

**PLANNING COMMISSION MINUTES**  
**April 6, 2017**

**PUBLIC HEARING**

**CASE NUMBER 16ZONE1078**

Project Name	Stonestreet Apartments
Location	Stonestreet Road
Owner	Dorothy J. Yates, Wanda L. Nally
Applicant	Greenwood Properties LLC
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	3.8 acres
Jurisdiction	Louisville Metro
Council District	25 - David Yates
Case Manager	Beth Jones, AICP, Planner II

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

**An audio/visual recording of the Planning Commission meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.**

**Agency Testimony:**

**00:20:15** Beth Jones presented the case (see Staff Report and recording for detailed presentation).

**The following spoke in favor of the request:**

Nick Pregliasco, 1000 N Hurstbourne Pkwy., Louisville, KY 40223

**Summary of testimony of those in favor:**

**00:25:44** Nick Pregliasco spoke on behalf of the applicant. This is basically an extension of the existing Kennedy Place Townhomes community which is being renovated and is not large enough to support a clubhouse. Access to Stonestreet Road will be shared with the existing site, and sidewalks will be constructed along Stonestreet Road. The structures will be designed similarly to those of Kennedy Place Townhomes.

**00:33:09** Commissioners' deliberation

**00:34:18** On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

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**Change in zoning from R-4 Residential Single-Family to R-6 Residential Multi-Family**

**WHEREAS**, the Louisville Metro Planning Commission finds that Greenwood Properties, LLC (“Greenwood Properties”) proposes an apartment community consisting of a 54-unit townhome style apartment community on 3.8 +/- acres along the south side of Stonestreet Road between the existing Kennedy Place Townhomes and Christian Assembly Church, and

**WHEREAS**, the Commission further finds that the subject property lies within the Neighborhood Form District and on Stonestreet Road, east of Dixie Highway; the site’s location provides opportunities for this anticipated community of residents to gain quick and easy access to many shopping and dining opportunities and services, to workplace job opportunities along Dixie Highway and to I-265 and its ease of access to other suburban and downtown employment centers; this proposal will provide this area with new, attractive housing choices for residents who desire to live in a rental community; and other multi-family zoning and serving commercial land uses in close proximity to the subject property include Kennedy Place Townhomes, and

**WHEREAS**, the Commission further finds that Greenwood Properties proposes a townhome community, of all 2-story buildings; gross density will be on the low side of the high density range; and buildings will be constructed of attractive durable building materials (stone and “hardy plank” lap siding) and will feature high end architectural details, and

**WHEREAS**, the Commission further finds that perimeter setbacks and landscape buffer areas are provided along all property lines as required by the Land Development Code (LDC), which will screen and buffer resident activities with existing tree masses or new landscaping from and as to adjoining property owners, and

**WHEREAS**, the Commission further finds that the proposed apartment community conforms with the overall Intents of and specifically with Policies 1, 4, 5, 7, 8, 9, 11, 13, 14 and 15 of Guideline 2 of the for all the reasons listed above and because it will make efficient use of available property that lies within the Neighborhood Form District and is located in a robust area where residents currently seek new housing options that have easy access to the Dixie Highway commercial corridor and nearby workplace areas; future residents will also support the businesses and services in these nearby activity centers; parking is compact and shared, and walking and biking are convenient; and the main internal focal points will be the community exercise facility shown on the detail district development plan (DDDP), and

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**WHEREAS**, the Commission further finds that the proposed apartment community conforms with the overall Intents of and specifically with Policies 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 21, 22, 23, and 28 of Guideline 3 for all the reasons described above and because this proposed community is in a density range and design comparable to other nearby apartment communities; buildings will be of a townhouse style, 2 stories in height and constructed with attractive building materials comparable to residential communities in the area, in this case masonry and “hardy plank”; perimeter landscaping, screening and buffering will be provided and/or retained along all property lines; and buildings are oriented toward internal open spaces, will have ease of access to the exercise facility and on 3 sides will adjoin existing vegetative and/or newly landscaped areas, admittedly much of it on the adjoining large and existing treed church property, and

**WHEREAS**, the Commission further finds that sidewalks will be provided where required, and accommodations will be made for pedestrian and bicycle transportation as well as the handicapped and elderly; odors won’t exist in the residential community as they might in commercial/industrial development; air quality concerns related to traffic congestion or delay will be mitigated by the fact that this is a residential development and that internal roads and sidewalks are efficiently organized to control traffic flow and prevent delays; refuse will be picked up on a regular basis; lighting will be residential in character in conformance with LDC regulations; and all signage will be in conformance with LDC regulations; and no waivers or variances are requested, and

**WHEREAS**, the Commission further finds that the proposed apartment community conforms with the overall Intents of and specifically with Policies 1, 2 and 6 of Guideline 6 because, as noted above, future residents will support and be supported by the businesses, services, schools and churches in and around the nearby activity center of the very robust Dixie Highway, an increasingly popular place along which to work, live and play; this proposal also reduces public costs for land development by utilizing connections to existing infrastructure for water, sewer, electric and phone services; and the apartment community, as proposed, will have easy access to Stonestreet Road and Dixie Highway and several other roads in the area, and from there to other Louisville employment and commercial centers, and

**WHEREAS**, the Commission further finds that the proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 7, 8 and 9 because the proposed DDDP has been designed in conformance with all Metro Public Works and Transportation Planning design policies; good internal circulation, appropriate access, sight distances, corner clearances and parking are provided; Stonestreet Road has adequate traffic-carrying capacity, with a center left-turning lane to provide safe access; sidewalks and bike racks will be provided as required; and the DDDP obtained the stamp of approval from Metro Transportation Planning prior to

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official review by the Planning Commission, thus assuring compliance with all Metro Public Works standards addressed by these Guidelines, and

**WHEREAS**, the Commission further finds that the proposed apartment community conforms with the overall Intents and applicable Policies of Guidelines 10, 11 and 12 because, all drainage will run to internal catch basins and then to a sufficiently sized detention basin, and from there to an existing drainage channel and in that way will comply with all MSD storm water management requirements; therefore, post development peak rates of storm water discharge will not exceed peak pre-development rates; moreover, this DDDP received the preliminary stamped of approval by MSD prior to docketing for LD&T review; Louisville Water Company will provide water to the site; a soil erosion and sediment control plan will also be implemented to further manage sediment and drainage during construction; MSD water quality regulatory requirements have also been addressed; and air quality is addressed by virtue of the referenced shorter commuting distances explained hereinabove, and

**WHEREAS**, the Commission further finds that the proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 13 for all the reasons described above and because landscaping will be provided and/or trees retained around buildings, along the Stonestreet Road entrance and frontage, along internal streets, and along property perimeters as noted above, except where a waiver in the southwest corner of the site has been requested and separately justified; recreational space is provided through and internal exercise facility; passive recreational enjoyment will be enjoyed in the inside recreational facility and within internal site landscaped areas, especially by virtue of the adjoining large open areas on the adjoining church property; and tree canopy requirements will be met, and

**WHEREAS**, the Commission further finds that the proposed apartment community conforms with the overall Intents and applicable Policies of Guideline 14 because, as noted above, water, sewer, electric, phone and cable service connections are available by nearby connection to ensure a reduced cost for infrastructure, and

**WHEREAS**, the Commission further finds that the Commission further finds that, based the staff report, the applicant's findings of fact distributed at today's meeting, and the evidence and testimony presented today, 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 change in zoning from R-4 Residential Single-Family to R-6 Residential Multi-Family be **APPROVED**.

**The vote was as follows:**

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**Yes: Carlson, Ferguson, Tomes, Brown, Howard, Peterson, and Jarboe**

**Absent: Smith, Gazaway, and Lewis**

**Abstain: None**

**No: None**

**00:38:42** On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution was adopted:

**Detailed District Development Plan**

**WHEREAS**, the Louisville Metro Planning Commission finds that the existing tree canopy will not be preserved but new trees will be planted to meet LDC requirements. None of the remaining resources currently exist on the site, and

**WHEREAS**, the Commission further finds that the site will be accessed from Stonestreet Road via a cross-access agreement with adjoining development, eliminating the need for an additional curb cut. A sidewalk will be installed along the Stonestreet Road property frontage, and

**WHEREAS**, the Commission further finds that planned scenic and recreational open spaces exceed LDC requirements, and

**WHEREAS**, the Commission further finds that MSD has reviewed the development plan and issued preliminary approval, and

**WHEREAS**, the Commission further finds that the proposal meets all tree canopy, landscaping and screening requirements and exceeds requirements for open spaces. The site design is compatible with existing development on adjoining property to the east and is buffered from single-family residential development to the north, and

**WHEREAS**, the Commission further finds that the development plan conforms to or exceeds the requirements of the Comprehensive Plan and the Land Development Code, and

**WHEREAS**, the Commission further finds that the Commission further finds that, based the staff report and the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

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**RESOLVED**, the Louisville Metro Planning Commission does hereby **APPROVE (1)** the Detailed District Development Plan and **(2)** a change to the following Finding of Fact, “WHEREAS, the Commission further finds that Greenwood Properties proposes a townhome community, of all 2-story buildings; gross density will be on the low side of the high density range; and buildings will be constructed of attractive durable building materials (stone, “hardy plank” lap siding, **or brick**) and will feature high end architectural details”, **SUBJECT** to the following binding elements:

*NOTE: Change to the Finding of Fact was decided after the motion to recommend rezoning.*

**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 LDC. Any changes/additions/alterations to any binding element(s) shall be submitted to the Planning Commission or its 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. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
  - 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 Transportation Cabinet,
  - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC 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 reciprocal access and crossover easement agreement, in a form acceptable to the Planning Commission legal counsel, shall be created for access to the site from Kennedy Place Circle, as shown on the Detailed District Development Plan presented at the 4/6/2017 meeting of the Planning Commission. A copy of the recorded instrument shall be submitted to the Division of Planning and Design

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

4. 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.
5. The applicant, developer or property owner shall provide copies of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for compliance with these binding elements.

**The vote was as follows:**

**Yes: Carlson, Ferguson, Tomes, Brown, Howard, Peterson, and Jarboe**

**Absent: Smith, Gazaway, and Lewis**

**Abstain: None**

**No: None**