

# Planning Commission Staff Report

October 5, 2023



<b>Case No:</b>	23-DDP-0078
<b>Project Name:</b>	HoM Flats at Outer Loop
<b>Location:</b>	6001 Outer Loop
<b>Owner:</b>	Mive Property, LLC
<b>Applicant:</b>	Magnus Capital Properties
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Jay Lockett, AICP, Planning Supervisor

## **REQUESTS**

- Revised Detailed District Development Plan

## **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct 252 multifamily dwelling units on approximately 15.16 acres. The site is zoned R-6 in the Neighborhood form district in the Highview area of Louisville Metro, and was formerly the site of a swimming club. The development proposes a mix of two- and four-story buildings with a child care facility permitted under the special standards found in Land Development Code section 4.3.28.A.3, as well as a variety of open space and on-site amenities. A previous plan on the site approved under docket 20-ZONE-0120 proposed the same number of units in 3-story buildings.

## **STAFF FINDING**

The request is adequately justified and meets the standards of review.

## **TECHNICAL REVIEW**

Transportation Planning and MSD have approved the preliminary development plan.

The Board of Zoning Adjustment is considering a variance to exceed the maximum height at the October 2, 2023.

The site is within the Highview Neighborhood Plan (2015) study area. Community Form Policy 3 of that plan states “The architectural design of new multi-family developments should vary to create interest rather than duplicating the same facade or building design in a continuous row or in multiple locations. The scale of buildings should be pedestrian-friendly and highlight the entry to individual units. The buildings should have proportions and massing that creates a higher-density residential neighborhood (compared to a large apartment building with large parking lot). High-quality and durable materials, such as brick, stone, etc., should be used in all multi-family developments and changes in colors and materials should be encouraged.”

The proposal includes a variety of building types and sizes, with two story buildings facing the public street to provide a pedestrian friendly scale and four-story buildings internal to the site. The buildings are proposed with a mix of durable materials and variation in colors.

Per an existing binding element, the plan must receive final approval from Metro Council after a recommendation from the Planning Commission.

### **INTERESTED PARTY COMMENTS**

None Received.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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 are no significant natural or historic resources on the subject site. The applicant is proposing to preserve existing tree masses along the north of the 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, and Transportation Planning 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: All required open space provisions of the Land Development Code have been met on the preliminary development plan.

- (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. Appropriate screening will be provided to screen adjacent properties and roadways.

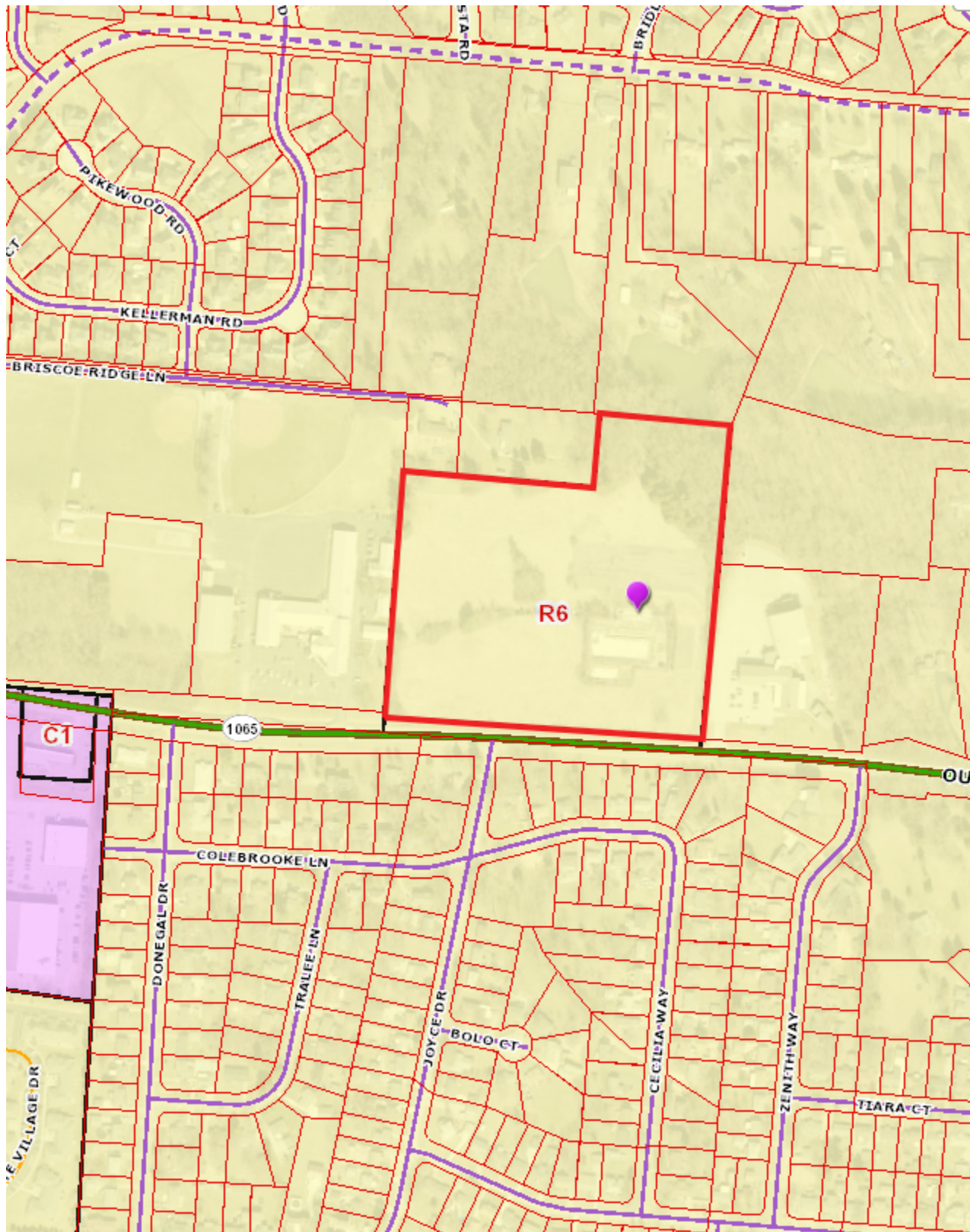
**NOTIFICATION**

Date	Purpose of Notice	Recipients
9/21/23	Hearing before PC	1 <sup>st</sup> tier adjoining property owners and residents Speakers at the previous public hearings Registered Neighborhood Groups in Council District 24

**ATTACHMENTS**

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

1. Zoning Map





2. Aerial Photograph



### **3. Existing 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~September 16, 2021~~ **October 5, 2023** Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 Developer / Property Owner shall install a concrete boarding pad, bench pad and then notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the

Developer / Property Owner shall clean the stop as needed. In addition, the Property Owner shall provide a trash receptacle at the stop. which Owner shall maintain and empty no less than weekly.

8. The Okolona Church of Christ (OCC) has an exclusive easement for their parking lot that currently encroaches the property line, into perpetuity and running with the land, for so long as the OCC operates the property as a non-profit church. Should OCC not operate the property as a non-profit church, the easement will revert back to the applicant, its successors and assigns. In exchange for this easement. OCC is responsible for all maintenance of the portion of the parking lot subject to this easement and OCC accepts all liability as a result thereof and shall further indemnify the applicant, its successors and assigns for any and all claims or liability relating thereto. The applicant, its successors and assigns, shall be responsible for other improvements if any.
9. Dumpster emptying shall not occur between the hours of 8:00 pm and 7:00 am.
10. The 6-foot privacy fence depicted on the approved plan must be maintained in good condition with any necessary repairs completed in a reasonable time after discovery.
11. The Developer/ Property Owner shall obtain KYTC Approval of the two curb cuts depicted on the approved plan before any building permits are obtained.
12. If the criteria for signalization of the access point is met and approved by KYTC, it shall be installed at the owners' expense. This requirement shall expire 5 years after the final. non-temporary certificate of occupancy is received.
13. Any significant changes or alterations to the proposed structures /e.g. ~building height. number of units, number of buildings any increase in density on the property, any changes. in use on the property. and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council.