

Planning Commission

Staff Report

November 16, 2023



Case No:	23-DDP-0034
Project Name:	The Path Off Cane Run
Location:	4516 Cane Run Road
Owner(s):	LDG Land Holdings, LLC
Applicant:	LDG Land Holdings, LLC
Jurisdiction:	Louisville Metro
Council District:	1 – Tammy Hawkins
Case Manager:	Ethan Lett, Planner I

REQUEST

- **Revised Detailed District Development plan**

CASE SUMMARY/BACKGROUND

The applicant is proposing a multi-family residential development consisting of 128 units divided among 8 2-story buildings with associated off-street parking. The site is zoned R-5A Residential Multi-Family and is located in the Neighborhood form district. Access is proposed from Cane Run Road, and the subject site is approximately one-and-a-quarter miles southwest of access to I-264. There are 3 TARC stops within 500 feet and on the same side of the street. The previously approved plan proposed a multi-family, townhome-style development consisting of 19 buildings totaling 106 units. While the total units have increased, the reduction in total building footprint allows the applicant to provide a significantly larger amount of open space, reduce the total vehicular use area, and increase existing tree canopy preservation.

Associated Cases:

21-ZONE-0085 – Change in Zoning, Waiver, and Revised Detailed District Development Plan approved April 14, 2022

15ZONE-1039 – Change in Zoning, Variance, Waiver, and Detailed District Development Plan approved October 20, 2016

STAFF FINDING

The proposal is adequately justified for approval based on the staff's analysis contained in the standard of review.

TECHNICAL REVIEW

The plan was approved at the Planning Commission hearing on August 17, 2023. Metro Council exercised its authority per LDC Section 11.7.5 to review the proposal and elected to remand the plan back to the Planning Commission for further consideration following a neighborhood meeting held by the developer. A neighborhood meeting was held on November 1, 2023.

INTERESTED PARTY COMMENTS

See attached pdf of interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 is provided for by subdividing the site so that a portion of the lot containing flood plains is located on its own non-buildable tract. Existing tree canopy is being preserved and additional canopy will be provided to meet the requirements of the Land Development Code.

- 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: Open space will be provided to meet Land Development Code requirements.

- 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. The area in the vicinity of the subject site is an established, predominantly residential area with a mix of single-family and higher-density multi-family developments. The subject site incorporates tree canopy and open space to reduce the impact of the development on adjacent residences and to provide buffering and screening between properties of varying densities and the abutting roadway. 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. Housing Goal 1, Policy 3 encourages developers to offer a variety of housing types that meet the needs of all residents including an adequate supply of affordable housing and physically accessible housing. The proposed development will provide quality affordable units in an established neighborhood and in proximity to multi-modal transportation amenities.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

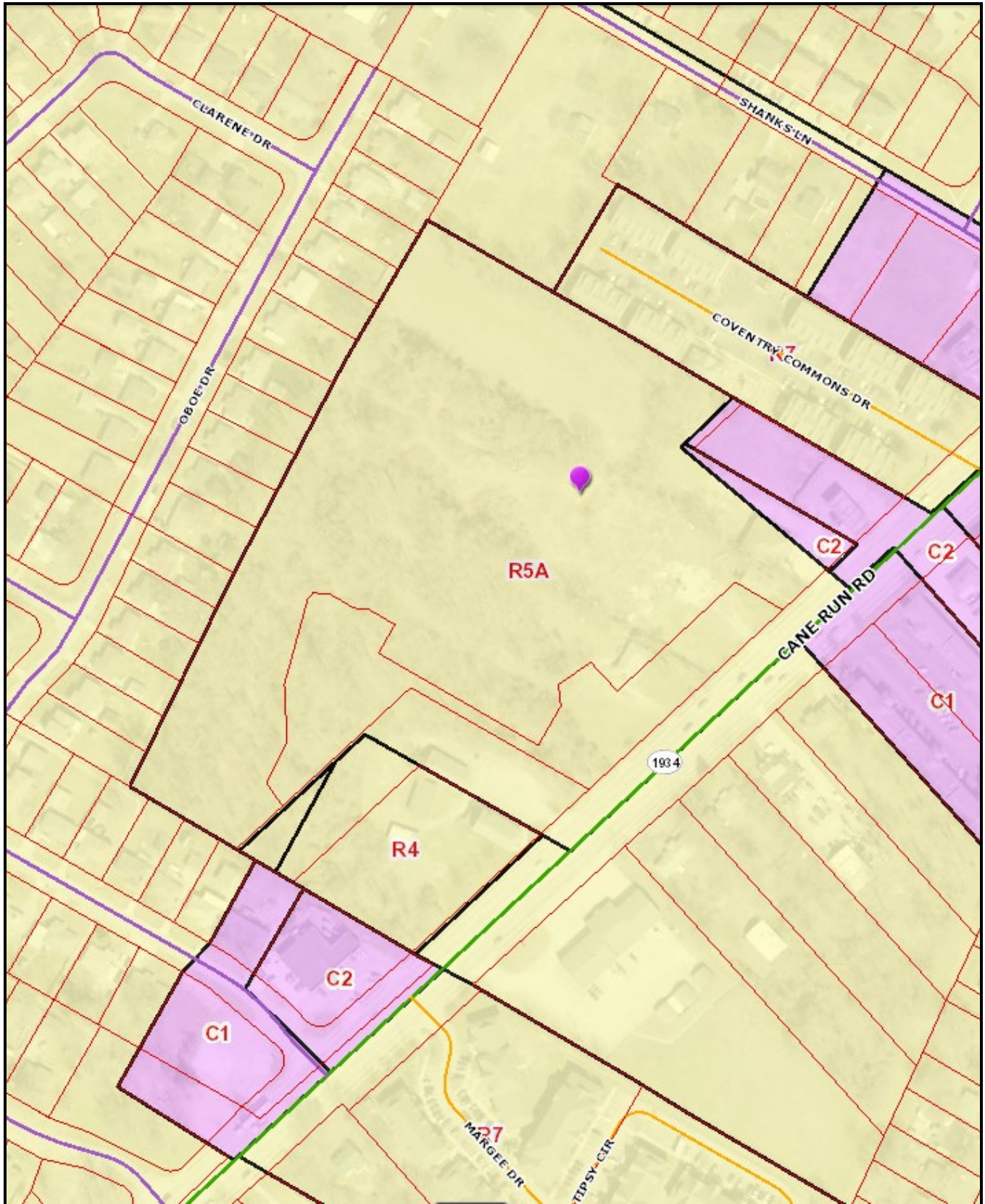
NOTIFICATION

Date	Purpose of Notice	Recipients
11/2/2023	Hearing before PC	1 st tier adjoining property owners and current residents Speakers at previous Planning Commission hearing Neighborhood meeting attendees Registered Neighborhood Groups in Council District 1

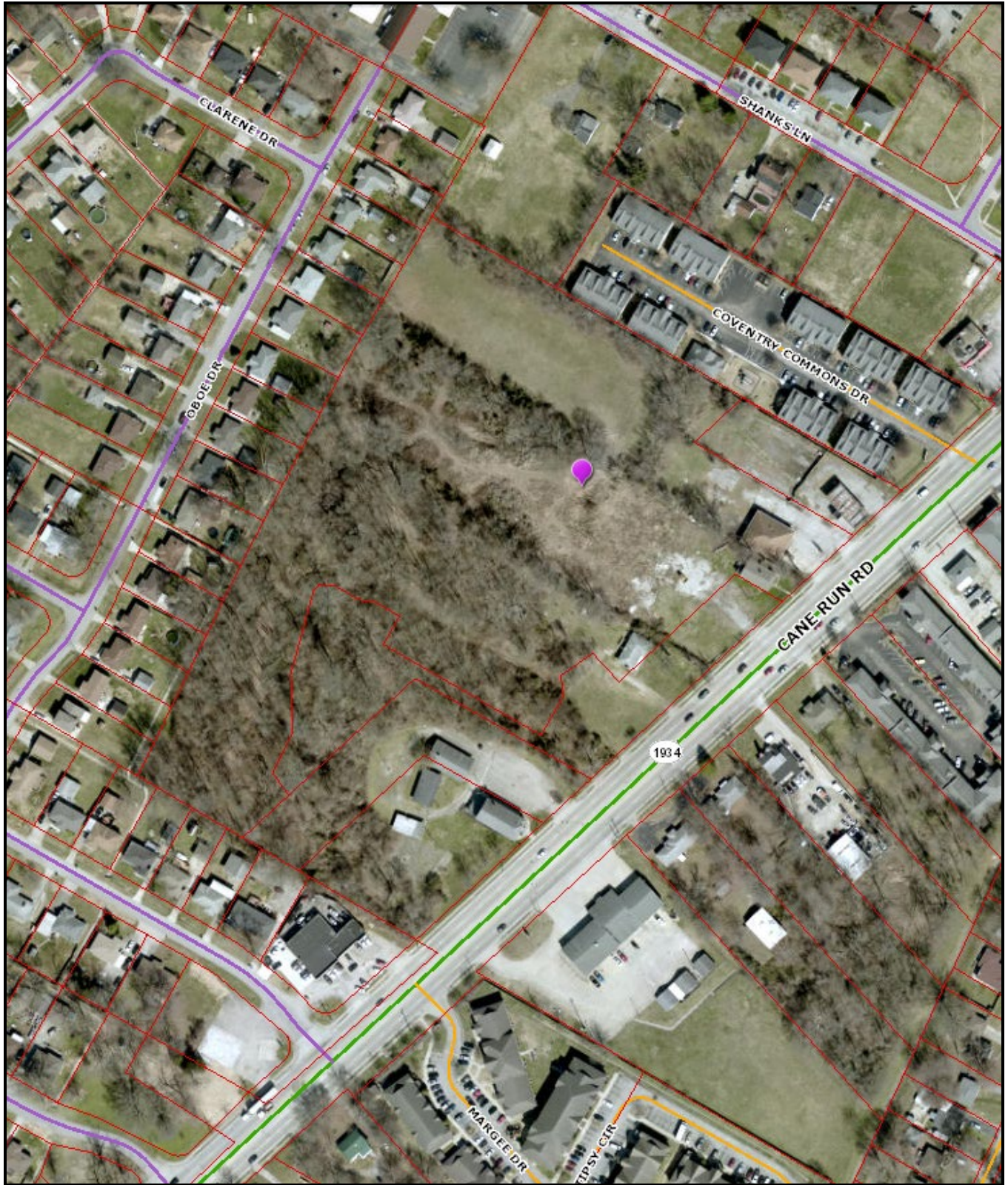
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with Proposed Changes
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with Proposed Changes

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, alteration permit) is requested:
 - 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 Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of the of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~February 3, 2022 Planning Commission~~ **August 16, 2023 Development Review Committee** meeting.
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.

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. 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, alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of the of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 16, 2023 Development Review Committee meeting.
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. Upon approval of this proposal, the tract labeled "Tract 2" on the associated development plan shall not be sold separately, subdivided, or developed further unless approved by the Planning Commission.