

Development Review Committee

Staff Report

May 23, 2018



| | |
|--------------------------|-----------------------------------|
| Case No: | 18DEVPLAN1036 |
| Project Name: | Aptitude 4 th St |
| Location: | 2420 S 4 th St |
| Owner(s): | University Point, LLC. |
| Applicant: | Aptitude 4 th St, LLC. |
| Jurisdiction: | Louisville Metro |
| Council District: | 6 – David James |
| Case Manager: | Jay Lockett, Planner I |

REQUEST(S)

- Waiver of Land Development Code section 5.4.1 to not lay out the site according to the 4 basic components of traditional residential site design.
- Waiver of Land Development Code section 5.8.A.1.c to not provide site access through the existing alley to the rear of the site.
- Revised District Development Plan

CASE SUMMARY/BACKGROUND

The applicant is proposing to demolish an existing vacant commercial structure and construct 237 multi-family residential units in a 10 story tower, with the first two stories as a parking garage. The site is located south of the University of Louisville campus, and was rezoned from M-2 to C-2 under docket 9-61-82. As the proposed structure will be a tower that occupies most of the site, the applicant has requested a waiver to not lay out the site according to the 4 standard elements of traditional residential site design (public realm, principle structure, private yard and accessory structure). The applicant is also requesting a waiver not to connect to the unimproved alley that abuts the site to the rear.

STAFF FINDING

The requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

The Board of Zoning Adjustment considered variances for building height and front setback at the May 21, 2018 meeting.

INTERESTED PARTY COMMENTS

Staff has received written letters of support for this project from Louisville Metro Councilman David James as well as Kentucky State Representative Dennis Horlander.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 5.4.1 TRADITIONAL SITE DESIGN STANDARDS

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

STAFF: The waiver will not adversely affect adjacent property owners, as all required screening and buffering will be provided on site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 1, Policy 3 states: the proposal supports the creation of a mix of residential housing choices and densities for the neighborhood, and: if the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses. Guideline 2, Policy 4 states: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure. Guideline 3, Policy 1 states: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposed waiver will allow for the development of housing that increases the density and housing options in the area. The waiver will provide for an efficient use of the subject site, allowing the proposed density to be constructed and accommodate all required parking on site without the need for surface parking lots.

- (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 provide 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 regulation would deprive the applicant of the reasonable use of the land, as the proposed number of units, which is allowed by the zoning district, could not be laid out in a way that respected the traditional site design standards on a site of this size.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 5.8.A.1.c TO NOT PROVIDE ACCESS THROUGH THE REAR ALLEY

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

STAFF: The waiver will not adversely affect adjacent property owners, as the alley is unimproved and the subject site has not traditionally had any access through it.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 1, Policy 2 states: The proposal preserves the existing grid pattern of streets, sidewalks and alleys. Guideline 2, Policy 4 states: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure. Guideline 2,

Policy 15 states: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. As the existing alley is unimproved, the waiver will not violate the comprehensive plan.

- (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, as all other requirements for streets and access will be respected by the development.

- (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 alley is unimproved and any site connection created to it would be unusable.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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 or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- (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..

- (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, as the site is within 1000 feet of a public 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 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. Buildings and parking lots will meet all required setbacks.

- (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.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**
- **APPROVED** or **DENY** the **Revised District Development Plan**

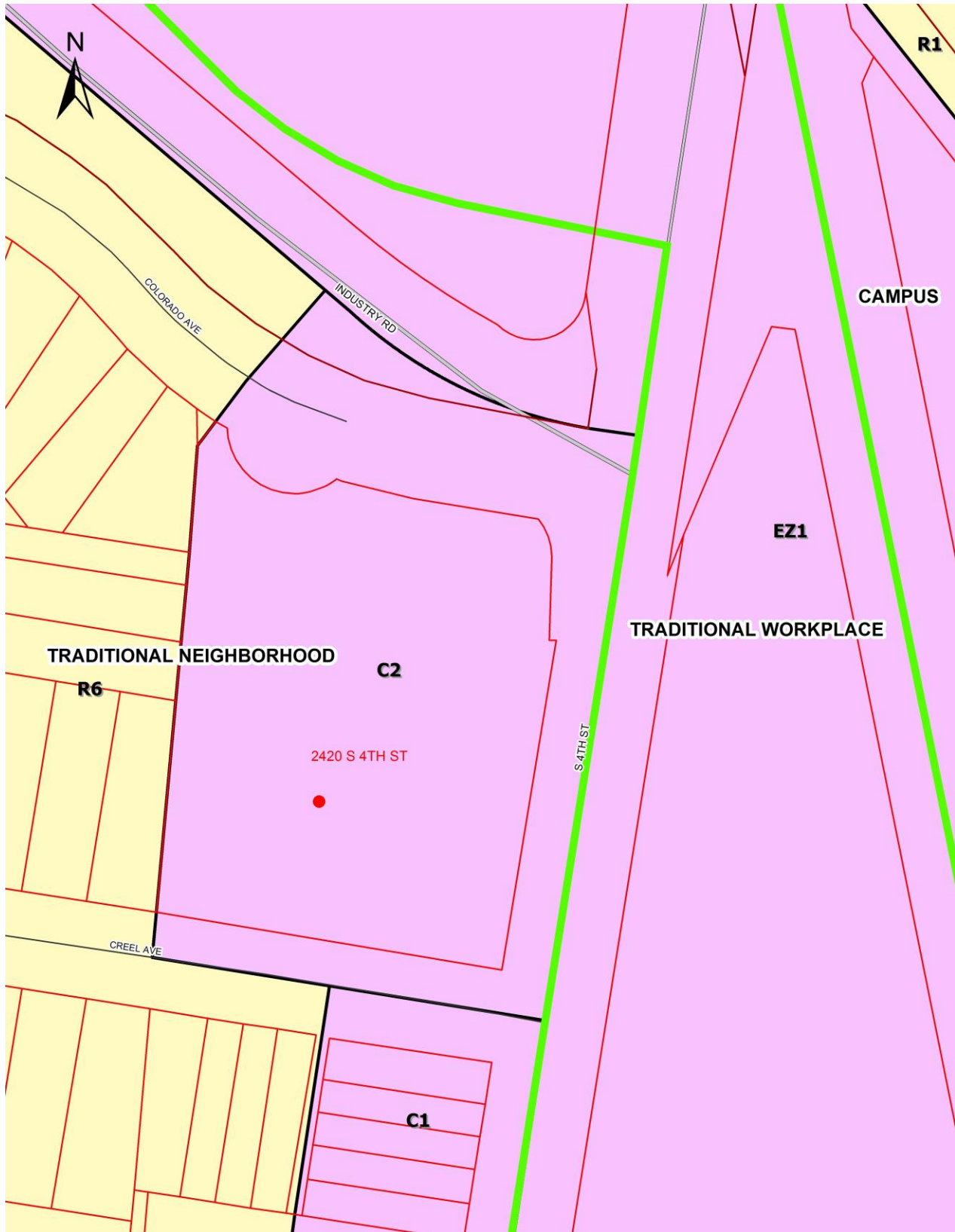
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|--------------------|--|
| 4-26-18 | Hearing before DRC | 1 st tier adjoining property owners Registered Neighborhood Groups in Council District 6 |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing and/or Proposed Binding Elements

1. **Zoning Map**



2. **Aerial Photograph**



4. Existing Binding Elements

- ~~1. The development shall not exceed 16,420 square feet of gross leasable area.~~
- ~~2. The premises shall not be used for a private club, package liquor store, tavern, bar, saloon, or for any other similar use or uses; provided however, that alcoholic beverages may be sold on the premises pursuant to a restaurant drink license. A restaurant business may be conducted on the premises with a retail liquor by the drink license only if regulatory provisions relating to restaurant drink license are complied.~~
- ~~3. Before a Certificate of Occupancy is issued:

a) The development plan must be reapproved by the City of Louisville Department of Public Works and the Water Management Section of the Jefferson County Department of Public Works and Transportation.

b) The size and location of any proposed business identification sign must be approved by the Planning Commission.~~
- ~~4. No Certificate of Occupancy may be issued more than one year from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.~~
- ~~5. A Certificate of Occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.~~
- ~~6. These binding elements may be amended as provided for in the Zoning District Regulations.~~

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. Signs shall be in accordance with Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.

5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)
 - a. The development plan must receive full construction approval from Develop Louisville 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.
6. 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.
7. 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.