

**PLANNING COMMISSION MINUTES
FEBRUARY 15, 2018**

PUBLIC HEARING

CASE NUMBER 16ZONE1083

Project Name: Tucker Station Senior Apartments
Location: 1408-1412 Tucker Station Road
Owner(s): Arnold Family Living Trust
Applicant: Clover Construction Management West
Jurisdiction: Louisville Metro
Council District: 20-Stuart Benson
Case Manager: Julia Williams, RLA, AICP, Planning Supervisor

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.)

Agency Testimony:

03:11:43 Julia Williams discussed the case summary, standard of review and staff analysis from the staff report.

The following spoke in favor of this request:

Rob Sweet, 5721 Dragon Way, Cincinnati, OH 45227
Steve Porter, 2406 Tucker Station Road, Louisville, KY 40299

Summary of testimony of those in favor:

03:17:32 Rob Sweet summarized the applicant's proposal and showed a presentation. He responded to questions from the Commissioners.

03:31:04 Steve Porter spoke on behalf of the Tucker Station Neighborhood Association, and they are in support of this proposal.

The following spoke in opposition to this request:

No one spoke.

Deliberation:

03:32:35 The Commissioners concur that the proposal is justified.

An audio/visual recording of the Planning Commission hearing 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.

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Change in Zoning from PEC to OR-1

03:34:26 On a motion by Commissioner Brown, seconded by Commissioner Smith, the following resolution, based on the Cornerstone 2020 Checklist, the applicant's findings of fact, and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the Community Form guideline because the proposal will meet the required setbacks for the form district. Office zoning is compatible with the mix commercial/industrial zoning of PEC albeit less intense than the surrounding zoning. PEC permits office uses. Transit is not available in the area. The existing sidewalk along Tucker Station north of the site will be extended along the frontage of the site, and

WHEREAS, the Commission further finds that the proposal meets the Compatibility guideline because OR-1 zoning is generally compatible to the existing office/warehouse zoning of the area as the proposal only differs in intensity. The building materials are more related to the existing and proposed residential in the area and are more compatible to the existing residential rather than that of the existing office/warehouses. The proposal is compatible with the adjacent areas as it allows for both office and residential uses. OR-1 zoning allows for multi-family which is currently not permitted in the existing PEC zoning. Buffers and open space are provided on the site. Transportation Planning has not indicated that the development would cause adverse impacts to traffic. Lighting will comply with the LDC. The OR-1 proposal permits office uses in addition to a variety of densities. The development plan indicates a proposal for multi-family which is not common in the SWFD but multi-family zoning can be found across Tucker Station from the site. The proposal has been specifically identified for senior users. The proposal allows for both office and residential uses. Multi-family zoning is located across Tucker Station from the site. The building design is similar to the other proposed multi-family in the area as well as the single family residential along Tucker Station. LDC compliant buffers and open space are provided on the plan to separate the site from the adjacent office/warehouse zoning. Setbacks and building heights are in compliance with LDC requirements, and

WHEREAS, the Commission further finds that the proposal meets the Open Space guideline because recreational open space is provided on the site in the form of an interior courtyard. There is also a detention basin along the frontage. Recreational open space is provided on the site in the form of an interior courtyard. There is also a detention basin along the frontage, and

WHEREAS, the Commission further finds that the proposal meets the Circulation guideline because roadway improvements along Tucker Station will be made by the applicant/developer. No new roadways are created with the proposal. Cross access is not appropriate with the proposed land uses. The proposal includes the dedication of ROW, and

WHEREAS, the Commission further finds that the proposal meets the Transportation Facility Design guideline because no new roadways are created with the proposal. Cross access is not appropriate with the proposed land uses, and

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WHEREAS, the Commission further finds that the proposal meets the Bicycle, Pedestrian and Transit guideline because all types of transportation are provided for on the site. There is interior pedestrian connectivity to the public sidewalk. While transit is not currently available pedestrian access will be. The public sidewalk network connects to a larger network within the adjacent business park, and

WHEREAS, the Commission further finds that the proposal meets the Flooding and Stormwater guideline because MSD has preliminarily approved the proposal, and

WHEREAS, the Commission further finds that the proposal meets the Infrastructure guideline because planned utilities will be expanded to serve the site. An adequate water supply is available to the site. The Health Department has no issues with the proposal; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the change in zoning from PEC to OR-1 on property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Ferguson, Smith, and Carlson

NOT PRESENT: Peterson, Jarboe, Howard, and Tomes

District Development Plan

03:34:58 On a motion by Commissioner Brown, seconded by Commissioner Lindsey, the following resolution, based on the Standard of Review and Staff Analysis and testimony heard today, was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do not appear to be any environmental constraints on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

WHEREAS, the Commission further finds that 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.

WHEREAS, the Commission further finds that open space requirements have been met on the site. Recreational open space is being provided. Additional open space in the form of a detention basin will also be provided.

WHEREAS, the Commission further finds that 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.

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WHEREAS, the Commission further finds that 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. Buildings and parking lots will meet all required setbacks.

WHEREAS, the Commission further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the district development plan, **SUBJECT** to the following 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, demolition) 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 into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to receiving a building permit.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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- e. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Tucker Station Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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 February 15, 2018 Planning Commission meeting.
8. The developer shall construct Tucker Station Road improvements as per Public Works requirements as indicated on the approved development plan and/or binding elements and road improvement schematic. Developer shall be responsible for utility relocations (if required), final surface overlay, signage, and striping associated with required road improvements. Construction plans, bond, and permit are required by Metro Public Works prior to construction approval. Developer shall not receive a certificate of occupancy until road improvements are complete.
9. The developer shall participate in the funding for the design and installation of a traffic signal at Tucker Station Road and Bluegrass Parkway up to \$7,200, if and when required by Metro Public Works, assuming same have not been previously required as a consequence of other development plan approvals; traffic signal installation shall be performed by Metro Electrical Maintenance (pursuant to Docket #9-67-05).
10. If any proposals for Detailed District Development Plans or changes to these binding elements are made, prior written notice shall be given to the Tucker Station Neighborhood Association.
11. All stormwater drainage from impervious area of development shall be channeled to a stormwater retention basin in order to achieve established standards for minimizing impact on the water quality, quantity, and rate of flow onto neighboring properties and into neighboring streams and ponds. This requirement shall be monitored and enforced by the Metropolitan Sewer District.

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12. A four-board horse fence shall be constructed along the Tucker Station Road frontage of the property.
13. All exterior lighting, whether exterior or attached, including accent lighting, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. Pole lighting for the parking areas shall be limited to 12 feet in height from ground level.
14. No deliveries, garbage collection, exterior site work or construction, or parking lot cleaning (except for snow and ice) shall occur between the hours of 9pm and 7 am.

The vote was as follows:

YES: Brown, Lindsey, Lewis, Ferguson, Smith, and Carlson

NOT PRESENT: Peterson, Jarboe, Howard, and Tomes