

Development Review Committee

Staff Report

August 19, 2020



Case No:	20-DDP-0037
Project Name:	Hurstbourne Senior Apartments
Location:	4901 S. Hurstbourne Parkway
Owner(s):	Michael Gordon, Vandebrook Properties LLC
Applicant:	Bonnie Harbage, HS Development Partners LLC
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Revised District Development Plan and Binding Element Amendments**

CASE SUMMARY/BACKGROUND

The subject site is currently vacant and is located on the east side of Hurstbourne Parkway. It is zoned C-2 Commercial and R-4 Single Family Residential in the Neighborhood form district, and is surrounded by residential uses. This currently undeveloped site is located on the east side of S Hurstbourne Parkway, north of the intersection with Bardstown Road.

The applicant proposes to construct a 73,346 square foot Independent Senior Living development on the C-2 zoned portion of the subject site (the north portion), and an onsite detention basin will be constructed on the R-4 portion of the site (the south portion). The proposal is for one structure containing seventy (70) independent senior living units. The proposed structure is three stories at a maximum 45 foot height.

Previous cases:

- 15ZONE1017: Change in zoning from R-4 to C-2 with a variance to allow the building to exceed the 80' maximum front yard setback, a parking waiver to reduce the minimum required parking from 29 spaces to 9 spaces, a waiver to waive the berm in the S. Hurstbourne Parkway 30 foot Parkway Buffer area; the proposal was for a mixed-use, 17,280 square foot structure for pre-owned vehicular sales with interior and outdoor display spaces, with a second floor residential component.

The applicant is requesting to eliminate Binding Elements #9 and #10, as they refer to previous plans and Gordon Motor Sports.

STAFF FINDINGS

The Detailed District Development Plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary plan approval.

INTERESTED PARTY COMMENTS

On July 22, 2020 staff received an email from Darlene Welch, at 8302 Laverne Drive, Jeffersontown, KY 40299. Her general concerns were regarding noise, traffic, and a visual barrier between the subject site and the residential properties to the east. The email is included with the case file.

Staff received a phone call from a nearby resident on July 22, 2020 with similar concerns.

An email from a concerned neighbor was received on August 10, 2020. This email is also included with the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (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 do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject 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. Public Works and MSD have provided preliminary approvals.

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

STAFF: The proposal meets all Outdoor Amenity Area 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. Appropriate landscape buffering and screening will be provided to

screen adjacent properties and roadways. 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.

REQUIRED ACTIONS:

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

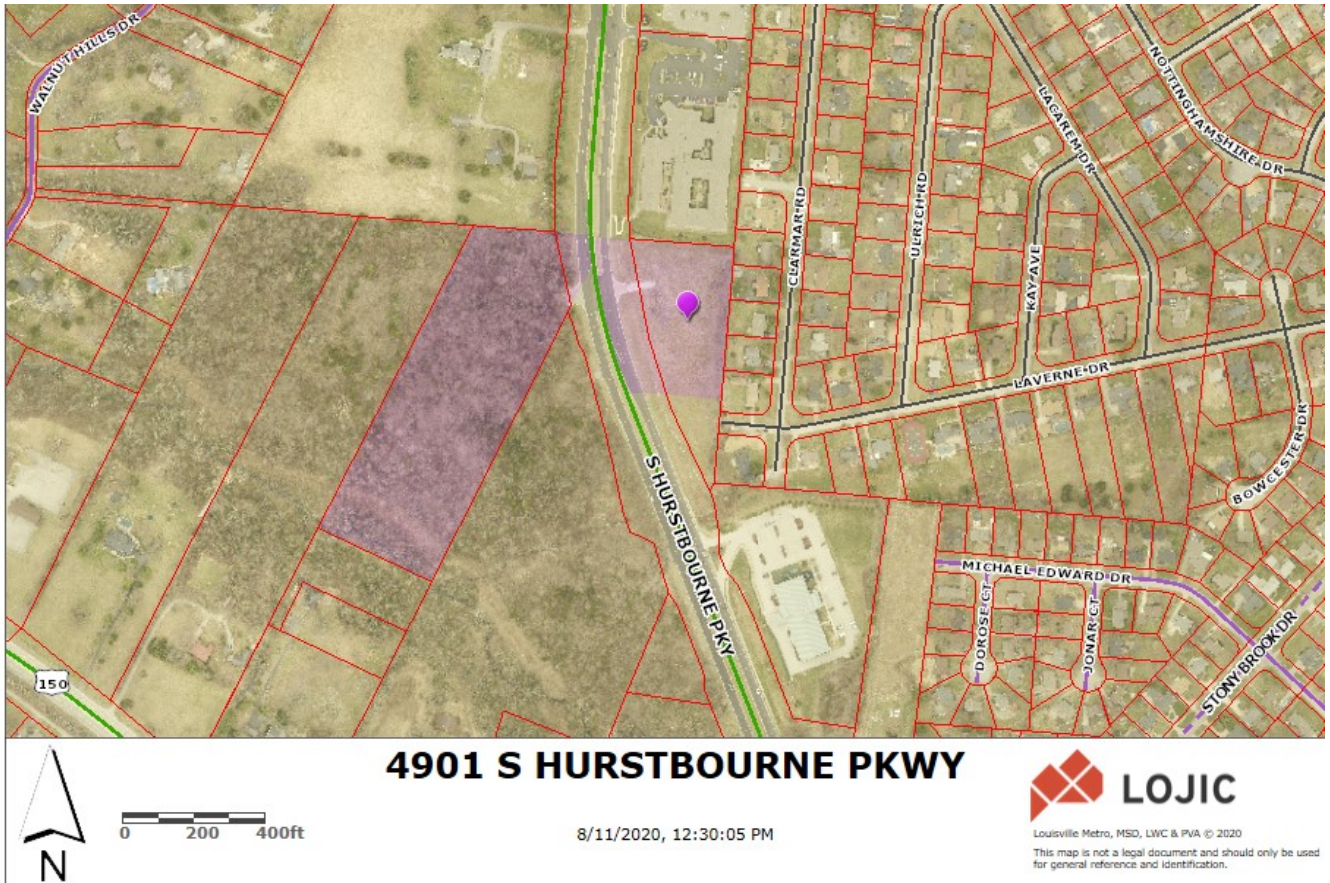
NOTIFICATION

Date	Purpose of Notice	Recipients
8-19-20	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22

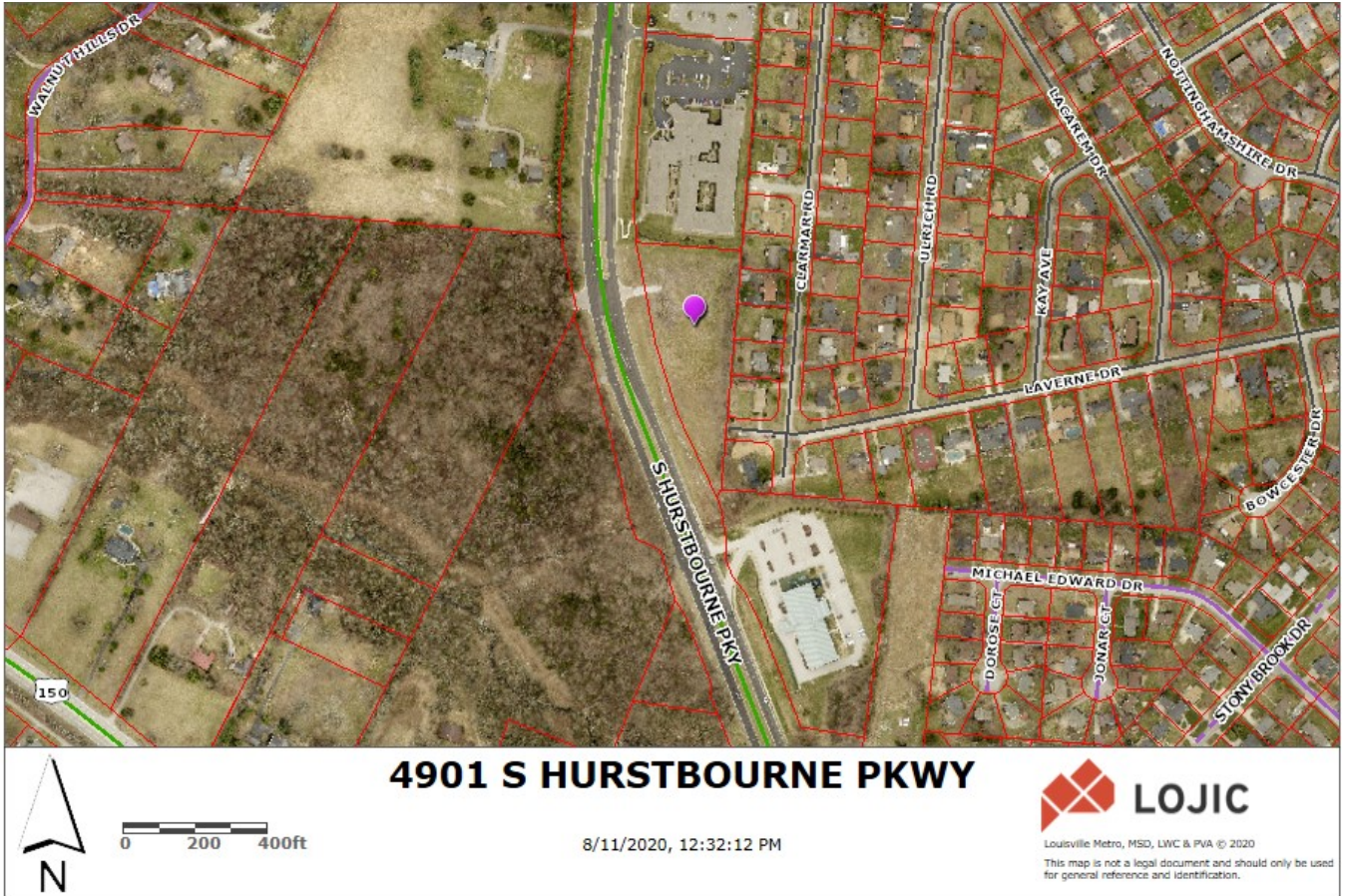
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (15ZONE1017)
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements (15ZONE1017)

1. The development shall be in accordance with the approved district development plan, 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. The development shall not exceed 17,280 square feet of gross floor area.~~

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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.~~
- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- c. 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.

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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).

7. 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.

~~8. The material and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 21, 2016 Planning Commission Public Hearing.~~

Applicant's Proposed Binding Elements:

~~9. Lighting will be directed down and away from the Morning Pointe property consistent with Chapter 4, Part 1 of the Land Development Code. All display lighting, which is located only in the front of Gordon~~

~~Motor Sports' showroom and will be limited to "bollard" style lighting fixtures, a maximum of 4 feet in height.~~

~~10. **Landscape buffer area (LBA) adjacent to Morning Pointe.** The applicant will provide a 15-foot LBA along the property line shared with Morning Pointe. The LBA will be planted at a Category 3 planting density per Table 10.2.4. This 15-foot LBA will provide a joint planted buffer area of 40 feet between the two properties.~~

~~11. The following uses shall not be permitted onsite without a duly noticed public hearing and approval by the Planning Commission: auction sales, automobile repair garages, billiard parlors and game rooms, bingo halls and parlors, boat sales, book binding, cleaning, pressing and drying establishments, dance halls, fraternities and sororities, exposition building or center, flea market, indoor paint ball ranges, laser tag, tattoo, body art and piercing parlors, package liquor stores, restaurants where dancing or entertainment is allowed, rubber stamp manufacture, skating rinks, taverns, bars and saloons, theaters, automobile service stations, car washes, boarding and lodging houses, and tourist homes.~~

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, 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. 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.

3. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- c. 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.
- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 19, 2020 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. 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.

5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.