

Land Development and Transportation Committee Staff Report May 9, 2024



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| Case No: | 24-ZONE-0028 |
| Project Name: | Radius West Apartments Office |
| Location: | 9713 & 9715 Starlet Drive |
| Owner(s): | 9800 Starlet Duo LLC |
| Applicant: | 9800 Starlet Duo LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 13 – Dan Seum, Jr. |
| Case Manager: | Dante St. Germain, AICP, Senior Planner |

REQUESTS

- **Change in zoning** from R-4 Single Family Residential to R-7 Multi-Family Residential
- **Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located on Starlet Drive south of the intersection with W Manslick Road, and consists of two parcels. One parcel is currently undeveloped, and the other parcel is currently developed with a single-family residence. The applicant proposes to rezone the site in order to utilize the structure as an office for the adjacent multi-family development, with associated parking located on the site of the apartments.

The site is adjacent to the multi-family development that the office is intended to serve. Fairdale Elementary School is located to the south-east. Single-family development is located to the north.

The site is located within the study area for the Fairdale Village Center Plan. The plan has no specific recommendations for this site, and the Big Ideas in the plan would be unlikely to apply as the site is removed from W Manslick Road and has no frontage on a major street.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW FOR REZONING

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 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 site is located in the Village Center Form District

Village Form is characterized by predominately residential uses where the pattern of development is distinguished by open space such as parks, greenways, and farmland protected by conservation easements. The Village Form should have a small-scale village center with a mixture of uses such as offices, shops, restaurants, services and a diversity of housing types that may be higher in density than the rest of the district. The village center may be arranged around a village green. Low-density residential uses interspersed with open space may be encouraged at the edge of the Village. Village Form should be designed to encourage pedestrian, bicycle and transit use.

REQUIRED ACTIONS

- **Set** the public hearing date.

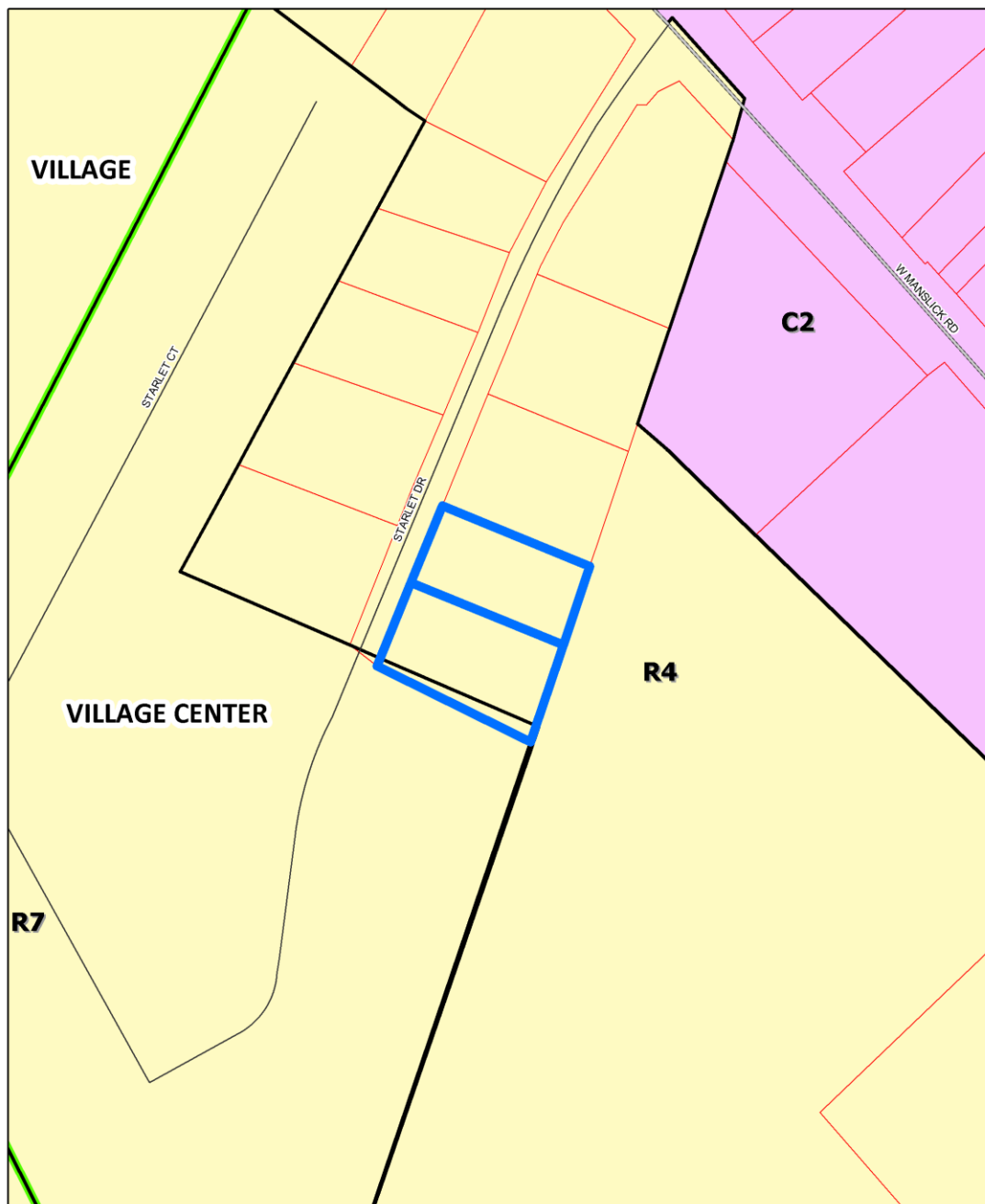
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|------------|---------------------|---|
| 04/25/2024 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 13 |
| | Hearing before PC | 1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 13 |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

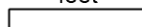
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



9713 & 9715 Starlet Drive
feet



110
Map Created: 12/4/2023

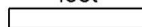


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2. Aerial Photograph



9713 & 9715 Starlet Drive
feet



110
Map Created: 12/4/2023



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3. 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 or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Construction Review, 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 certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A general crossover access easement in a form acceptable to the Planning Commission legal counsel shall be created granting reciprocal access along the proposed sidewalk connecting the office to the apartments. A copy of the recorded instrument shall be submitted to the Office of Planning; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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.