

# Land Development & Transportation Staff Report

February 28, 2019



<b>Case No:</b>	18ZONE1064
<b>Project Name:</b>	Shelby Parkway Apartments
<b>Location:</b>	917-927 Shelby Parkway
<b>Owner(s):</b>	Tye J. Hardin & 927 Shelby LLC.
<b>Applicant:</b>	927 Shelby, LLC
<b>Representative(s):</b>	Milestone Design Group
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-form** from TW, Traditional Workplace to TN, Traditional Neighborhood
- **Change-in-Zoning** from M-2 to R-8A, Multi-family Residential
- **Waiver** of Land Development Code (LDC), section 10.2.4 to reduce the required 15' LBA adjacent to the railroad right-of-way
- **Variance** from LDC, section 5.1.12 to allow height in excess of the infill established range
- **Detailed District Development Plan**

## CASE SUMMARY

Twenty-four dwelling units have been proposed and divided among 6 buildings on individual lots; each building having 4 units. The subject site is located roughly 200' east of Logan Street, a minor arterial, and 700' feet from the intersection of Goss Avenue, a minor arterial, and Logan Street. The site abuts R-6, multi-family residential and M-2, industrial. A railroad right-of-way abuts the western property line. Shelby Parkway is a dead-end street terminating at the railway. Pedestrian access is provided by a paved sidewalk across the railway tracks. The property is located within the Traditional Workplace form district. Adjacent residential development on the east side of the railway is located within the Traditional Neighborhood and Workplace form.

## STAFF FINDING

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

## TECHNICAL REVIEW

- Redevelopment is subject to the four areas of Traditional Neighborhood site design as specified in LDC, section 5.4.1. Lots 2-6 comply with all parts of LDC, section 5.4.1. However, Lot 1 will apply the criteria of 5.4.1.H which provides that "The Planning Commission may approve an alternative site design pattern for developments creating three or more contiguous residential structures. Sites developed under this Traditional Neighborhood Design Alternative shall not be subject to the standards established in Paragraphs A through E." Staff's Comprehensive Plan review will consider the alternative design request in-lieu-of requesting a variance to reduce the private yard area.

- The infill established height range of the block face is roughly 15'. Height of principal structures in the immediately surrounding area range from 15' – 28'.
- A binding element has been added to ensure the proposed style and design of each structure continues to conform to the standards of design contained in LDC, section 5.4.1 throughout the course of construction.

**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 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.

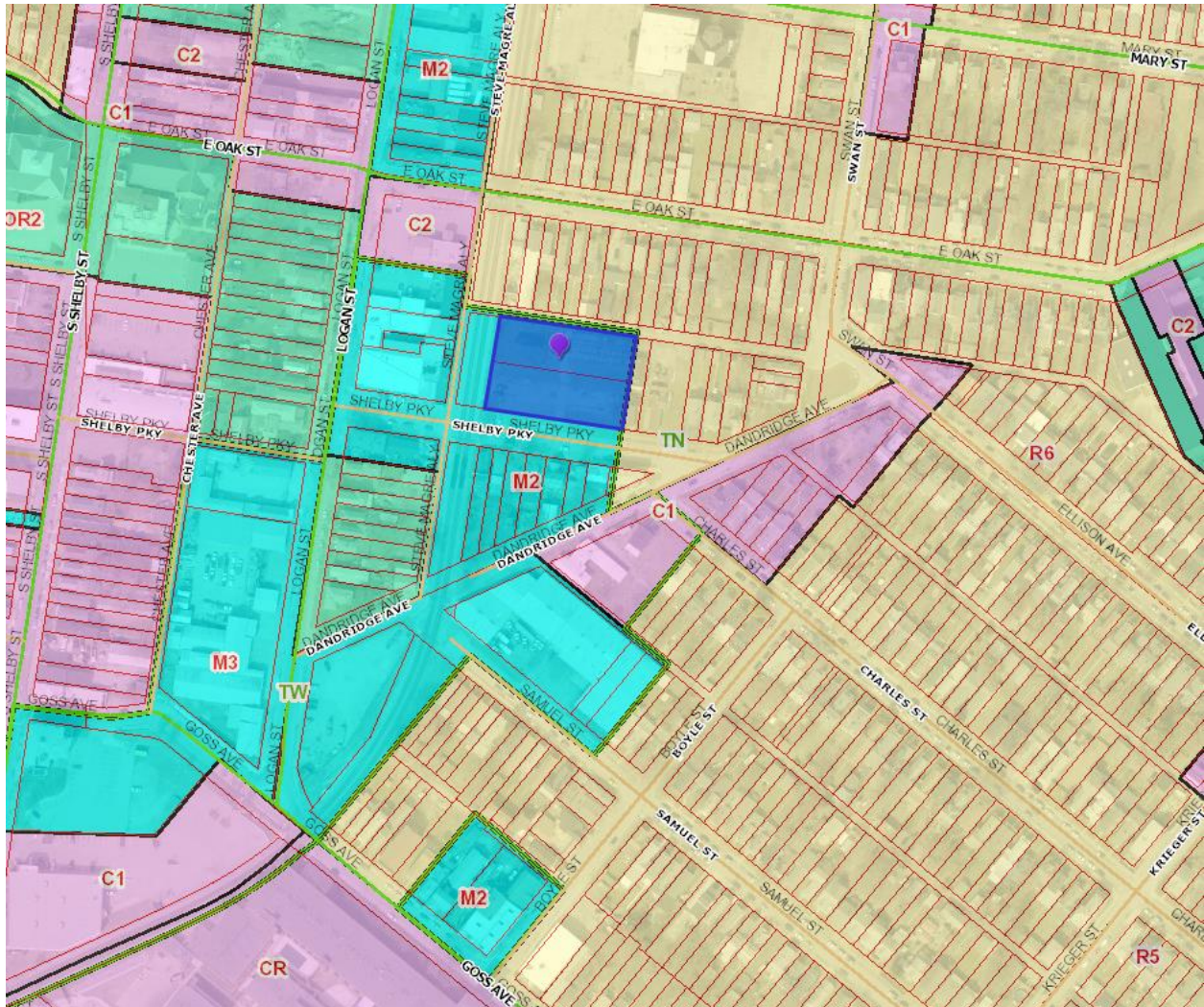
**NOTIFICATION**

Date	Purpose of Notice	Recipients
2/13/19	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

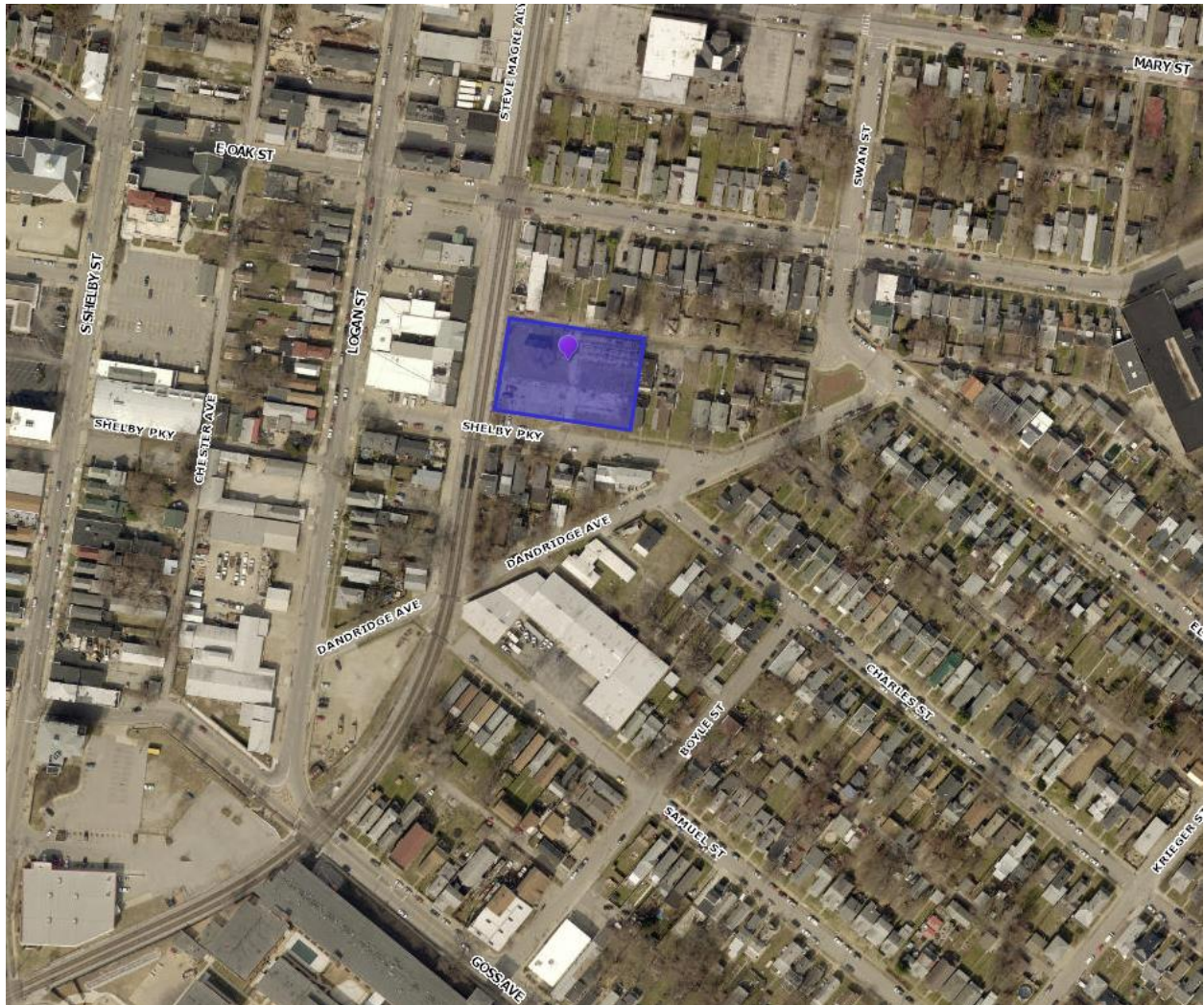
**ATTACHMENTS**

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. 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) 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 minor plat or legal instrument shall be recorded consolidating the property and dedicating right-of-way as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  - d. A reciprocal/shared parking agreement in a form acceptable to the Planning Commission legal counsel shall be created between the all lots and parking areas shown on the approved plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
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 \_\_\_\_\_ Planning Commission meeting.