

# Planning Commission

## Staff Report

March 30, 2023



<b>Case No:</b>	22-ZONE-0075
<b>Project Name:</b>	Renaissance on Broadway
<b>Location:</b>	4402 W Broadway
<b>Owner(s):</b>	Christ Temple Apostolic Church
<b>Applicant:</b>	Renaissance on Broadway LP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	5 – Donna Purvis
<b>Case Manager:</b>	Jay Lockett, AICP, Planner II

### REQUEST(S)

- **Waivers**
  1. **Land Development Code** section 5.4.1 to permit residential development that does not conform to the 4 basic components of traditional site design.
  2. **Land Development Code** section 10.2.10 to not provide the required 5-foot Vehicle Use Area Landscape Buffer Area adjacent to the Roman Catholic Bishop of Louisville property.
- **District Development plan** with Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 42 multifamily dwelling units in a single building. The subject site is approximately 4.39 acres and currently contains a mix of multifamily residential units, religious institution and historic sites. The site is located in western Louisville Metro across from Shawnee Park. The vicinity along W Broadway contains a mix of housing types and nonresidential uses, while the neighborhood area surrounding the rear of the subject site is predominantly single family residential.

The site is an Individual Landmark which is known as the Peter C Doerhoeffer House. The house itself was recently demolished by the applicant. The applicant subsequently received a Certificate of Appropriateness concerning demolition after-the-fact as well as the initially proposed 4-story structure for the site, subject to Conditions of Approval. The revised 3-story structure is still under review by Historic Preservation staff.

The Planning Commission recommended that the Louisville Metro Council approve the change in zoning from R-5 to R-7 for this site at the March 16, 2023 hearing. They denied the waiver from the four areas of traditional residential site design and the district development plan.

### STAFF FINDING

The proposal would provide opportunities for fair and affordable housing in an area with ready access to services, amenities and employment opportunities.

The waivers and Detailed District Development Plan are adequately justified and meet the standards of review. The proposed structure is consistent with multifamily development in the Traditional Neighborhood Form District found throughout the city.

## **TECHNICAL REVIEW**

As of the publication of this staff report, no revised development plan has been submitted.

The preliminary plan presented to the Planning Commission on March 16, 2023 had been approved by MSD and Transportation Planning.

During the course of the review of this project, the applicant has reduced the scale from an initial proposal for 55 units in a 4-story structure to a proposed 42 units in a 3-story structure. The Individual Landmarks Architectural Review Committee approved the 4-story design on May 25, 2022. The 3-story structure has not yet been reapproved. Historic Preservation Staff are currently reviewing the revised proposal.

## **REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Waiver(s)**.
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

## **INTERESTED PARTY COMMENTS**

Several area residents have contacted staff to express their opinions regarding this proposal. See attachments for resident emails and petition.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1**

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

STAFF: The waiver will not adversely affect adjacent property owners, as the adjacent properties are developed at a similar scale and site design. The retirement community to the east is a 3-story structure with associated parking, while the Basil Doerhoeffer House is a historic mansion converted to multifamily dwellings. To the rear of the proposed development is Christ the King Church. There are other multifamily developments in the area along W Broadway that similarly do not comply with the 4-areas of traditional site design.

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

STAFF: The waiver will not violate the Comprehensive Plan, as the structure meets all multifamily building design requirements found in the Land Development Code. The site has close access to Shawnee Park, providing opportunities to residents for recreation and outdoor activities without a private yard area. Parking is provided along the side of the structure and served via shared access through the site behind the proposed structure. The proposal would create additional affordable housing options in an area with access to services, amenities and employment opportunities. The site is served by transit and has dedicated bike lanes along W Broadway.

- (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.

- (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: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the site is irregularly shaped and occupied with multiple principle structures. Apartment buildings are found throughout the Traditional Neighborhood Form District areas of Louisville Metro that similarly do not follow the 4-areas of traditional site design. Numerous examples of similar-scale urban apartment development can be found throughout West Louisville, Old Louisville, Cherokee Triangle and other older areas of the city.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2**

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

STAFF: The waiver will not adversely affect adjacent property owners, as the area to be screened on the adjacent property is a parking lot that shares access through the subject site.

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

STAFF: The waiver will not violate the Comprehensive Plan, as all required planting and screening will be provided elsewhere around the site.

- (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. All other screening and planting required will be provided on the subject site.

- (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: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as the buffer area would be between two parking areas that share crossover access.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS**

- (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: There do not appear to be any environmental constraints on the subject site. The site is an Individual Landmark known as the Peter Doerhoeffer House. That historic structure has been demolished. Individual Landmarks reviewed and approved the demolition after-the-fact and a preliminary approval of the initial building design.

- (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: There are no open space requirements pertinent to the current proposal. The site is less than 300 feet from Shawnee Park.

- (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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- (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 Comprehensive Plan and to requirements of the Land Development Code.

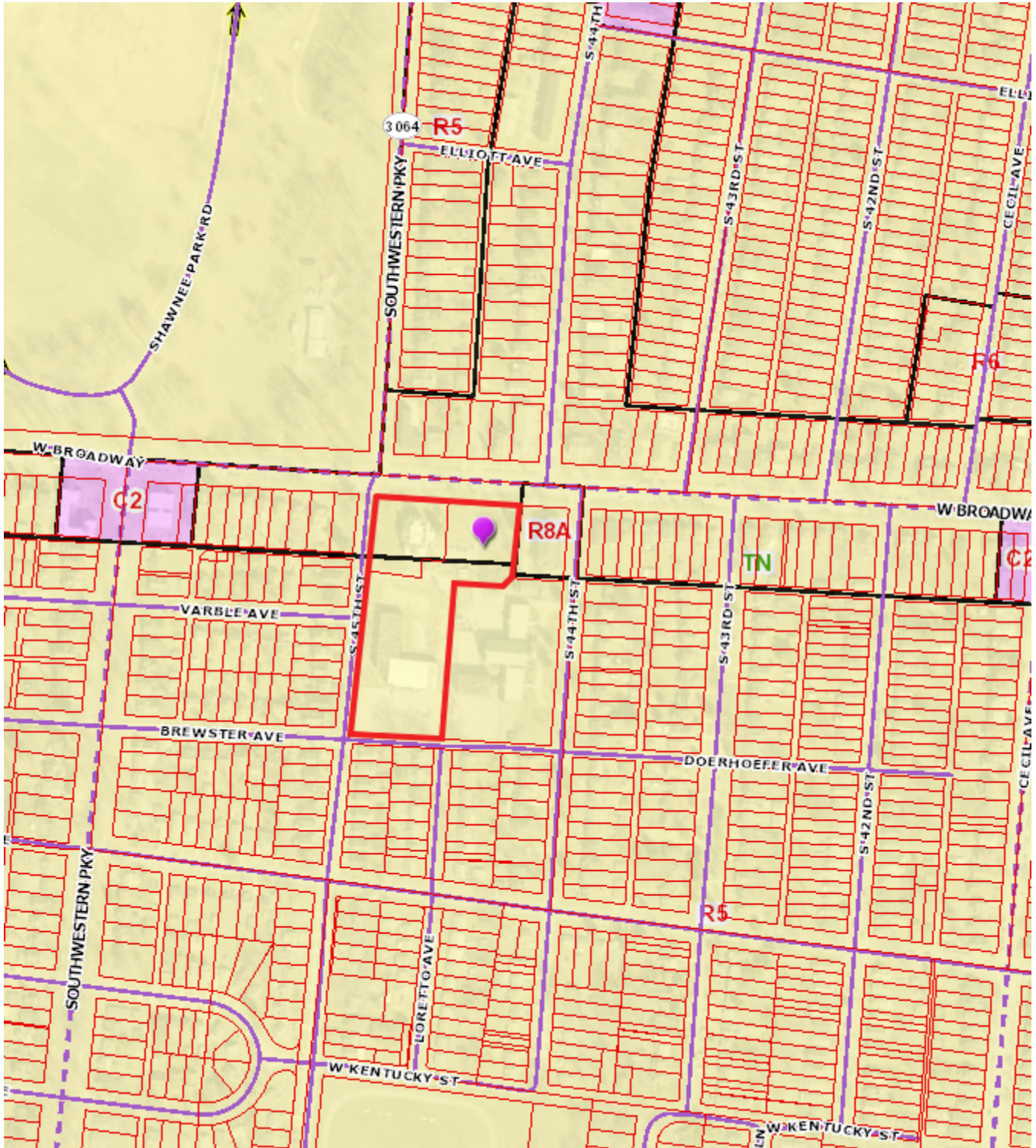
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1-26-23	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 5
3-1-23	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 5
2-27-23	Hearing before PC	Sign Posting on property
3-3-23	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



#### **4. 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. 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.
3. 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. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the approved development plan
  - 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 shared parking, access and crossover agreement in a form acceptable to Planning Commission legal counsel shall be created between the sites and recorded. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services prior to requesting a certificate of occupancy.
  - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations shown at the Planning Commission public hearing. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 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.



6. The development shall be in accordance with a Certificate of Appropriateness approved by the Historic Landmarks and Preservation District Commission and/or Historic Preservation Staff. The development shall follow all associated Conditions of Approval.