



Amendment to Binding Element Application

Louisville Metro Planning & Design Services

Case No.: 18MOD1010

Intake Staff: NH

Date: 11/30/18

Fee: 0

Once complete, please bring the application and supporting documentation to Planning and Design Services, 444 South 5th Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

Note: This application is not required in conjunction with an application for a District Development Plan.

Project Information:

Project Description (e.g., retail center and office development, etc.):

Multi-Family Apartments

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Project Name:

Avoca Ridge

Primary Project Address:

12201 Avoca Road

Additional Address(es):

12207 Avoca Road

Primary Parcel ID:

00230036

Additional Parcel ID(s):

00230397

of Residential Units:

408

Commercial Square Footage:

n/a

Proposed Use:

Apartments

Existing Use:

Vacant Residential

Existing Zoning District:

R-6

Existing Form District:

Neighborhood

Deed Book(s) / Page Numbers²:

11276 / 73

The subject property contains 28.45 acres.

Number of Adjoining Property Owners: 13

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*¹ Yes No

If yes, please list the docket/case numbers:

Docket/Case #: 18DEVPLAN1106

Docket/Case #: 16ZONE1074

Docket/Case #: 9-18-06

Docket/Case #: _____

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Contact Information:

Owner: Check if primary contact

Applicant: Check if primary contact

Name: Michael Gross

Name: John Campbell

Company: ARL Investments, LLC

Company: Heritage Engineering

Address: 34 W. Rampart Street

Address: 642 South Fourth Street, Suite 100

City: Shelbyville State: KY Zip: 46176

City: Louisville State: KY Zip: 40202

Primary Phone: 502-638-0534

Primary Phone: 502-562-1412

Alternate Phone: _____

Alternate Phone: _____

Email: mgross@ldgdevelopment.com

Email: jcampbell@heritateeng.com

Owner Signature (required): 

Attorney: Check if primary contact

Plan prepared by: Check if primary contact

Name: **Developer

Name: Eric Sanders

Company: LDG Development

Company: ETS Surveying, Inc.

Address: 1469 South Fourth Street

Address: 3316 Furman Blvd.

City: Louisville State: KY Zip: 40208

City: Louisville State: KY Zip: 40220

Primary Phone: 502-638-0534

Primary Phone: 502-939-2210

Alternate Phone: _____

Alternate Phone: _____

Email: _____

Email: etssurveying@yahoo.com

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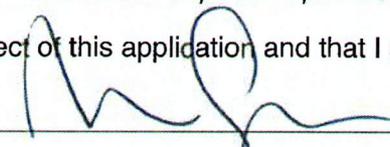
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Certification Statement: A certification statement **must be submitted** with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, Michael Gross, in my capacity as attorney-in-fact, hereby
representative/authorized agent/other

certify that ARL Investments, LLC is (are) the owner(s) of the property which
name of LLC / corporation / partnership / association / etc.

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: 

Date: 11/28/2018

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Binding Element Amendment Justification:

In order to justify approval of any amendments to binding elements, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

- 1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?**

The property contains a stream along the southwestern portion of the property. Other than an entrance crossing, the project will not impact the stream.

- 2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?**

The site is located along Avoca Road, a secondary collector road and Heafer Road, a local road with sidewalks being provided along both roadways and internal to the site.

- 3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?**

The proposed development will provide required open space including clubhouse/pool and recreational areas for residences of the development.

- 4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?**

The proposed development will provide onsite detention.

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- 5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?**

The development is in conformance with the general layout as previously approved.

- 6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?**

The development is fully in conformance with both the Comprehensive Plan and Land Development Code.

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Please submit the completed application along with the following items:

Project application and description

- Land Development Report¹
- Letter of explanation for the amendment to binding element

Mailing labels to notify Adjoining Property Owners (APOs)³

For applications that are not staff approvable:

- One set of mailing label sheets for: 1st tier APOs; those listed on the application; and individuals who provided oral or written testimony in support or opposition of previous rezoning of the site
- One copy of the APO mailing label sheets

Fee (Cash, charge or check made payable to Planning & Design Services)

- Application Fee: \$ 225.00
Clerk's Fee: \$ 25.50
(If two or more applications are submitted simultaneously for the same site, only one Clerk's Fee is required.)
- Notice Fee: \$1 per Adjoining Property Owner
(Not required for applications that are staff approvable, or for any case filed under the same case number with a Rezoning or Conditional Use Permit.)

Resources:

1. Land Development Report can be obtained online by entering the site address at: <https://www.lojic.org/lojic-online>
2. Deeds and plats can be found at the Jefferson County Clerk's Office, located at the 2nd floor of Metro Hall (527 West Jefferson Street, telephone: 502-574-6220). Many deeds, plats and other records are available online at: <https://search.jeffersondeeds.com/>
3. Adjoining property ownership information can be found at the Property Valuation Administrator (PVA) office at 531 Court Place, Suite 504 or via their website: <https://jeffersonpva.ky.gov/property-search/>
4. View agency comments at: <http://portal.louisvilleky.gov/codesandregs/mainsearch>. Enter your case number in the 'Permit/Case/Docket Number' search bar and then select your case under the 'Application Number' tab.

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IBMUDIC10

HERITAGE ENGINEERING, LLC

November 30, 2018

Lacey Gabbard
Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

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**Re: Amendment to Binding Element Application
Case# 18DEVPLAN1106 – Letter of Explanation**

Dear Lacey:

On behalf of LDG Development, we are submitting the attached Amendment to Binding Element Application for the proposed apartment project to be located at 12201 and 12207 Avoca Road. A Revised Detailed District Development Plan with Binding Elements was approved August 16, 2018 per Case# 18DEVPLAN1106.

The project is moving forward per the approved development plan with 10 of the 17 total buildings, Clubhouse and Pool being constructed as part of Phase 1. The project is being financed based on phased construction and as part of the financing agreement the property will need to be subdivided into a total of two tracts.

Binding Element 3d states:

A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

It is our belief that this is a standard binding element used when a development site consist of more than one parcel and the development plan design will require consolidation of the parcels to ensure no existing property lines remain within the limits of building to be constructed.

While our proposed minor plat does in fact consolidate the two original properties, we are – due to phased construction and financing of the project - creating two parcels for financing requirements.

We request to eliminate or at minimum amend the Binding Element 3d as noted below:

A minor plat or legal instrument shall be recorded consolidating the original property. A copy of the recorded instrument shall be submitted to Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

642 S. 4TH STREET, SUITE 100
LOUISVILLE, KENTUCKY 40202
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204
JEFFERSONVILLE, INDIANA 47130
PHONE: 812-280-8201 FAX: 812-280-8281

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HERITAGE ENGINEERING, LLC

The proposed development will be in full compliance with the Land Development Code and all other Binding Elements per Case # 18DEVPLAN1106.

Thank you for your consideration; please advise us immediately if any additional information is needed.

Sincerely,



John Campbell

Encl. Application
Minor Plat

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CERTIFICATE OF OWNERSHIP AND DEDICATION

This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges the same to be the plat of

owner's name(s) _____ deed book(s) and page(s) _____
and does hereby dedicate to public use _____

_____ shown thereon.

Owner(s) Signature _____

Address _____

Title _____

CERTIFICATE OF SEWER EXTENSION

This is to certify that the undersigned is the owner of the land shown on this plat and hereby acknowledges that this plat is being approved with the condition that prior to any construction activity (including but not limited to clearing, grading, excavation or issuance of building permits) on any of the lots created hereby, a contract for extension of the sanitary sewer collection system (also known as a "lateral extension contract") shall be executed with the Metropolitan Sewer District.

Owner(s) Signature _____

Address _____

Title _____

ZONING CERTIFICATE

I/We hereby certify all of the lots of this minor subdivision and any existing buildings and improvements thereon and/or any buildings and improvements included in a building permit either applied for or approved thereon, are in compliance with all of the provisions of the Form District Regulations. Any such buildings or improvements not in compliance with the Form District Regulations have been granted all necessary variances by the Board of Zoning Adjustment as described in Docket _____ or documentation of the existence of the buildings or improvements prior to the adoption of the applicable regulations has been submitted to the Planning Commission staff.

Owner(s) Signature _____

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF KENTUCKY,
COUNTY OF JEFFERSON

I, _____, a notary public in and for the State and County aforesaid do hereby certify that the foregoing plat of

_____ was this day presented to me by _____, known to me, who executed the Certificates in my presence and acknowledge it to be _____ free act and deed.
(See, file, book)

Witness my hand and seal this ____ day of _____, 20

My Commission expires the ____ day of _____, 20

Notary Public, Jefferson County, KY.

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23-VA-Project-2017-17080 - LDC - Wood Road Apartments/Phase 1/7080 - MP1 - LDC Area Ridge - Minor Plat, Map - Plot DMS: November 16, 2018 - 10:40am

 <p>E.T.S. Surveying, Inc. 3318 Furman Blvd. Louisville, KY 40220 PHONE: (502) 939-2210 FAX: (502) 485-1216 Email: etssurveying@yahoo.com</p>			
PROJ.# 17080	DATE: 11/16/18	SCALE: N/A	SHEET 2

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Land Development Report

May 31, 2018 10:02 AM

About LDC

Location

Parcel ID: 002300360000
 Parcel LRSN: 39951
 Address: 12201 AVOCA RD

Zoning

Zoning: R4, R6
 Form District: NEIGHBORHOOD
 Plan Certain #: 16ZONE1074
 Proposed Subdivision Name: NONE
 Proposed Subdivision Docket #: NONE
 Current Subdivision Name: NONE
 Plat Book - Page: NONE
 Related Cases: NONE

Special Review Districts

Overlay District: NO
 Historic Preservation District: NONE
 National Register District: NONE
 Urban Renewal: NO
 Enterprise Zone: NO
 System Development District: A
 Historic Site: NO

Environmental Constraints

Flood Prone Area

FEMA Floodplain Review Zone: NO
 FEMA Floodway Review Zone: NO
 Local Regulatory Floodplain Zone: NO
 Local Regulatory Conveyance Zone: NO
 FEMA FIRM Panel: 21111C0033E

Protected Waterways

Potential Wetland (Hydric Soil): NO
 Streams (Approximate): NO
 Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
 Unstable Soil: NO

Geology

Karst Terrain: YES

Sewer & Drainage

MSD Property Service Connection: NO
 Sewer Recapture Fee Area: YES
 Drainage Credit Program: MS4 (outside of incentive area)

Services

Municipality: LOUISVILLE
 Council District: 19
 Fire Protection District: ANCHORAGE MIDDLETOWN
 Urban Service District: NO

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Land Development Report

May 31, 2018 10:21 AM

About LDC

Location

Parcel ID: 002303970000
 Parcel LRSN: 40334
 Address: 12207 AVOCA RD

Zoning

Zoning: R6
 Form District: NEIGHBORHOOD
 Plan Certain #: 16ZONE1074
 Proposed Subdivision Name: NONE
 Proposed Subdivision Docket #: NONE
 Current Subdivision Name: NONE
 Plat Book - Page: NONE
 Related Cases: NONE

Special Review Districts

Overlay District: NO
 Historic Preservation District: NONE
 National Register District: NONE
 Urban Renewal: NO
 Enterprise Zone: NO
 System Development District: A
 Historic Site: NO

Environmental Constraints

Flood Prone Area

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 FEMA Floodway Review Zone: NO
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 FEMA FIRM Panel: 21111C0033E

Protected Waterways

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 Surface Water (Approximate): NO

Slopes & Soils

Potential Steep Slope: NO
 Unstable Soil: NO

Geology

Karst Terrain: YES

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 Council District: 19
 Fire Protection District: ANCHORAGE MIDDLETOWN
 Urban Service District: NO

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TIER ONE:

PROJECT # 17080
Avoca Ridge

Louisville/Jefferson Co Metro Govt
527 W Jefferson St.
Louisville, KY 40202-2814

APO 1

Means, David J.
1209 Heafer Rd.
Louisville, KY 40223-4119

APO 4

Louisville & Jefferson Co MSD
700 W Liberty St.
Louisville, KY 40203-1911

APO 7

Parker, Hollow LLC
PO Box 230
Scottsburg, IN 47170-0230

APO 10

Herner, Wayne & Lisa
12703 Old Henry Rd.
Louisville, KY 40223-2239

APO 13

OWNER/APPLICANT:

Dishman, Clarence B & Nella M
1331 Heafer Rd.
Louisville, KY 40223-2121

APO 2

Duvall, Rachel Joy
Turner, James Carbett, Jr.
1207 Heafer Rd.
Louisville, KY 40223-4119

APO 5

Middletown Fire Protection Distri
11704 Shelbyville Rd.
Louisville, KY 40243-1039

APO 8

Ralle Homes LLC
4302 Sanctuary Bluff Ln.
Louisville, KY 40241-5876

APO 11

City of Anchorage, Kentucky
PO Box 23266
Anchorage, KY 40223-0266

APO 14

ARL Investments, LLC
34 W. Rampart Street
Shelbyville, KY 46176

Louisville Metro Housing Authority
420 S 8th St.
Louisville, KY 40203-1906

APO 3

Clay, William A III & McKnig
1205 Heafer Rd.
Louisville, KY 40223-4119

APO 6

Same as APO 8

APO 9

Richardson, Trishia & Jason
12705 Old Henry Rd.
Louisville, KY 40223-2239

APO 12

LDG Development
Michael Gross
1469 South Fourth Street
Louisville, KY 40208

CONSULTANT:

John Campbell
Heritage Engineering
642 South 4th Street, Suite 100
Louisville, KY 40202

CASE MGR:

Metro Development Center
444 S. 5th Street, 3rd Floor
Louisville, KY 40202

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The following spoke in favor of the
request:

Clifford Ashburner
101 S 5th Street, Suite 2500
Louisville, KY 40202

The following spoke in opposition to
the request:

Marv Blomquist
10529 Timberwood Circle, Suite D
Louisville, KY 40223

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