

# Planning Commission

## Staff Report

September 16, 2021



<b>Case No:</b>	20-ZONE-0120
<b>Project Name:</b>	6001 Outer Loop Apartments
<b>Location:</b>	6001 Outer Loop
<b>Owner(s):</b>	Mive Property LLC
<b>Applicant:</b>	Mive Property LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

### REQUESTS

- **Waiver** from 5.9.2.A.1.a.ii to omit a required stub street to an adjacent undeveloped lot (21-WAIVER-0046)
- **Detailed District Development Plan** with Binding Elements

### CASE SUMMARY/BACKGROUND

The subject site is located along Outer Loop between the intersections with Shepherdsville Road and Smyrna Parkway. The applicant proposes to rezone the property to R-6 in order to construct a new 252-unit multi-family development. Outer Loop is a designated parkway at this location.

Institutional uses abut the site to the west and east, while large-lot single-family development is located to the north. Single-family development is located across Outer Loop to the south.

The site is located in the study area for the Highview Neighborhood Plan, and is located between the proposed Neighborhood Activity Centers/Nodes at the major intersections of Shepherdsville Road and Outer Loop, and Smyrna Parkway and Outer Loop.

This case was previously heard by Planning Commission on June 17, 2021 for a zoning change, waiver and DDDP. The zoning change was recommended for approval to Metro Council, while the DDDP was continued to the Land Development and Transportation Committee, to a date uncertain. LD&T has reviewed the plan and has forwarded it back to the full Commission. No action has been taken on the waiver as yet.

### STAFF FINDING

Staff finds that the waiver is adequately justified and meets the standard of review. The site plan meets the guidelines of the Comprehensive Plan and the Highview Neighborhood Plan, as the design of open space and layout of the site have been significantly revised to meet the neighborhood plan and Comprehensive Plan guidelines.

### TECHNICAL REVIEW

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

The Highview Neighborhood Plan (2015) recommendation CF3 advises developers to incorporate design principles for new or redeveloped multi-family residential:

- New multi-family development should be designed to a scale (both height and mass) to be cohesively integrated into the surrounding existing development.
  - Small sites should act as infill development and focus on design over density
  - Medium-scaled sites should take advantage of opportunities for a variety of housing types and options
  - Larger sites should provide a range of housing types with a centralized common open space or focal point, interconnected system to streets, sidewalks and paths to create a neighborhood feel
- New development should connect to surrounding neighborhoods through an integrated car, bike and pedestrian network with adequate and appropriately sited parking (i.e., not located between a building and public street).
- Both public and private open spaces (scaled appropriately for the design of the development) should be incorporated into the design. The orientation of buildings around common spaces should also be designed to face the public space or streets.
- Landscaping treatments, including trees, planting and other treatments, should be incorporated throughout the development with utilities and service structures screened from view.
- The architectural design of new multi-family developments should vary to create interest rather than duplicating the same facade or building design in a continuous row or in multiple locations. The scale of buildings should be pedestrian-friendly and highlight the entry to individual units. The buildings should have proportions and massing that creates a higher-density residential neighborhood (compared to a large apartment building with large parking lot). High-quality and durable materials, such as brick, stone, etc., should be used in all multi-family developments and changes in colors and materials should be encouraged.

### **INTERESTED PARTY COMMENTS**

No interested party comments have been received which are specific to the site plan or the waiver. The zoning change is not under consideration.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.9.2.A.1.a.i:**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the affected property has its own access to Smyrna Road.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages connectivity where appropriate. The connection is not appropriate in this case because making the connection would infringe on a wooded area with topographical constraints. Plan 2040 also encourages the preservation of environmentally sensitive areas of development sites.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the required connection would impact a wooded area with topographical constraints.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to provide a road connection through a topographically constrained area of the site, to provide connectivity which is unlikely to be widely utilized by drivers.

### **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 in an environmentally constrained area and will be preserved there. No other natural resources 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. The revised site plan locates most of the open space near the front of the site where it is accessible to all future residents. The open space is a focal point of the site. The buildings are arranged around it and oriented toward it as recommended by the neighborhood plan.

- (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 neighborhood plan, and compatible with projected future development of the area.

- (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 the requested waiver. The development plan conforms with the Comprehensive Plan and the Highview Neighborhood Plan. The design of open space is encouraged to meet outdoor recreation needs, which the centralized open space provided in the development would more readily accomplish compared with the prior plan.

### **REQUIRED ACTIONS**

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

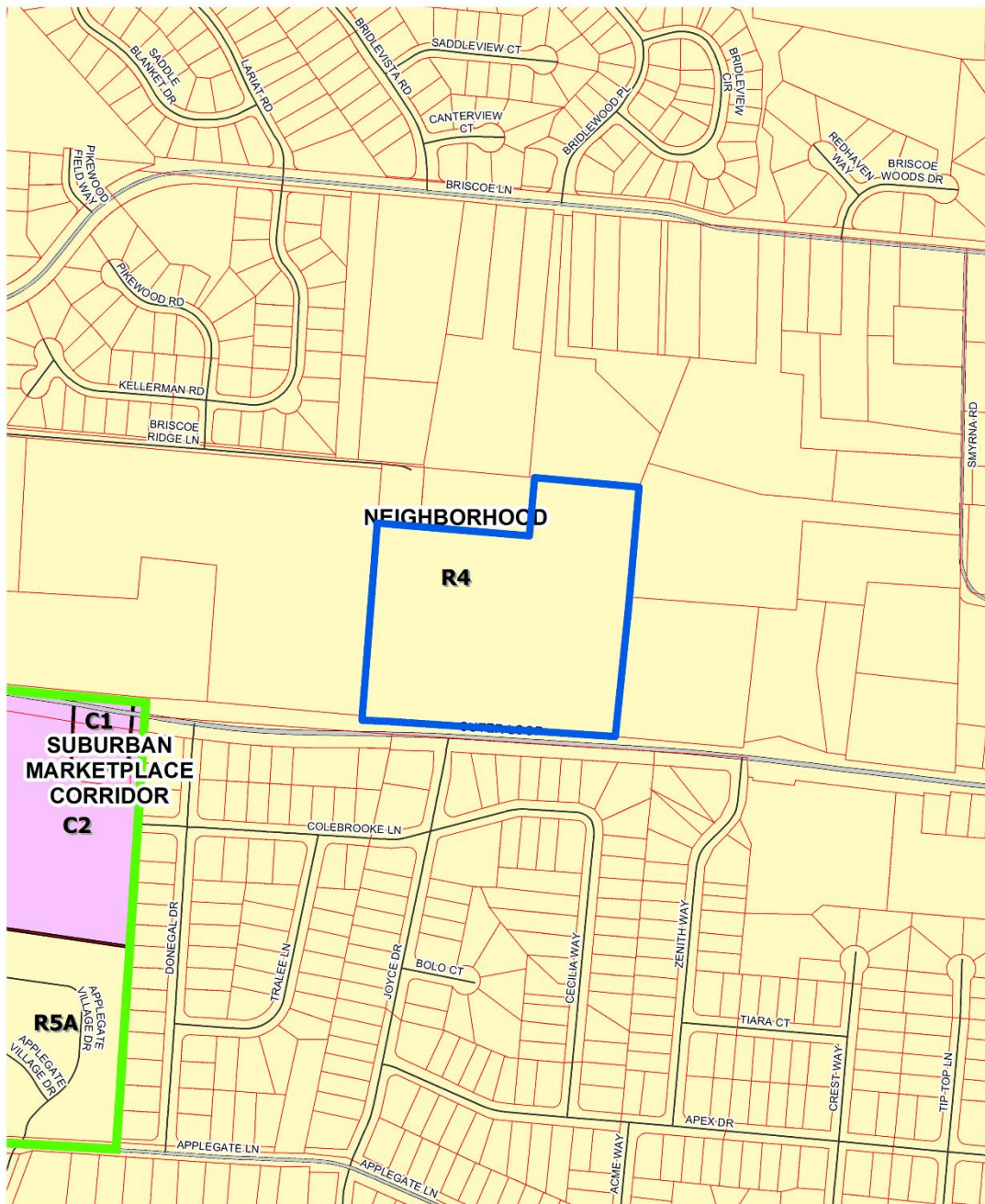
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>08/12/2021</b>	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23&24
<b>09/02/2021</b>	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23&24

### **ATTACHMENTS**

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

1. Zoning Map



6001 Outer Loop  
feet

450

Map Created: 4/27/2020



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2. Aerial Photograph



6001 Outer Loop  
feet

450

Map Created: 4/27/2020



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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. 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.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 16, 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.
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 Developer / Property Owner shall install a concrete boarding pad, bench pad and then notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the Developer / Property Owner shall clean the stop as needed.