

Development Review Committee

Staff Report

June 18, 2014



Case No:	14DEVPLAN1059
Request:	Revised District Development Plan, Binding Elements, and Revised Preliminary Subdivision Plan
Project Name:	Hamilton Springs Subdivision
Location:	2801 Hamilton Springs Dr.
Owner:	Terra Development II, LLC
Applicant:	Judah Real Estate Group
Representative:	Sabak, Wilson and Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Jerry Miller
Case Manager:	David B. Wagner – Planner II

REQUEST

- Revised Detailed District Development Plan
- Revised Preliminary Subdivision Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to revise the previously approved Preliminary Subdivision Plan per the re-zoning to PRD (Planned Residential Development). Whereas the previous plan proposed 139 single family attached and semi-detached units, this updated plan requests 104 single family detached units. The nine existing townhouse units on Lots 1-3 and 7-12 will remain as they are while the remaining lots will have the single family detached homes. The development will continue to have almost three times as much open space as is required and the plan has been updated to show the executed right-of-way dedications along Old Henry Road and Old Henry Trail and a few of the internal streets have been altered. All of the Waivers and Variances approved under the previous plan will be carried forward with this plan.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single Family Residential	PRD	N
Proposed	Single Family Residential	PRD	N
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4	N
South	Vacant	R-4, R-5A, OR-3	N, SW
East	Multi-Family Residential	R-5A	N
West	Multi-Family Residential, Vacant	R-6, OR-3, PEC	N, SW

PREVIOUS CASES ON SITE

- 13856: Re-zoning from R-5A to PRD, Detailed District Development Plan, and Preliminary Subdivision Plan for single family residential
- 9-99-98: Re-zoning from R-4 to R-5A and Detailed District Development Plan for Multi-Family Residential

INTERESTED PARTY COMMENTS

- Staff received an inquiry from Jim Cahoe (Lake Forest Homeowners' Association) and answered general questions.
- Staff received an inquiry from Jack Gross (14609 Hamilton Springs Circle) and answered general questions.
- Staff received an inquiry from James Kennedy (13901 Old Henry Trail) and answered general questions.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND 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 several large clusters of existing trees and multiple man-made lakes being maintained on the site which help to conserve natural resources.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The applicant is providing sidewalks along all street frontages and throughout the development along the private streets. There are two access points from public rights-of-way into the subdivision. In view of these improvements, safe and efficient vehicular and pedestrian transportation will be provided.

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

STAFF: Sufficient open space is provided for the development. Though 3.8 acres of open space is required, the applicant is providing 9.6 acres of open space.

- 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: MSD has given preliminary approval of the drainage facilities for the site.

- 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 design is compatible with the surrounding residential subdivisions in the area. The revised plan is reducing the number of buildable lots from 139 to 104. Therefore, the development is compatible with surrounding development.

- 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 proposal conforms to the Comprehensive Plan and the development complies with all regulations within the Land Development Code or has received appropriate relief through Waivers and Variances.

TECHNICAL REVIEW

- The proposal complies with the requirements of the LDC.

STAFF CONCLUSIONS

The proposal is compatible with the surrounding residential subdivisions in the area. It maintains existing buildings, parking, and infrastructure while providing additional pedestrian and vehicular access improvements. The proposal also is a decrease in the number of dwelling units which will lessen the burden on local infrastructure.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the proposal for a Revised Detailed District Development Plan, Revised Preliminary Subdivision Plan, and Binding Elements.

NOTIFICATION

Date	Purpose of Notice	Recipients
6/6/14	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 19 Notification of Development Proposals

ATTACHMENTS

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

2. Aerial Photograph



3. Existing Binding Elements to Remain

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes, additions or alterations not so referred shall not be valid.
2. To facilitate custom residential buildings and design flexibility for lot 3, building permits for up to 10 units per building shall be issued subject to review and approval from the Architectural Review Board (as outlined in the approved Design Guidelines Booklet) and the Building Department. Site development and infrastructure improvements will require the approval of the Architectural Review Board, MSD and Public Works and shall be in substantial compliance with the site plan and phasing schedule contained in the Design Guidelines Booklet. A member of DPDS staff shall be a voting member of the ARC. The total number of units for this lot shall be 139, as was previously approved under the General District Development Plan. Landscape plans and signature entrance plans shall require review and approval from the Planning Staff. *This paragraph was added only in relation to Lot 3 of Old Henry Crossing (proposed Hamilton Springs development) at the 4/28/2005 LD&T meeting.*

Prior to development of all other phases of this project, the applicant, developer, or property owner shall obtain approval of a detailed district I development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:

- a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
3. The development shall not exceed 977,360 office. 157,725 commercial square feet of gross floor area (including 97,500 neighborhood retail), 184 Hotel rooms, and 139 Condominiums.
 4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
 5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible offsite.
 6. 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.

7. Before any permit (including-but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan for each site or phase of this project must receive full construction approval from the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits for each site or phase of this project 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 Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor subdivision plat creating the lots within a phase in accordance with the approved district development plan shall be recorded prior to issuance of building permits unless public roadways will be created within the phase to be platted, then a major plat shall be required to create the roadway.
8. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
9. 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.
10. 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 assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
11. The photographs submitted at the January 8, 2001 Planning Commission meeting are representative of the quality of architecture that will be maintained in Old Henry Crossings and may be used by LD&T to review detailed development plans that will be submitted at a later date for quality design. Development on lots 4, 5, 6, 7, 8 9, 10, 14 and 15 shall conform to the same high standard of design and construction as depicted at the hearing for the offices and technical center. Such determination shall be made by the Planning Commission or appropriate committee thereof. In many cases, this will require deviation from the "industry standard design" for such facilities as, but not limited to, fuel stations and eating establishments.
12. To facilitate the extension of the four lanes of Old Henry Road to Crestwood, the Developer shall dedicate the right-of-way and any construction easements needed to construct the Old Henry Road improvement currently being designed by the Kentucky Transportation Cabinet. This design requires an equal amount of right-of-way on the east side of Old Henry Road across from lot 3 as it takes from the west side for the length of the frontage with the exception of the curve at Bush Farm Road (which may require more due to a possible shifting of the Old Henry Road center line; if it shifts, that additional right-of-way should be traded for right-of-way on the opposite side of Old Henry Road).
13. Loading docks shall be prohibited on Lot 11.
14. Two trees shall be planted in each parking lot island.

15. For each tree of Cinch caliper or larger that is removed along Old Henry Trail during the required road widening, a new two-inch caliper tree shall be planted a safe distance from the roadway as near as reasonable to the removed tree's location or as requested by the Planning Commission staff landscape architect.
16. The applicant agrees to withdraw the C-I zoning request for Lot 2 (Garden Center) and not to resubmit this request for a five year period from the date of approval of this zoning change.

In addition to the binding elements listed above, the following additional binding elements now also apply to the Hamilton Springs development under Case No. 13856, which is Lot 3 on the Old Henry Crossing development plan under Docket #9-99-98.

17. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
18. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
19. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
20. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
21. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
22. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
23. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
24. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro

Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

25. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
26. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
27. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - i. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - ii. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - iii. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
28. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
29. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
30. 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.
31. 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.
32. Covenants, Conditions and Restrictions ("CCRs") shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision's Record Plat, for consistency with any binding elements that mandate inclusion in the CCRs, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by

the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA"); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and (d) where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.