

Planning Commission Staff Report

June 1, 2017



Case No:	17ZONE1005
Request:	R-4 to R-6 and PEC
Project Name:	Tucker Station Apartments
Location:	1411 Tucker Station Rd
Owner:	Anna & Charles Voit
Applicant:	Archview Properties
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size:	39.5 acres
Existing Zoning District:	R-4
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	20-Stuart Benson
Case Manager:	Laura L. Mattingly, Planner II

REQUEST

- **Change in zoning** from R-4 to R-6 and PEC
- **Detailed District Development Plan**

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 370 unit multi-family development on a 39.5 acre site in central eastern Jefferson County. The proposal consists of 17 two and three story apartment buildings, garages, a clubhouse and pool, dog park and carwash. The site currently is used for a single family house and is mostly wooded. The site also contains a protected waterway and floodplain on the eastern portion. No development is proposed in this area and all required waterway buffers are proposed. The site has two access points from Tucker Station Road and will be dedicating 40 feet of right-of-way. Tract 2 of the development site is proposed for PEC, Planned Employment Center, but does not contain a detailed plan at this time.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single Family Residential	R-4	SW
Proposed	Multi-Family Residential	R-6	SW
<i>Surrounding Properties</i>			
North	Interstate	NA	NA
South	Single Family Residential	R-4	SW
East	Single Family Residential	R-4	SW
West	Industrial/Office/Single Family	PEC	SW

PREVIOUS CASES ON SITE

None found.

INTERESTED PARTY COMMENTS

Staff has received several emails and one phone call in opposition.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING

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 Cornerstone 2020; **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 Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is proposed to be located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The addition of a multi-family development in this location provides for a more diverse housing choice in an area dominated by single family housing. The mixed-use employment center to the west along Blankenbaker Parkway provides a nearby activity center with services and employment to serve the development. The applicant has provided transit, pedestrian and traffic improvements to mitigate any adverse impacts on the surrounding community and provide multi-modal options for residents. Landscaping and preservation of trees and natural resources on site, as well as appropriate setbacks and design will help with transitions to adjacent lower-intensity uses and increase compatibility to existing and future land uses. The preserved areas, landscaping and onsite retention will also mitigate for the additional impervious surfaces associated with the development.

A checklist with a detailed analysis of the Guidelines and Policies of Cornerstone 2020 is attached to the end of this staff report. The checklist contains elements of the proposal that fulfill the goals and objectives of Cornerstone 2020, fail to meet those goals and objectives, or require more information. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment.

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: The proposal is preserving the eastern portion of the site and will not be disturbing the floodplain limits or Pope Lick Creek and its buffer areas. The proposal also includes 540,397 square feet of Tree Canopy Protection Area.

- 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 have been provided through adequate vehicular access, a proposed public sidewalk, pedestrian connections to the public sidewalk and pedestrian connections throughout the site, as well as the addition of a TARC stop on Tucker Station Road. The applicant will also provide funds for a signal at the intersection of Tucker Station Road and Bluegrass Parkway.

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

STAFF: Open space requirements have been exceeded and meet the requirements for both scenic and recreational.

- 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 and land uses are compatible with the existing and future development of the area, as this proposal is similar in scale and massing to the proposed retirement development across Tucker Station Road. In addition, appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways and mitigate adverse impacts to surrounding properties.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

The plan is in order and has received preliminary approvals from Transportation and MSD.

Public Works has reviewed the Traffic Impact Study and determined that the applicant contributes to a traffic signal at the intersection of Tucker Station Road and Bluegrass Pkwy in order to mitigate for increased traffic. A binding element has been proposed to indicate this.

The applicant has added the recommended TARC stop to the proposal.

STAFF CONCLUSIONS

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and complies with the Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

REQUIRED ACTIONS

- **RECOMMEND** that the Louisville Metro Council **APPROVE** or **DENY** the **Change-in-Zoning** from R-4, Single-family Residential to R-6, Multi-Family and PEC, Planned Employment Center
- **APPROVE** or **DENY** the **Detailed District Development Plan**

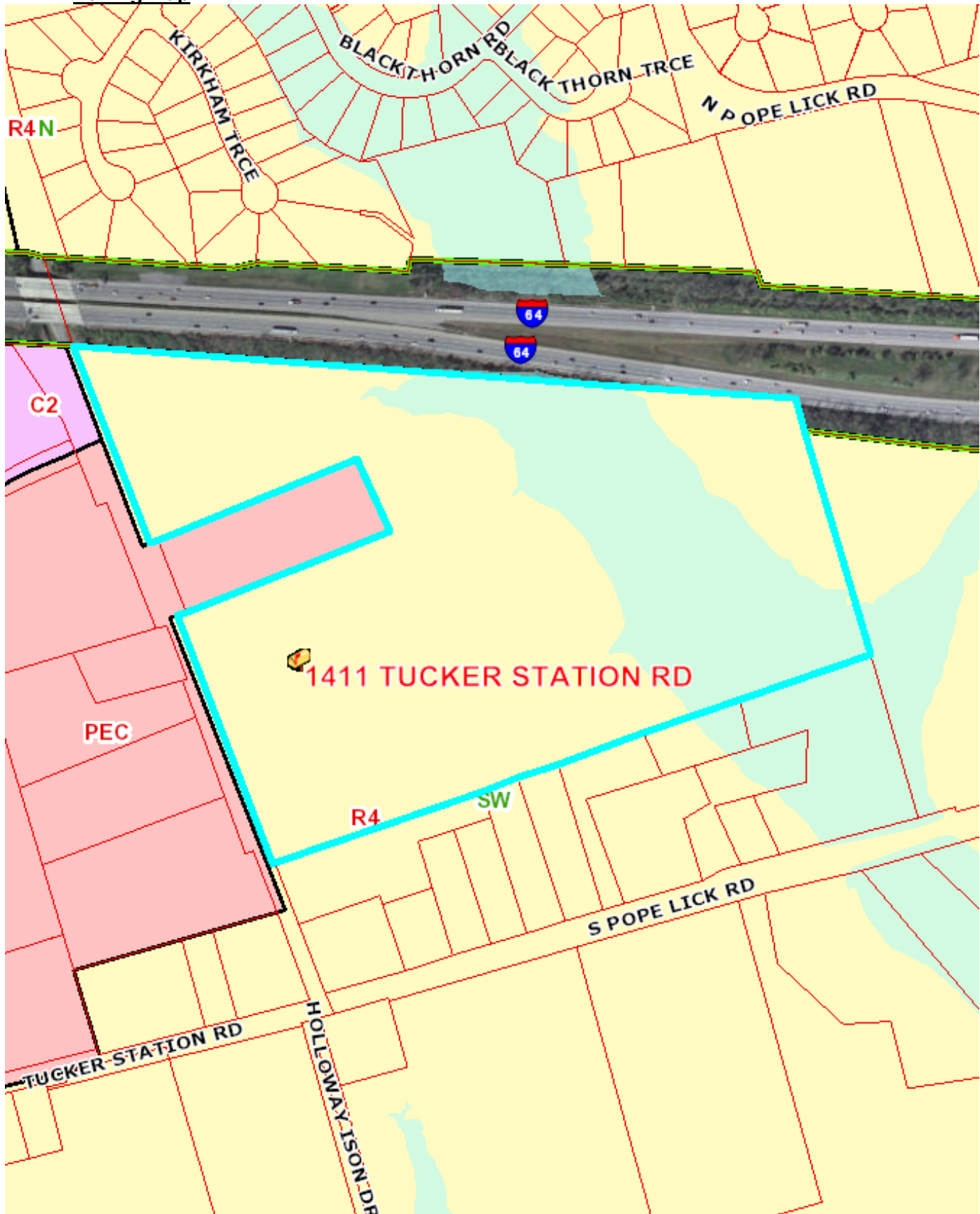
NOTIFICATION

Date	Purpose of Notice	Recipients
04/11/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
05/18/17	Hearing before PC / BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
05/17/17	Hearing before PC / BOZA	Sign Posting on property
5/20/17- 5/26/17	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. Zoning Map



2. **Aerial Photograph**



3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Suburban Workplace: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	All required landscape buffers and setbacks have been provided that provide for integration into the existing pattern of development.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses.	✓	The proposal is just east of a large Planned Employment Center, as well as a commercial corridor with a mixture of uses.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	The applicant is proposing public sidewalks which connect to the pedestrian connections within the development. The applicant is also proposing a new TARC stop near the entrance of the development.
4	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	With the site's proposed setbacks and scale and massing of buildings, it is compatible with nearby development.
5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	NA	This development is not within an infill context.
6	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	The proposal includes all required setbacks and landscape buffers that mitigate any possible nuisances to adjacent single family properties.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The applicant is paying for the addition of a traffic signal at Tucker Station and Bluegrass Pkwy.
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	General Note #7 states that all luminaires will be directed downward and away from residential and open space.
9	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	The proposal is offering another housing alternative to this predominantly single family area.
10	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is located near an employment/activity center to the west.
11	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	✓	The proposal's parking is in compliance with ADA standards, has added a TARC stop, will provide sidewalks and pedestrian connections and is located near a mix of uses, which are all features that enable the elderly or persons with disabilities more mobility.
12	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	✓	The proposal is offering another housing alternative to this predominantly single family area, which promotes inclusivity in the area.
13	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	All required setbacks, buffer areas, plantings and screenings are proposed.
14	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	All required setbacks, buffer areas, plantings and screenings are proposed.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks are compatible with those nearby to the west within the Suburban Workplace Form District and are in compliance with the standards for residential development within the Suburban Workplace form.
16	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	+	The open space and recreational open space far exceed the requirement
17	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Suburban Workplace Form District.	+	The open space and recreational open space far exceed the requirement and is appropriate for residential within the Suburban Workplace form district.
18	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The protected waterway, floodplain and nearly half of the existing trees on site are being preserved and left undisturbed.
19	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The protected waterway, floodplain and nearly half of the existing trees on site are being preserved and left undisturbed.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	+/-	The 1957 structure on site is a potentially eligible historic resource as an example of a rural vernacular type, the context is not fully known at this time. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. Archaeological discoveries such as artifacts, features, and other archaeological deposits should be reported to the Landmarks Commission. Examples include Native American spear points and tools, historic objects, historic trash pits/dumps, privies (outhouse pits), cisterns, wells, and foundations.
21	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The applicant is contributing \$10,200 for the addition of a traffic light at the intersection of Tucker Station Rd and Bluegrass Pkwy. Also, 40' of Right-of-Way is being dedicated along Tucker Station Road.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
22	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	Transportation Review staff has approved the proposal.
23	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal includes right of way dedication and pedestrian walkways throughout the development.
24	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	Roadway connections are adequate.
25	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	The proposal has adequately mitigated for any adverse traffic impacts.
26	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Vehicular and pedestrian connections within the development are adequate.
27	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal includes public sidewalks and connected pedestrian walkways throughout the development and is adding a TARC stop on Tucker Station Road to improve transit access.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
28	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has reviewed the proposal and has given preliminary approvals.
29	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The preservation of the eastern side of the site will aid in maintaining natural corridors in the area.
30	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is granting easements to contain any utilities that do not currently exist.
31	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The Louisville Water Company has adequate infrastructure in place to serve the development.
32	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	Health and Wellness did not express objections to the proposal.

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 Develop Louisville, Louisville Metro Public Works 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 plat or legal instrument shall be recorded consolidating the property 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 1, 2017 Planning Commission meeting.
9. The developer shall contribute their prorated portion, not to exceed \$10,200 to the cost of the signal installation at Tucker Station Rd and Bluegrass Pkwy; this shall be paid within 30 days of the request by the Director of Louisville Metro Public Works.