) and C-1 (Commercial) for a Family Scholar House, Boys and Girls Club, Senior Living and Commercial, be **APPROVED**.