

# Planning Commission Staff Report

December 17, 2020



<b>Case No:</b>	20-ZONE-0010 & 20-STREETS-0002
<b>Project Name:</b>	Old Six Mile Apartments
<b>Location:</b>	9311 Old Six Mile Lane
<b>Owner(s):</b>	9311 Old Six Mile, LLC
<b>Applicant:</b>	Ramage Company
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts, PLLC
<b>Jurisdiction:</b>	City of Jeffersontown
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

## REQUEST(S)

- **Change-in-Zoning** from R-4, single-family to R-6, multi-family residential
- **Street Closure**
- **Detailed District Development Plan**

## CASE SUMMARY

A change in zoning to allow for the construction of 60 multi-family dwellings on 4.17 acres of land along Old Six Mile Lane is proposed. Five, 3-story structures, recreational open space, and 115 parking spaces will be provided. A road closure for a section of Tucker Road that is not improved is also requested. The dedicated right-of-way of Tucker Road extends from Old Six Mile Lane to Taylorsville Road. The development is proposed to connect with Old Six Mile Lane, as well as the currently improved section of Tucker Road. Pedestrian walks within the site and connecting to public ways will be provided.

## STAFF FINDING

The proposed change in zoning complies with the land use and development policies of Plan 2040. The R-6, multi-family district encourages a continued variety of housing in the area on a development site with access to shopping, transit routes, medical and other supportive facilities and services. The district promotes an increase in the production of fair and affordable housing at dispersed locations throughout Louisville-Jefferson County. The street closure and detailed district development plan are also adequately justified based on staff's analysis contained in the standard of review.

## TECHNICAL REVIEW

- 100% consent to the road closure has not been received from adjacent property owners. Notice of the public hearing was provided 30-days in advance as required by Land Development Code, section 6.3.3.F.4. Agency review has been coordinated and easements will be provided as required by each agency. No objections to the closure have received.
- Preliminary approval has been provided from Louisville MSD and Transportation Planning
- Historic Preservation indicated that structures on site are not individually eligible for listing on the National Register of Historic Places due to loss of historic integrity and do not qualify as contributing to a potential historic district due to the loss of historic context. While notice of demolition would not be required per wrecking ordinance 150.110, the applicant requested that notice of demolition be provided with the notice for the rezoning.

## **STANDARD OF REVIEW FOR ZONING/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 Land use and Development policies of Plan 2040; **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 Plan 2040 which have substantially altered the basic character of the area.

## **STAFF ANALYSIS FOR CHANGE IN ZONING**

The Following is a summary of staff's analysis of the proposed rezoning against the Land Use and Development Policies of Plan 2040:

### The site is located in the 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, incomes and abilities. 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, 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 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, bicycle and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to support physical activity for all users and 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.

The proposed district encourages a continued variety of housing at a location with access to shopping, transit routes, medical and other supportive facilities. It promotes housing options and environments that support aging in place as senior, independent, and assisted living are permitted within the district. The district also allows a wider range of housing styles and types. Additionally, it promotes an increase

of housing options to be located on a site where single-family zoning currently limits the production of fair and affordable housing.

Structures on site are not individually eligible for listing on the National Register of Historic Places due to loss of historic integrity. They also do not qualify as contributing to a potential historic district due to the loss of historic context. The site is also not heavily treed and large portions of the existing tree being located along the perimeter where buffers are required. MSD preliminary approval has been received to ensure that all development has adequate means of sewage treatment and disposal to protect public health. A karst survey has been performed as well. If karst features are encountered during site construction a geotechnical engineer should be retained for remediation methods.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR STREET CLOSURES**

1. Adequate Public Facilities – Whether and the extent to which the request would result in demand on public facilities and services (both on-site and off-site), exceeding the capacity or interfering with the function of such facilities and services, existing or programmed, including transportation, utilities, drainage, recreation, education, emergency services, and similar necessary facilities and services. No closure of any public right of way shall be approved where an identified current or future need for the facility exists. Where existing or proposed utilities are located within the right-of-way to be closed, it shall be retained as an easement or alternative locations shall be provided for the utilities; and

STAFF: Adequate public facilities are available to serve existing and future needs of the community. The proposed closure does not result in an increase in demand on public facilities or services as utility agencies have coordinated with the applicant and/or applicant's representative and Planning and Design Services staff to ensure that facilities are maintained or relocated through agreement with the developer. No property adjacent or abutting the rights-of-way to be closed will be left absent of public facilities or services, or be dispossessed of public access to their property.

2. Cost for Improvement – The cost for a street or alley closing, or abandonment of any easement or land dedicated to the use of the public shall be paid by the applicant or developer of a proposed project, including cost of improvements to adjacent rights-of-way or relocation of utilities within an existing easement; and

STAFF: Any cost associated with the rights-of-way to be closed will be the responsibility of the applicant or developer, including the cost of improvements to those rights-of-way and adjacent rights-of-way, or the relocation of utilities and any additional agreement reached between the utility provider and the developer.

3. Comprehensive Plan – The extent to which the proposed closure is in compliance with the Goals, Objectives and Plan Elements of the Comprehensive Plan; and

STAFF: The request to close an unimproved section of Tucker Road between Taylorsville Road and Old Six Mile Lane follows the land use and development policies of Plan 2040. Plan 2040 calls for developments to be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality. The proposed section of right-of-way to be closed is not in use and it is unimproved. Alternative means of connectivity to Taylorsville Road from Old Six Mile Lane is available from nearby public roadways. Connectivity from Old Six Mile Lane to Taylorsville Road at a lighted intersection is available via Patti Lane to the east of the subject site. Connectivity is also

provided by Gleeson Lane to the west of the site. Alternative private roadways also provide connectivity to improved sections of Tucker Road from adjacent development.

4. Other Matters – Any other matters which the Planning Commission may deem relevant and appropriate; and

STAFF: The road closure is being requested in conjunction with a change in zoning and detailed district development plan.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

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 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 will be conserved as the site does not appear to adversely impact these features. All required tree canopy and planting/screening material will be provided as required by Ch. 10 of the Land development Code. The site is not heavily treed and it would appear that a large portion of canopy is located along shared property lines. The site does not contain protected waterways or steep slopes.

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 will be provided as public sidewalks are currently available and will be repaired as required by the City of Jeffersontown. Pedestrian connectivity will be provided from the development site to public sidewalks.

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

STAFF: The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided as required by Land Development Code, section 5.11.9.

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 proposal is compatible within the scale and site design of nearby existing development and with the form district's pattern of development as compliance with site and building design standards contained in the Land Development Code as adopted by the City of Jeffersontown have been demonstrated.

- 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 proposed development plan conforms to Plan 2040 as the proposal provides for provide housing at a location with convenient access to shopping, transit routes, medical and other supportive facilities and services.

**REQUIRED ACTIONS**

- **RECOMMEND** to the City of Jeffersontown that the **Change-in-Zoning** from R-4, single-family to R-6, multi-family residential on property described in the attached legal description be **APPROVED or DENIED**
- **RECOMMEND** to the City of Jeffersontown that the **Street Closure** as described in the attached legal description be **APPROVED or DENIED**
- **RECOMMEND** to the City of Jeffersontown that the **Detailed District Development Plan** as described in the attached legal description be **APPROVED or DENIED**

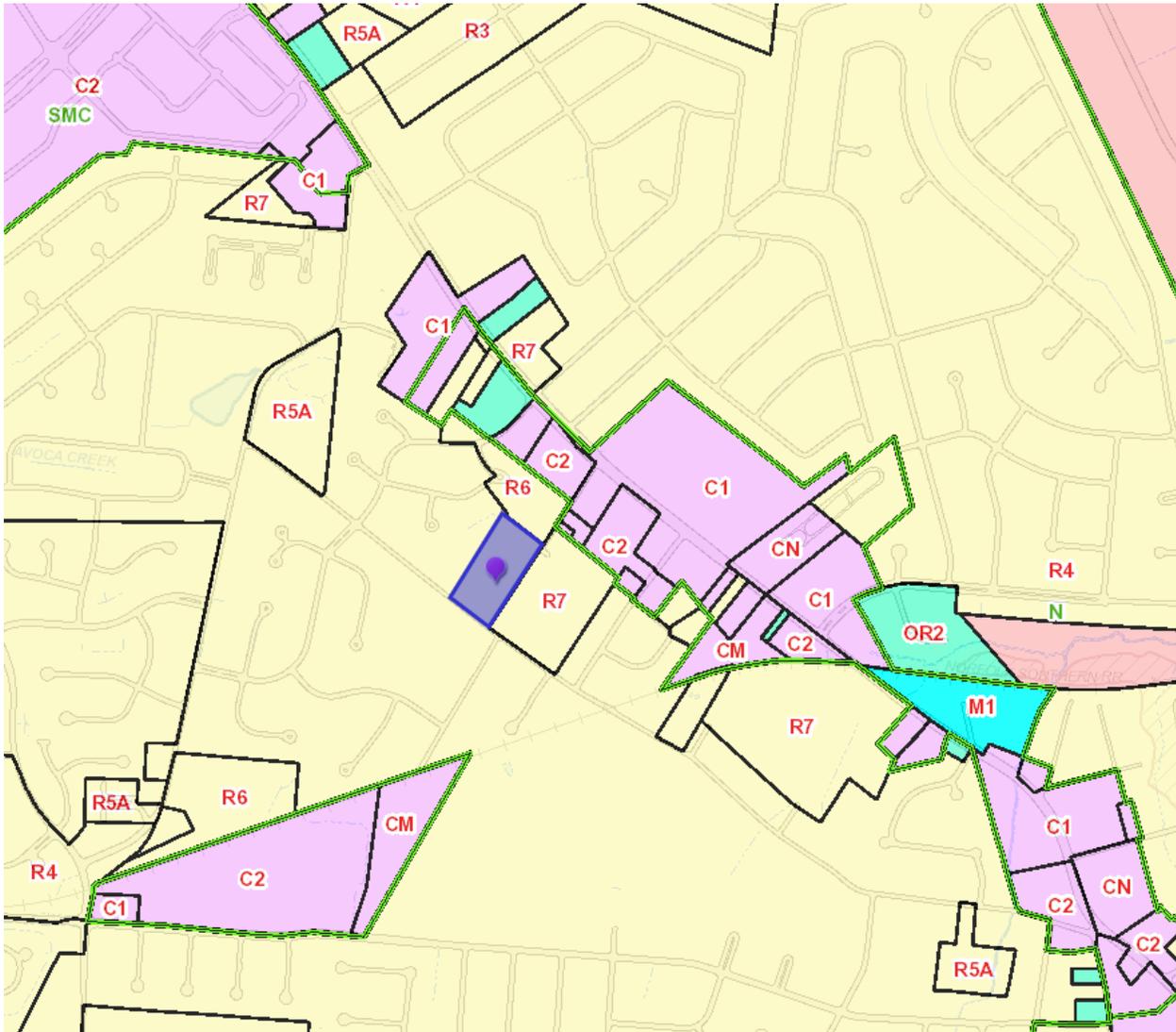
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/8	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 11
11/17	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 11
11/17	Hearing before PC	Sign Posting on property
12/5	Hearing before PC	Legal Advertisement in the Courier-Journal

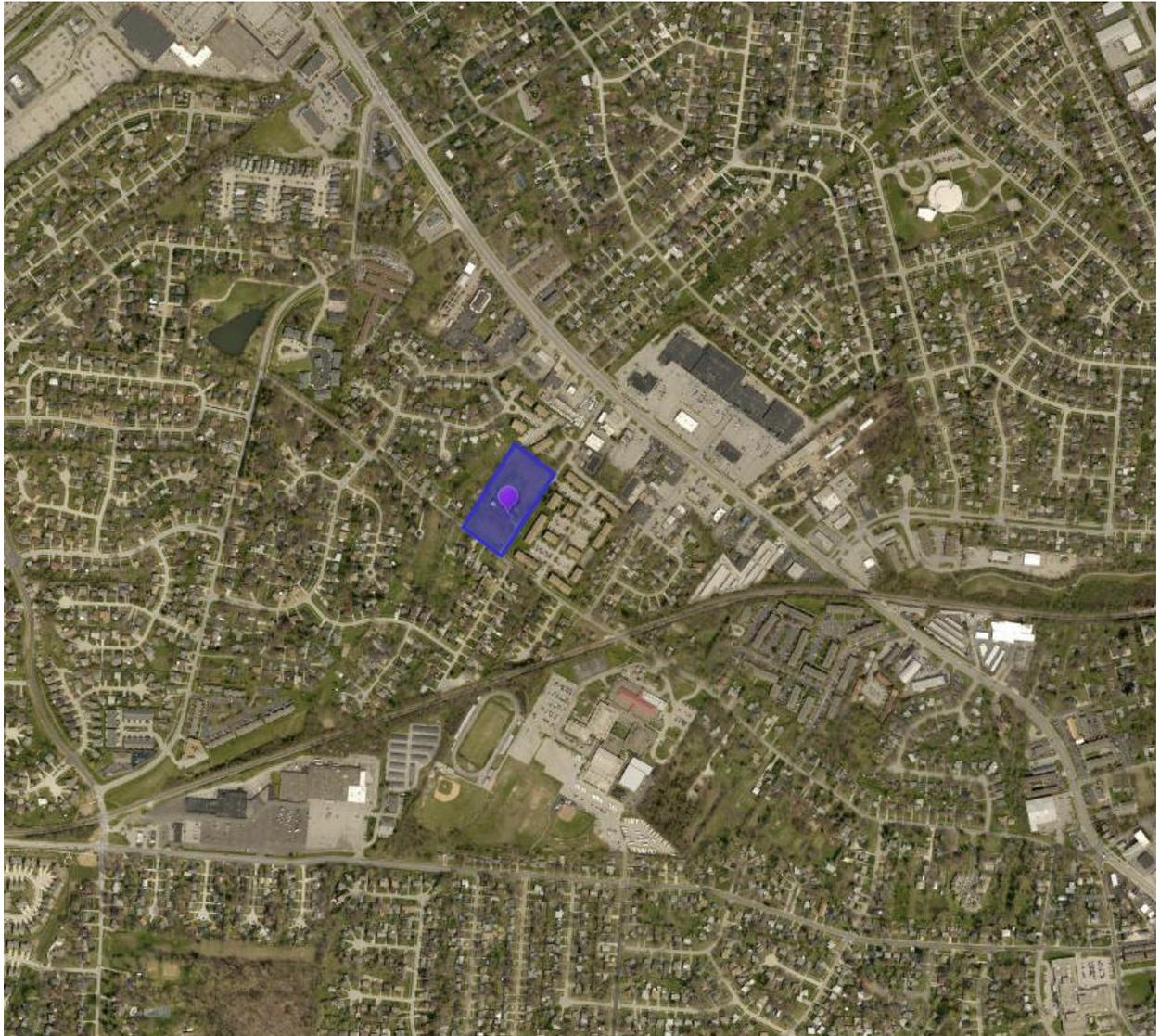
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Staff Analysis
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



### 3. Plan 2040 Staff Analysis

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#### Neighborhood: Residential

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
1	Land Use & Development Goal 1: Community Form	<b>7.</b> Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	✓	The proposed district is located with access to Taylorsville Road, a major transportation corridor which provides access to and contains employment and activity centers.
2	Land Use & Development Goal 1: Community Form	<b>9.</b> Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	✓	The proposed district is adjacent to similar densities. Appropriate transitions will be provided as required.
3	Land Use & Development Goal 2: Community Form	<b>9.</b> Encourage new developments and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	The land contains a single structure and the proposed district will result in residential development.
4	Land Use & Development Goal 3: Community Form	<b>10.</b> Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes where the potential for severe erosion problems exists in order to prevent property damage and public costs associated with soil slippage and foundation failure and to minimize environmental degradation.	✓	The site does not appear to possess any issues related to wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.
5	Land Use & Development Goal 4: Community Form	<b>2.</b> Encourage preservation of distinctive cultural features including landscapes, natural elements and built features.	✓	The site does not appear to contain distinctive cultural features.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
6	Land Use & Development Goal 4: Community Form	3. Encourage preservation and/or adaptive reuse of historic sites listed on or eligible for the National Register of Historic Places and/or recognized by the Louisville Metro Landmarks Commission or other national, state or local government historic preservation agencies.	✓	Structures on site are not individually eligible for listing on the National Register of Historic Places due to loss of historic integrity. They also do not qualify as contributing to a potential historic district due to the loss of historic context.
7	Land Use & Development Goal 1: Mobility	4. Encourage higher densities and intensities within or near existing marketplace corridors, existing and future activity centers, and employment centers to support transit-oriented development and an efficient public transportation system.	✓	The proposed district is located with access to Taylorsville Road, which provides primary and secondary activities and services. Taylorsville Road also provides for public transit service to employment and activity centers downtown or elsewhere along the corridor.
8	Land Use & Development Goal 2: Mobility	4. Avoid access to development through areas of significantly lower intensity or density development if such access would create significant nuisances.	✓	The proposed district is located in a mixed density area within close proximity to Taylorsville Road, which provides primary and secondary activities and services. Access to the proposed district would not create a significant nuisance given these conditions.
9	Land Use & Development Goal 3: Mobility	2. To improve mobility, and reduce vehicle miles traveled and congestion, encourage a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Housing should be encouraged near employment centers.	✓	The proposed district encourages a mixture of compatible land uses that are easily accessible by bicycle, car, transit, pedestrians and people with disabilities. Sidewalks and pedestrian connections will be provided as required.
10	Land Use & Development Goal 3: Mobility	5. Evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.	✓	The development will provide all required improvements to the network to ensure that the site is accessible.
11	Land Use & Development Goal 3: Mobility	6. Ensure that those who propose new developments bear or share in rough proportionality the costs of transportation facilities and services made necessary by development.	✓	The development will provide all required improvements to the network to ensure that the site is accessible.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
12	Land Use & Development Goal 3: Mobility	<b>9.</b> When existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.	✓	Transportation facilities and services are adequate to serve the proposed district. Any
13	Land Use & Development Goal 3: Mobility	<b>10.</b> Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	Right-of-way dedication will be provided as required to Old Six Mile Lane.
14	Land Use & Development Goal 3: Mobility	<b>21.</b> Prevent safety hazards caused by direct residential access to high speed roadways.	✓	No direct access to high speed roadways is provided for individual units.
15	Land Use & Development Goal 2: Community Facilities	<b>1.</b> Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	The proposal is located in an area served by existing utilities or planned for utilities as evidenced by adjacent development.
16	Land Use & Development Goal 2: Community Facilities	<b>2.</b> Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	The proposal would appear to have access to an adequate supply of potable water and water for fire-fighting purposes as evidenced by adjacent development.
17	Land Use & Development Goal 2: Community Facilities	<b>3.</b> Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	MSD preliminary approval has been received Ensure that all development has adequate means of sewage treatment and disposal to protect public health
18	Land Use & Development Goal 1: Livability	<b>5.</b> Encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro.	✓	The development site is not heavily treed with large portions of the exiting tee being located along the perimeter where buffers are required.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
19	Land Use & Development Goal 1: Livability	17. Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Then mitigate potential hazards to such systems resulting from the project.	✓	A karst survey has been performed for the subject property. If karst features are encountered during site construction a geotechnical engineer should be retained for remediation methods.
20	Land Use & Development Goal 1: Livability	21. Mitigate negative development impacts to the integrity of the regulatory floodplain by encouraging development patterns that minimize disturbance and consider the increased risk of more frequent flooding events.	✓	The development site is not located in the floodplain.
21	Land Use & Development Goal 1: Housing	1. Encourage a variety of housing types including, but not limited to, detached and attached single family, multi-family, mixed use, zero lot line, average lot, cluster, and co-housing. Allow for accessory residential structures and apartments. Housing types should reflect the Form District pattern.	✓	The proposed district encourages a continued variety of housing at a location near major transportation, services, and amenities.
22	Land Use & Development Goal 1: Housing	2. Promote housing options and environments that support aging in place. Encourage housing for older adults and people with disabilities to be located close to shopping and transit routes and, when possible, medical and other supportive facilities.	✓	The proposed district promotes housing options and environments that support aging in place as senior, independent, and assisted living are permitted within the district. The district is located within proximity to Taylorsville Road, which contains or provides convenient access to shopping, transit routes, medical and other supportive facilities.
23	Land Use & Development Goal 2: Housing	1. Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	The proposal district supports intergenerational and mixed-income development that is connected to the neighborhood.
24	Land Use & Development Goal 2: Housing	2. Locate housing within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities, as well as within proximity to amenities providing neighborhood goods and services. Higher density, accessible residential uses should be located along transit corridors and in or near activity centers.	✓	The subject site is within proximity to multi-modal transportation corridors providing safe and convenient access to employment opportunities. The proposed district is located within proximity to Taylorsville Road, which contains or provides convenient access to shopping, transit routes, medical and other supportive facilities.

#	Plan 2040 Plan Element	Land Use & Development Policy	Staff Finding	Staff Analysis
25	Land Use & Development Goal 3: Housing	1. Encourage provision of fair and affordable housing by providing a variety of ownership options and unit costs throughout Louisville Metro. Expand opportunities for people to live in quality, variably priced housing in locations of their choice by encouraging affordable and accessible housing in dispersed locations throughout Louisville Metro.	✓	The proposed district encourages fair and affordable housing by allowing a variety of ownership options and unit costs throughout Louisville Metro. The district expands opportunities for people to live in quality, variably priced housing in locations of their choice by enabling the provision of affordable and accessible housing in dispersed locations throughout Louisville Metro.
26	Land Use & Development Goal 3: Housing	2. As neighborhoods evolve, discourage displacement of existing residents from their community.	✓	The proposed district allows for increased opportunity for housing.
27	Land Use & Development Goal 3: Housing	3. Encourage the use of innovative methods such as clustering, mixed-use developments, co-housing, and accessory apartments to increase the production of fair and affordable housing.	✓	The proposed district encourages the use of innovative design methods by expanding the ability to provide a variety of housing types and styles. The proposed district allows for an increase of housing options to be located on a site where single-family zoning currently limits the production of fair and affordable housing.

#### **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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from City of Jeffersontown, 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. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
  - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the December 17, 2020 Planning Commission meeting. A copy of the approved rendering will be available in the case file on record in the offices of the Louisville Metro Planning Commission.
  - d. A road closure for Tucker Road as shown on the approved district development plan and in case 20-STREETS-0002 must be approved and recorded.
3. 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.
4. 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.
5. 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.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.