

**Land Development & Transportation
Staff Report
May 16, 2019**



Case No:	19ZONE1007
Project Name:	Cherokee Springs
Location:	1576 Cherokee Road
Owner(s):	W. Earl Reed III
Applicant:	Cherokee Springs, LLC
Representative(s):	Wyatt, Tarrant, & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Change-in-Zoning** from R-7, Multi-Family Residential to R-8A, Multi-Family Residential
- **Waiver** of Land Development Code (LDC), section 5.8.1 to waive the required sidewalk along Cherokee Road
- **Variance** from LDC, section 5.1.12.A.2.d to exceed the infill established height range having a maximum height of 44' and be 64' in height or 5-stories, a variance of 20'
- **Variance** from LDC, section 5.4.1.D.2 to reduce the private yard area from 30% to 6%
- **Detailed District Development Plan**

CASE SUMMARY

A change in zoning from R-7 to R-8A on a tract of land opposite Cherokee Park and on the Southwest side of Cherokee Road in the Bonnycastle neighborhood is requested. The subject site is located one-half mile Northeast of Bardstown Road, a commercial and public transit corridor. A two-story multi-family structure is to be razed on the subject site to accommodate the new development. Ten units spread over five-stories containing a total of 32,600 square feet of living space with private balconies at the front and each side is proposed. A landscape amenity is proposed on the park side of the site. Twenty-five parking spaces are proposed; the majority being in an underground garage. Access to parking facilities will be obtained from a rear alley running perpendicular with local residential roadways.

The change in zoning request is being made to accommodate the floor area ratio (FAR) of the proposed development; a ratio of 1.5. Reaching the requested ratio on this lot results in the building height being increased above the infill established range. Parking facilities at the rear and building layout have necessitated the need to reduce the private yard requirements.

STAFF FINDING

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

TECHNICAL REVIEW

The maximum FAR of the existing zoning district is 1.0; meaning that under the current conditions the size of any proposed building may not exceed the size of the lot or 21,675 square feet of "finished space" in this case. The density of the existing zoning district (34.8 du/ac) allows for the development of seventeen dwelling units. The proposed zoning district permits the development of 58.08 dwelling units

per acre at a maximum FAR of 3.0 or 65,025 square feet containing twenty-nine dwelling units. A total of 32,600 sq. ft. is proposed at an FAR of 1.5, see binding element 6.

The subject site is located within the area of the Bonnycastle Neighborhood Plan (adopted 10/01/02)

The following items of the Bonnycastle Neighborhood Plan as summarized by staff appear to be pertinent to the proposed development:

- Neighborhood Goal 1: Limit or restrict the conversion of single-family properties to multi-family use.
- Neighborhood Goal 2: Maintain the character of the residential and commercial aspects of the neighborhood as well as their balance and interdependence
- Neighborhood Goal 4: Take advantage of form districts and preserve diversity
- Neighborhood Goal 5: Maintain public safety (actual and perceived)
- Neighborhood Goal 6: Ensure streets and thoroughfares reinforce cohesiveness, while facilitating movement of pedestrians and vehicles and providing adequate on-street parking.
- In its discussion of *Neighborhood Assets*, the Cherokee Road corridor is highlighted as a “one of a kind” asset. The *Preservation Strategy/Action* states, “The balance of single family and multi-family uses currently in the Corridor should be maintained.” While the strategy primarily addresses the conversion of single-family homes to multi-family homes, there are several items that should be considered for the subject site:
 - Preserving the visual integrity of the Corridor as seen from the street and in relationship to the structures adjoining the property
- A parking ratio of 2.5 spaces per dwelling unit is recommended

Associated Cases

17ZONE1031 – Change in zoning from R-7 to R-8A to allow for the development of 12 units, 6-stories, and 40,250 sq. ft. Recommended for denial by the Planning Commission on April 19, 2018. Denied by Metro Council June 29, 2018.

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.

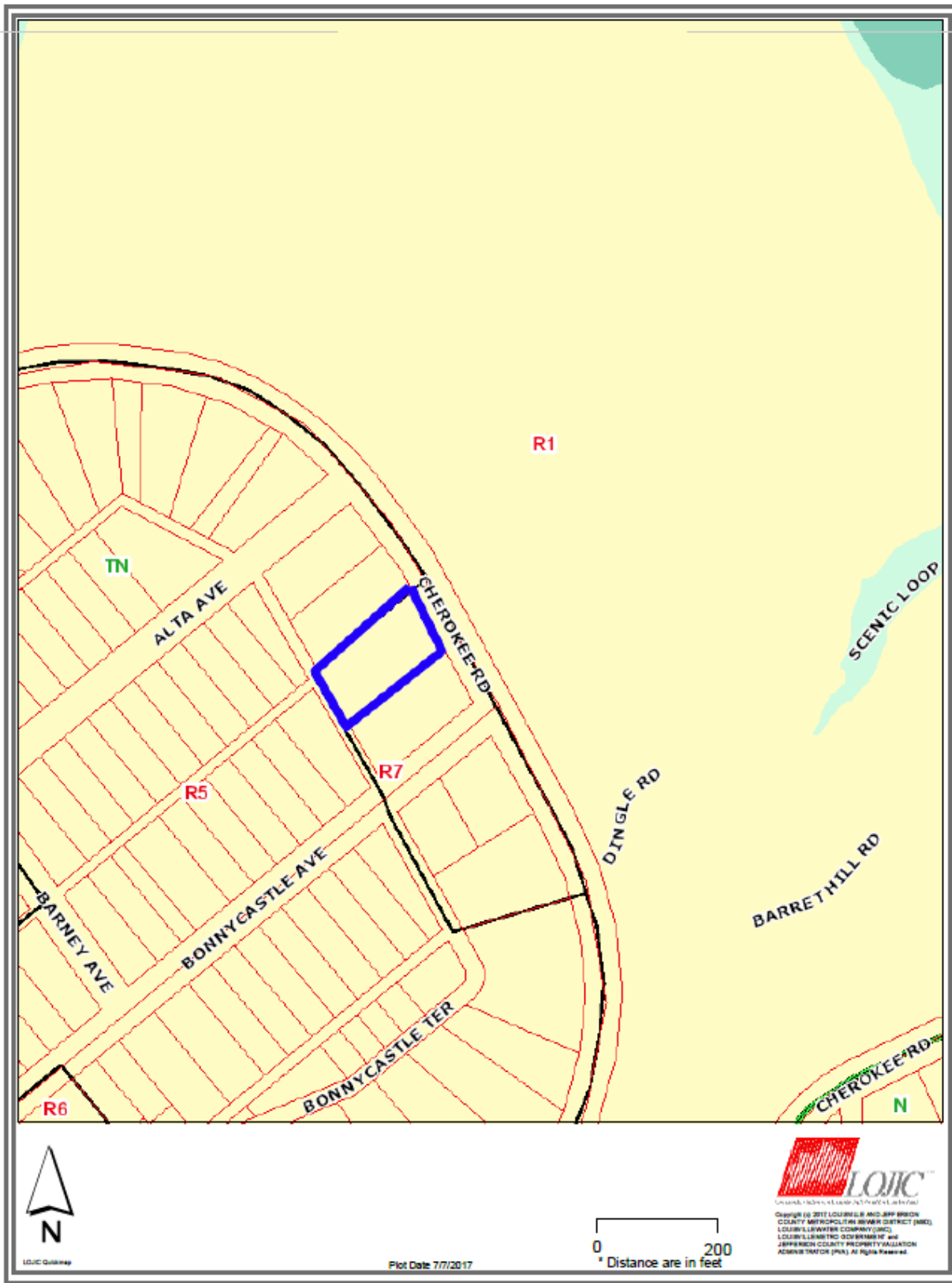
NOTIFICATION

Date	Purpose of Notice	Recipients
5/1/19	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 8
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed 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 Develop Louisville, 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 building permit. 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 _____ 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. There shall be no direct vehicular access to Cherokee Road.
6. The development shall not exceed 32,600 square feet of gross floor area; an FAR of 1.5.
7. 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.
8. Construction access shall be prohibited from Cherokee Road and limited to the rear alley only.

9. Trees located within the right-of-way of Cherokee Road are to be preserved. The removal or placement of any tree within the right-of-way of Cherokee Road must first receive approval from the Louisville Metro Department of Parks and Recreation.
10. In the event blasting is to occur, a pre-blast survey of nearby homes shall be conducted in conformance with State Law for a minimum of two tiers of adjacent property or greater distance if specified by statute.
11. The rear alley from Bonnycastle Avenue to Alta Avenue that provides primary vehicular access to the subject site shall be resurfaced by the applicant in conformance applicable construction standards. Any trees or vegetation lost as a result of construction shall be replaced.