

Development Review Committee

Staff Report

October 20, 2020



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|--------------------------|------------------------------|
| Case No: | 20-DDP-0046/20-WAIVER-0085 |
| Project Name: | Wallingford Ln Townhouse |
| Location: | 4200 Wallingford Ln |
| Owner(s): | Syr International Inc |
| Applicant: | Syr International Inc |
| Jurisdiction: | Louisville Metro |
| Council District: | 10 – Pat Mulvihill |
| Case Manager: | Jay Lockett, AICP, Planner I |

REQUEST(S)

- **Waivers:**
 1. **Waiver** from 10.2.4 to allow a building and parking area to encroach into a property perimeter Landscape Buffer Area.
- **Revised Detailed District Development** plan with replacement of existing binding elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to remove an existing structure and construct a new building with 6 residential units. The subject site is zoned R-7 in the Neighborhood form district and is located along Six Mile Ln near the Buechel area of central Louisville Metro. The location of the new building and parking area will be similar to the existing site layout.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The site is very narrow, and the adjacent residential site is an institutional use in the R-4 zoning district. All required screening can still be provided on the subject site. The additional dwelling units will provide additional housing options in the area.

TECHNICAL REVIEW

The Board of Zoning Adjustment will consider setback variances for this project at the November 16 meeting.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as all required landscaping and screening will still be provided on the subject site.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for additional housing options with infill development in the area. The proposed structure is a scale appropriate for the form district and will fit with existing development in the area.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The encroachment allows the site to be developed with additional housing options for the area while still providing adequate screening and buffering.

- d. Either: 1. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); or 2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant

STAFF: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the site is very narrow and the proposed encroachments are similar to existing site conditions.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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 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, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- 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.

- 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. The proposal will allow for additional housing options in an existing neighborhood area.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan with replacement of existing Binding Elements**

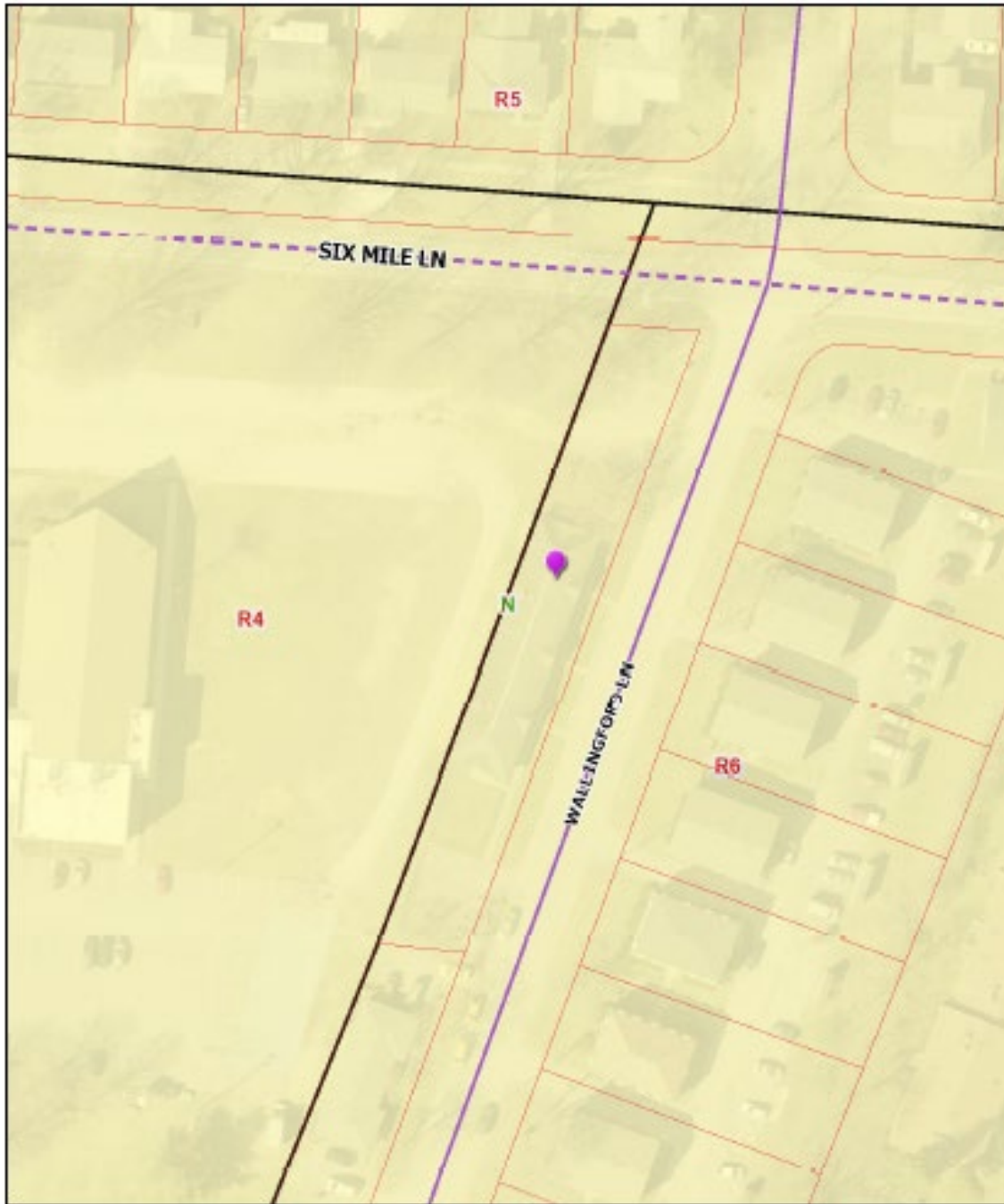
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|--------------------|---|
| 10-13-20 | Hearing before DRC | 1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 10 |

ATTACHMENTS

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

1. Zoning Map



20-DDP-0046

Wednesday, October 14, 2020 | 4:57:56 PM



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2. Aerial Photograph



20-DDP-0046

Wednesday, October 14, 2020 | 4:58:40 PM



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3. Existing Binding Elements to be replaced

1. ~~The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.~~
2. ~~The density of the development shall not exceed 12 dwelling units per acre (6 units on .5 acres).~~
3. ~~The day care center shall be limited to 4,352 square feet in area. Conditions imposed on Docket Nos B-131-89 and B-132-89 shall apply.~~
 - a) ~~The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval of the Board.~~
 - b) ~~A screening/landscaping plan in compliance with Article 12 of the Zoning District Regulations shall be submitted to the staff of the Board and approved by October 21, 1989. All landscaping shall be installed prior to use of the site for a day care center and shall be properly maintained at all times.~~
 - c) ~~The center shall serve no more than 99 children.~~
 - d) ~~There shall be no increase in the number of staff without prior review and approval by the Board.~~
 - e) ~~The Conditional Use Permit shall not be effective until the applicant submits a written statement from an attorney or title insurance company that no restrictive covenant exists limiting the property to residential use.~~
 - f) ~~The applicant shall submit a copy of the state license for the day care center within 15 days of the issuance of the license.~~
4. ~~Before a building permit is requested:~~
 - a) ~~The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
 - b) ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~
 - c) ~~Access easements shall be recorded to allow access to the properties as shown. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.~~
 - d) ~~A subdivision plat will be recorded creating the lots as shown.~~
 - e) ~~All necessary recording fees shall be paid.~~
5. ~~If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
6. ~~A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.~~

~~7. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

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 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Six Mile Ln to provide a total of 40 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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.