

PLANNING COMMISSION MINUTES
June 6, 2024

PUBLIC HEARING

CASE NO. 24-ZONE-0028

Request: Change in Zoning from R-4 to R-7 with Detailed District Development Plan and Binding Elements
Project Name: Radius West Apartments Office
Location: 9713 & 9715 Starlet Drive
Owner: 9800 Starlet Duo LLC
Applicant: 9800 Starlet Duo LLC
Representative: Bardenwerper Talbott & Roberts
Jurisdiction: Louisville Metro
Council District: 13 – Dan Seum, Jr.
Case Manager: Dante St. Germain, AICP, Senior Planner

Notice of this public hearing appeared in **The Courier Journal**, a notice was posted on the property, and notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in the Office of Planning, 444 S. 5th Street.)

Agency Testimony:

02:39:35 Dante St. Germain provided an overview of the request and presented a PowerPoint presentation. St. Germain was available to answer Commission Member questions (see recording for details).

The following spoke in favor of this request:

John Talbott, 1000 N. Hurstbourne Pkwy, Louisville, KY 40223

Summary of testimony of those in favor:

02:44:09 John Talbot spoke in favor of the proposal and presented a PowerPoint presentation which included two proposed binding elements. Talbot responded to Commission Member questions (see recording for details).

The following spoke in opposition of this request:

None

Deliberation

02:50:54 Planning Commission deliberation.

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An audio/visual recording of the Planning Commission hearing related to this case is available on the Office of Planning website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Change in zoning from R-4 Single Family Residential to R-7 Multi-Family Residential

02:51:09 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds the proposal meets Plan 2040 Community Form: Goal 1 because Starlet Drive is a local road at this location. The site is adjacent to the existing multi-family development and will serve that development. Appropriate transitions will be provided, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 2 because the proposal would provide office development serving a multi-family development, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 3 because no wet or highly permeable soils, or severe, steep or unstable slopes are evident on the site, and

WHEREAS, the Planning Commission finds the proposal meets Community Form: Goal 4 because no distinctive cultural features are evident on the site. No historic assets are evident on the site, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 1 because the site is located close to an activity center at the roundabout, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 2 because access to the site is from W Manslick Road, a primary collector at this location, via Starlet Drive, a local road passing through development of similar intensity, and

WHEREAS, the Planning Commission finds the proposal meets Mobility: Goal 3 because the proposal would encourage a mixture of compatible land uses near an activity center at the roundabout. Transportation Planning has approved the proposal, and

WHEREAS, the Planning Commission finds the proposal meets Community Facilities: Goal 2 because the relevant utilities have approved the proposal. Louisville Water Company has approved the proposal. MSD has approved the proposal, and

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WHEREAS, the Planning Commission finds the proposal meets Livability: Goal 1 because landscaping will be provided. No karst terrain is evident on the site. The site is located in the floodplain. No external changes are being made, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 1 because the proposal would increase the variety of housing in the neighborhood by serving existing multi-family development. The proposal would support aging in place by increasing the variety of ownership options and price points in an area which is located close to an existing activity center, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 2 because the proposal would encourage intergenerational mixed-income and mixed-use development which is connected with an activity center nearby. The site is within proximity to an activity center providing neighborhood-serving goods and services, and

WHEREAS, the Planning Commission finds the proposal meets Housing: Goal 3 because the proposal would increase the provision of fair and affordable housing by improving access to multi-family development. No existing residents will be displaced by the proposal. The proposal would permit innovative methods of housing; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** that the Louisville Metro Council **APPROVE** the change in zoning from R-4 Single Family Residential to R-7 Multi-Family Residential

The vote was as follows:

YES: Commissioners Kern, Mims, Fischer, Carlson, Sistrunk, and Howard

ABSENT: Commissioner Cheek

Detailed District Development Plan with Binding Elements

02:52:00 On a motion by Commissioner Carlson, seconded by Commissioner Sistrunk, the following resolution, based on the staff analysis contained in the standard of review in the staff report and evidence and testimony heard today, was adopted:

WHEREAS, the Planning Commission finds no natural resources are evident on the site. Required tree canopy will be provided, and

WHEREAS, the Planning Commission finds 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, and

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WHEREAS, the Planning Commission finds no open space provisions are pertinent to the request, and

WHEREAS, the Planning Commission finds 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, and

WHEREAS, the Planning Commission finds the overall site design is in compliance with existing and planned future development in the area. The proposal would provide an office for the adjacent, existing apartment complex in an existing structure, and

WHEREAS, the Planning Commission finds the development plan conforms to applicable requirements of the Land Development Code. The site plan complies with the policies and guidelines of the Comprehensive Plan. The proposal to utilize the existing structure for an office serving the adjacent apartment development would have minimal impact on the surrounding single-family uses; now, therefore be it

RESOLVED, that the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan with 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:

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- 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.
 7. The office use on this property shall only be used as an accessory use for the adjacent multi-family property at 330 Starlet Court.
 8. The property and the adjacent multi-family property will be consolidated when the applicant refinances the adjacent multi-family property at 330 Starlet Court.

The vote was as follows:

YES: Commissioners Kern, Mims, Fischer, Carlson, Sistrunk, and Howard

ABSENT: Commissioner Cheek