

**Planning Commission
Staff Report**
April 6, 2017



Case No.	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

REQUEST

- Change in zoning from R-4 Residential Single-Family to R-6 Residential Multi-Family
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a change in zoning from R-4 Single-Family Residential to R-6 Multi-Family Residential for the development of apartments. The site is currently undeveloped. The proposed apartment development will include a clubhouse, 38 three-bedroom units and 12 one-bedroom units for a total of 50 dwelling units. The existing Neighborhood form district will remain unchanged.

Access to the site will be attained through a cross-access easement to Kennedy Place Circle, the existing street serving Kennedy Place Townhomes, located adjacent to the site on the east. The proposed development requires a minimum of 81 and maximum of 162 parking spaces; the plan includes 112 spaces, including 6 ADA.

The proposal includes 40,325 sq ft of open space, 10% more than required, which includes 16,000 sq ft of recreational open space.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Undeveloped	R-4	Neighborhood
Proposed	Apartments	R-6	
Surrounding Properties			
North	Undeveloped	R-4	Neighborhood
South	Undeveloped	R-5	
East	Multi-Family Residential	R-7	
West	Undeveloped	R-5	

PREVIOUS CASES ON SITE

There are no related zoning cases or enforcement action associated with the subject property.

INTERESTED PARTY COMMENTS

No comments have been received from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM 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.

STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES

The site is located within a Neighborhood Form District. The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

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: 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.

- b. Provisions for safe and efficient vehicular and pedestrian transportation, within both the development and the community;

STAFF: 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.

- c. The provision of sufficient scenic and recreational open space to meet the needs of the proposed development;

STAFF: Planned scenic and recreational open spaces exceed LDC requirements.

- d. The provision of adequate drainage facilities on the subject site to prevent drainage problems from occurring on the subject site or within the community;

STAFF: MSD has reviewed the development plan and issued preliminary approval.

- e. The compatibility of the land use and overall site design, including location of buildings, parking lots, screening and landscaping, with existing and projected development in the area;

STAFF: 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.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The development plan conforms to or exceeds the requirements of the Comprehensive Plan and the Land Development Code.

TECHNICAL REVIEW

- There are no outstanding technical issues to be addressed.

STAFF CONCLUSIONS

The proposed development makes good use of the undeveloped land, increasing housing options in the area while minimizing any potential negative impacts on adjacent single-family housing development. The site plan meets or exceeds open space requirements. The shared-access easement improves safety for pedestrians and vehicles by limiting the number of curb cuts to Stonestreet Road.

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if 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.

Action is required to recommend approval or denial of the zone change request to Louisville Metro Council and to approve or deny the DDDP.

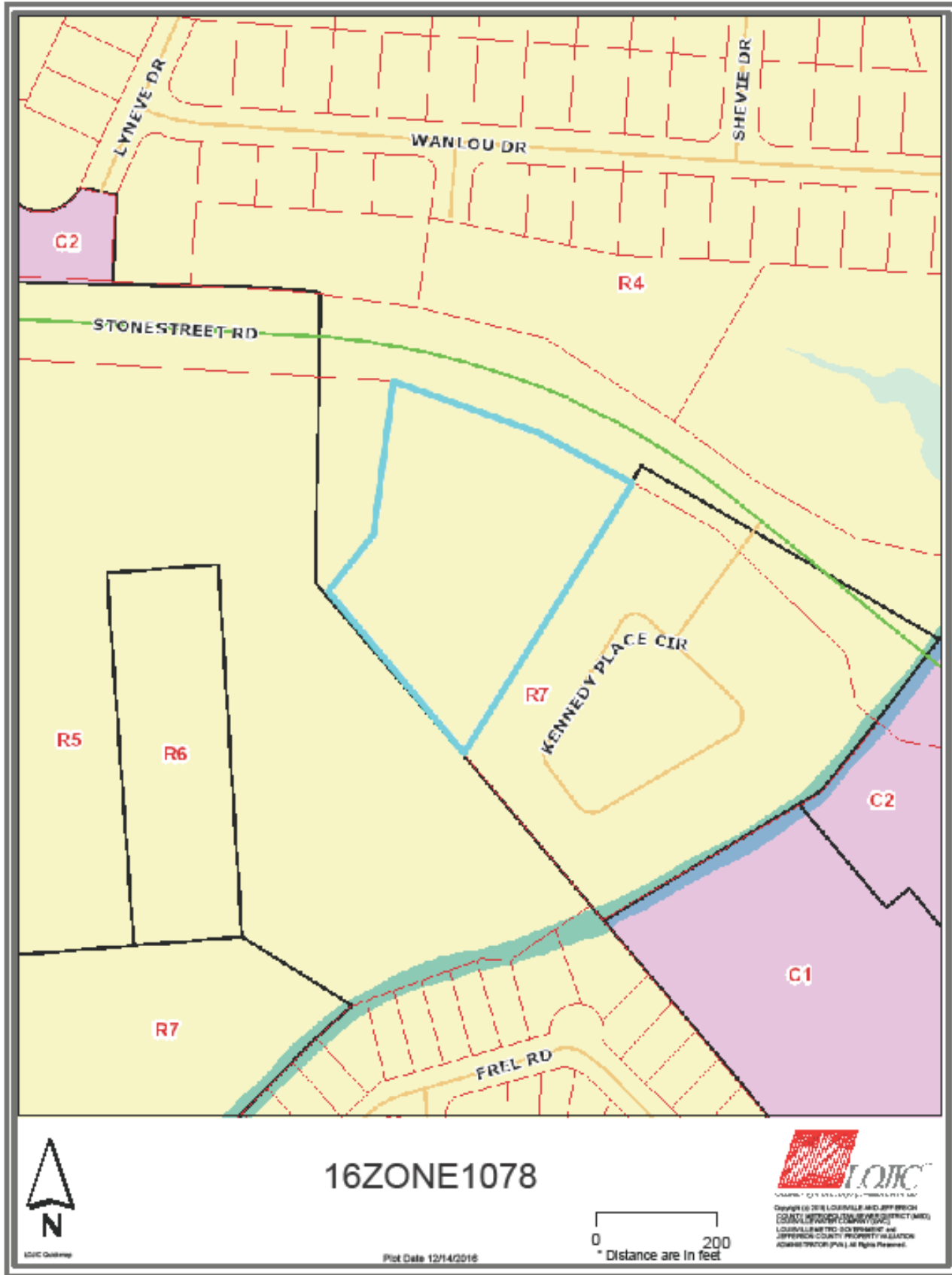
NOTIFICATION

Date	Purpose of Notice	Recipients
12/1/2016	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 25
2/23/2017	Hearing before LD&T	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 25
3/23/2017	Hearing before Planning Commission	1st and 2nd tier adjoining property owners Registered Neighborhood Groups, Council District 25
		Newspaper notification
3/23/2017		Sign

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

Neighborhood: Residential

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	✓	Proposal is surrounded by property zoned for R-4, R-5 and R-7 uses.
2	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	✓	Proposal is not high-density. Stonestreet Road is a Minor Arterial.
3	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	✓	Proposal does not introduce a new housing type and is compatible.
4	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	✓	Proposal connects to similar development on adjacent parcel.
Community Form/Land Use Guideline 2: Centers			
5	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	Proposal is not an Activity Center.
6	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	NA	Proposal is not an Activity Center.
7	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	NA	Proposal is not an Activity Center.
8	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	Proposal is not an Activity Center.
9	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	Proposal is not an Activity Center.
10	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	Proposal is not an Activity Center.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
11	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	NA	Proposal is not an Activity Center.
12	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	Proposal is not an Activity Center.
13	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	Proposal is not an Activity Center.
14	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	NA	Proposal is not an Activity Center.
15	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	NA	Proposal is not an Activity Center.
16	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	NA	Proposal is not an Activity Center.
17	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	Proposal is not an Activity Center.
Community Form/Land Use Guideline 3: Compatibility			
18	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	✓	Proposal is compatible with adjacent development and zoning.
19	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	NA	Proposal is not infill; consideration of building materials is not required. Proposed development will be similar to neighboring multi-family development.
20	A.3: The proposal is compatible with adjacent residential areas, and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses. Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	Proposal is compatible with adjacent development and does not introduce a new level of density.
21	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Proposal is accessed via cross-access easement agreement with neighboring existing development.
22	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Proposal meets all lighting requirements.
23	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	✓	Proposal includes only multi-family residential, but does include two types of housing: one bedroom apartment and three bedroom townhouse. Single-family residential development exists nearby.
24	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	Proposal is located near a transit stop; sidewalk connection is recommended.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	A.13: The proposal creates housing for the elderly and/or persons with disabilities located close to shopping, transit routes, and medical facilities if possible.	✓	Proposal includes ground-floor, single-story housing. Sidewalk access is available.
26	A.14/15: The proposal creates appropriate inclusive housing that is compatible with site and building design of nearby housing.	✓	Proposed development is compatible with similar development on abutting site.
27	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	NA	Adjoining development is not different in scale or intensity.
28	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	NA	Proposal is not incompatible with adjoining development.
29	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposal is compatible and meets standards.
Community Form/Land Use Guideline 4: Open Space			
30	A.2/3/7: The proposal provides open space that helps meet the needs of the community and provides for the continued maintenance of that open space.	NA	Open space is not required.
31	A.4: Open space design is consistent with the pattern of development in the Neighborhood form district.	✓	Open space is consistent with adjoining development.
32	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no significant natural features to be integrated.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
33	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	The site includes no significant natural features.
34	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	The site includes none of these characteristics.
35	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	The site does not include these characteristics.
Mobility/Transportation Guideline 7: Circulation			
36	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	Proposal has received preliminary approval of the Dept. of Public Works.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of through roads.	✓	Proposal connects with adjoining similar development.
38	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Proposal has received preliminary approval of the Dept. of Public Works.
Mobility/Transportation Guideline 8: Transportation Facility Design			
39	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	Adjoining undeveloped property is under church ownership. Site plan connects to adjoining developed property.
40	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	NA	No access is required through these areas.
41	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Proposal requires appropriate connectivity to adjacent sites.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
42	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	Proposal has received preliminary approval of the Dept. of Public Works.
Livability/Environment Guideline 10: Flooding and Stormwater			
43	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	Proposal has received preliminary approval of MSD.
Livability/Environment Guideline 13: Landscape Character			
44	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	Site does not include these characteristics.
Community Facilities Guideline 14: Infrastructure			
45	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	-	Property is not currently served by MSD.
46	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	Property currently served.
47	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	-	Property is not currently served by MSD.

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 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 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.