

Development Review Committee

Staff Report

Date: March 2, 2022



Case No:	21-DDP-0081
Project Name:	Proposed Multi-Family Development
Location:	9118 West Manslick Road
Owner(s):	LDG Development, LLC.
Applicant:	Derek Triplett, LD&D, Inc.
Jurisdiction:	Louisville Metro
Council District:	25 – Amy Holton Stewart
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- (Revised) General/Detailed District Development plan with amended binding elements

CASE SUMMARY/BACKGROUND

This site is zoned R-5A in the Neighborhood Form District. The applicant is proposing to build 216 units within 8 three-story buildings. The maximum density is 12.01 dwellings per acre and the site is within the maximum density.

This site was previously rezoned from R-4 to R-5A under docket number 09-48-04 for a condominium development with 192 condos within 24 buildings (8 units per building). The proposed plan for condominiums were never built.

STAFF FINDING

Staff finds that other than the right-of-way issues needing to be addressed and the variance for building height needing to be filed, the revised detailed district development plan meets the standard of review.

TECHNICAL REVIEW

MSD has preliminarily approved the proposal.

There are still transportation planning / Public Works issues that need to be addressed regarding the right-of-way width and the Louisville Loop. According to the Land Development Code:

5.8.2 Greenway/Trail System

Where the property being developed is depicted in a legislatively adopted greenway/trail plan as the recommended location of a community access greenway/trail, an easement or other provisions for public access through the site shall be provided in accordance with the standards found in Section 5.11.4. If the greenway/trail already has been constructed on the abutting property or if the proposed development falls under the category 3 threshold within the applicable form district, the greenway/trail shall be extended through the subject site at time of development of the site.

The applicant needs to submit the variance request for exceeding the 35 ft maximum height by 2 +/- ft.

INTERESTED PARTY COMMENTS

Staff did receive an email from the neighboring property owner, Daniel Skaggs who had concerns about traffic, privacy and drainage. There is an existing binding element (#12) regarding landscaping along his property.

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. Future multi-family development proposed on the subject site will be required to meet Land Development Code 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:

- **APPROVED or DENY the Revised Detailed District Development Plan with amended binding elements**

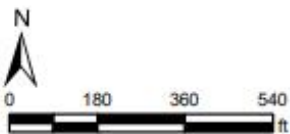
NOTIFICATION

Date	Purpose of Notice	Recipients
2-18-22	Hearing before 3-2-22 DRC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 25

ATTACHMENTS

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

1. Zoning Map



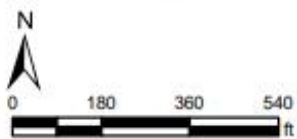
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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



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3. Existing Binding Elements

Docket NO. 9-48-04

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The density of the development shall not exceed 10.6 dwelling units per acre (192 dwelling units on 18.01 acres).~~
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, 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.
6. 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.
7. 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.
8. 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.
9. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, part 1, section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.
- ~~10. The property shall be developed under a Horizontal Properties Regime.~~
11. The address number shall be displayed on all structures prior to requesting a certificate of occupancy for that structure.
12. Applicant shall construct approximately 350 feet of privacy fencing on the north portion of the Skaggs' property line and construct a 4-board fence along the remainder of the Skaggs' property line.
13. Construction at the site will be set as follows:
 - a. Infrastructure – Dawn to Dusk, seven days a week.
 - b. Buildings – Dawn to Dusk, Monday through Friday, with the possibility of a Saturday if running behind schedule.

14. Floodplain compensation will be done on-site only.
15. Additional landscaping will be provided on the Manslick Road side of Building #1 and a window added on the Manslick Road end of the building to augment the visual appearance of this building from the road.
16. Within the 50 foot landscape buffer area adjoining the Gene Snyder Freeway, the Commission has requested that perimeter landscape trees be planted at a density of one every 25 feet in areas where there is no existing tree mass.

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
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