

Land Development & Transportation Committee

Staff Report

July 28th, 2016



Case No:	16DEVPLAN1107
Request:	Revised Detailed District Development Plan
Project Name:	Bristol Bluff Apartments
Location:	6203 Gellhaus Lane
Owner:	Wayne Gallavin, Through the Valley Foundation, Inc
Applicant:	Michael Gross, LDG Development
Representative:	Clifford Ashburner, Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 216 unit multi-family development, with nine 3-story apartment buildings, a clubhouse, recreational area with walking trails and pool. The total building area of the proposal is 355,195 square feet and total parking provided is 398 spaces. The site is currently vacant and is located in central eastern Jefferson County, northeast of the Gene Snyder/ Billtown Road exchange.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-6/R-4	N
Proposed	Multi- and Single- Family	R-6/R-4	N
Surrounding Properties			
North	Single Family Residential	R-4	N
South	School	R-4	N
East	Agricultural with single family	R-4	N
West	School	R-4	N

PREVIOUS CASES ON SITE

9-36-06 & 10-28-06 - Proposed change in zoning from R-4, single family, to R-7, multi family, with a portion to remain R-4 and a preliminary subdivision plan to create 38 lots. Amended by Metro Council to R-6.

10686 & 11486: Revised detailed development plan for 220 apartment units.

13DEVPLAN1043: Revised detailed plan for 216 apartments.

INTERESTED PARTY COMMENTS

Staff did receive one phone call from Angela Webster, Council District 20 legislative aide, stating that Councilman Bensen's office would not support any binding element changes and was concerned about increased crime with the development.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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: This parcel does have a significant tree canopy and two small ponds on site. While the proposal is not preserving these resources, they are re-planting the required tree canopy of 20% of the site area and having a geotechnical study done before any filling can be done.

- 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 with a proposed 5' sidewalk along Gellhaus Road and sidewalk connections from the public right-of-way and throughout the development. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed.

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

STAFF: The applicant has proposed 2.24 acres of open space with both passive and active recreational opportunities.

- 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 provisions 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 land use and building design are compatible with the existing and future development of the area. This area is largely single family residential with some low-intensity uses such as the abutting school. Providing a multi-family development alongside single family offers more diverse residential options for the area.

- 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 is in conformance with the Land Development Code as well as the policies and guidelines of the residential intent of the Comprehensive Plan as it increases the residential options and affordability in the area.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- The applicant has submitted the traffic study originally submitted with the rezoning, as well as the road improvement plans for Gellhause Lane.
- A 100' stream buffer is required as per Table 4.8.1 for the northeast property line along Chenoweth Run Creek and must comply with the standards for platted lots in Section 4.8.6.G.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development and Transportation Committee must determine if the proposal meets the standards for approving of the RDDDP established in the Land Development Code.

ACTIONS

- **APPROVE or DENY** the revised detailed district development plan

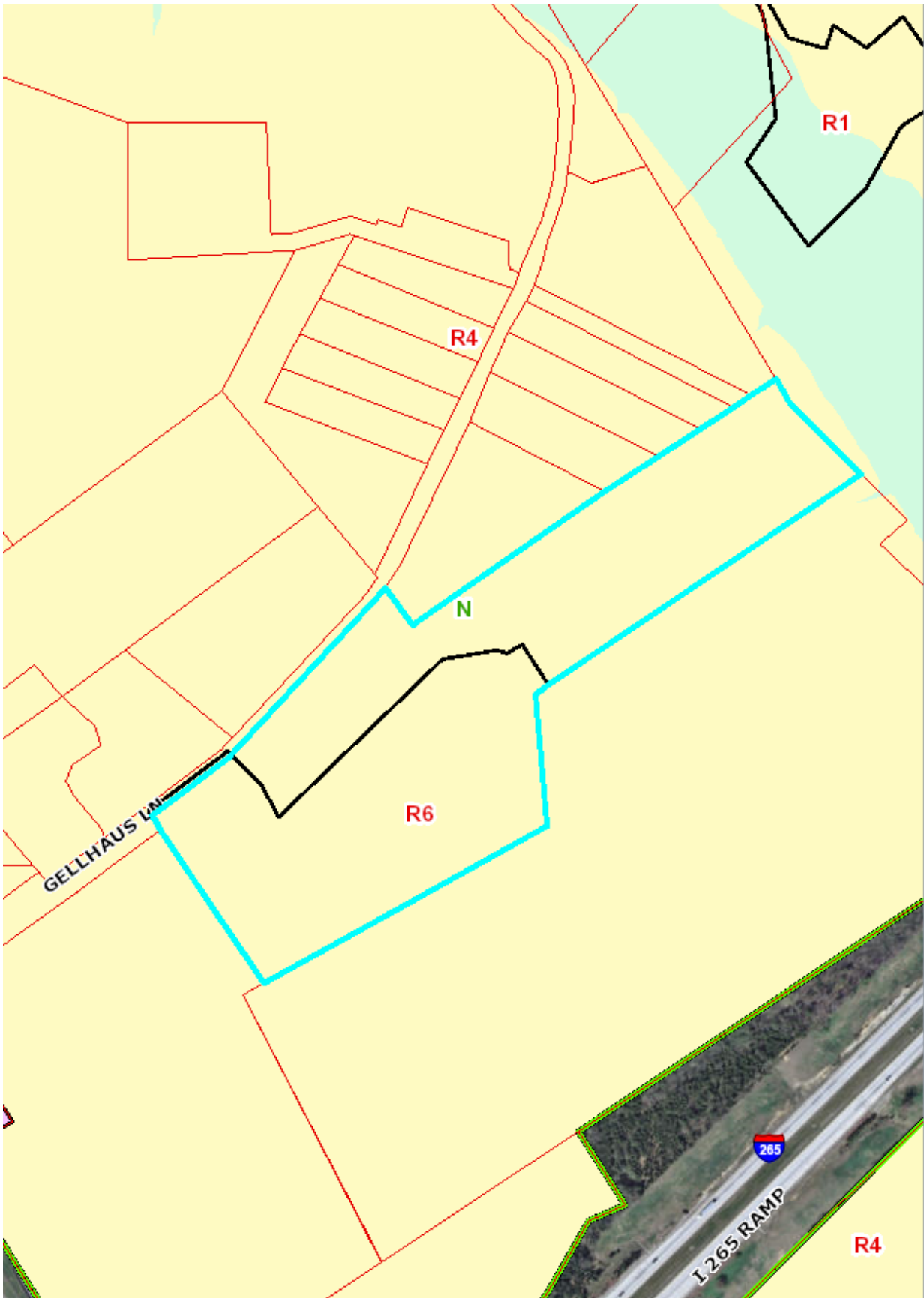
NOTIFICATION

Date	Purpose of Notice	Recipients
7/13/2016	Public Meeting – LD&T	Neighborhood notification recipients
7/13/2016	Public Meeting – LD&T	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Amended Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

Docket #16DEVPLAN1107

1. The development shall be in accordance with the approved district development and preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. 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 density of the development shall not exceed 17.32 dwelling units per acre (220 units on 12.70 net acres) on Parcel B. The density of the development on Parcel A shall not exceed 2.74 dwelling units per acre (37 units on 13.50 acres).
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. A note shall be placed on the preliminary subdivision 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 driveline 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."
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. 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. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:
 - a) 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.
 - b) Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field by
 - c) the applicant/developer, or property owner to include canopy & ea of all trees at or within the dimension line.
 - d) Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.

- e) No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
- f) Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.

8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

- a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
- b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open space, TCPAs, WPAs.
- c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.

9. Trees will be preserved and/or provided on site 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 LDC and for open spaces shown on the development plan. The landscaping shall be substantially similar to that shown on the development plan and concept landscape submitted for this site. 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.

10. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

11. 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:

- 1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
- 2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
- 3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
- 4. Location of construction fencing for each tree/tree mass designated to be preserved.

12. 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 Inspections, Permits and Licenses, 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. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.

13. 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.

14. 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.

15. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 23, 2008 Planning Commission meeting.

16. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

17. 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.

18. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street C. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

19. 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.

20. 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.

21. 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 larvacide approved by the Louisville Metro Health Department: Lawacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

22. Developer shall provide a west-bound right-turn lane on Billtown Road to Gelhaus Lane per KTC requirements. KTC permit required prior to construction approval by Metro Public Works.

23. As required by Public Works, the Gelhaus Lane Right-of-way shall be dedicated by deed or minor plat that must be recorded prior to Public Works construction approval or shall be recorded as part of the required record plat.

24. Developer shall be responsible for utility relocations, final surface overlay and striping associated with required road improvements. Gelhaus Lane shall be improved to provide a three-lane section per the approved schematic roadway and improvement striping plan provided (i.e. "Road Improvement Exhibit").
25. Prior to filling the existing pond on site, a geotechnical study shall be performed for review and approval by MSD (and Public Works).
26. No junked or unusable cars shall be stored on the property.
27. The landscaping shall be irrigated, and any landscaping that dies shall be removed and replaced within 30 days.

4. Proposed Amended Binding Elements

2. The density of the development shall not exceed ~~47.32~~ **17.10** dwelling units per acre (~~220~~ **216** units on ~~42.70~~ **2.63** net acres) on Parcel B. The density of the development on Parcel A shall not exceed 2.74 dwelling units per acre (37 units on 13.50 acres).
15. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~August 1, 2007 Planning Commission~~ **July 28, 2016 Land Development & Transportation** meeting.