

Planning Commission

Staff Report

March 3, 2022



Case No:	21-DDP-0110
Project Name:	Garrett Shelby Station
Location:	400 Shelby Station Dr
Owner(s):	Oaklawn Development Properties
Applicant:	Damon Garrett – Sunshine Builders
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Revised Detailed District Development plan** with revisions to binding elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 204 multifamily dwelling units across 8 buildings on approximately 17.3 acres. The subject site is zoned R-5A in the Neighborhood Form district at the intersection of Shelby Station Dr and S Beckley Station Rd in eastern Louisville Metro. The subject site is currently vacant and has areas of steep slopes, as well as a pond and significant tree canopy coverage. The site was rezoned to R-5A under docket 12573 in 2009. The previously approved plan showed 60 multifamily dwelling units and was at the time associated with the Oaklawn Senior Care facility adjacent to the subject site. The existing binding elements contain several specific elements relating to the expired plan.

STAFF FINDING

The request is adequately justified and meet the standards of review. The subject site is near major transportation networks, commercial services and employment opportunities. The proposed development will provide additional housing options in an area with a mix of single-family development and multifamily housing types. The development minimizes disturbance of steep slope areas and preserves tree canopy in excess of the minimum requirements.

TECHNICAL REVIEW

The applicant has submitted slope stability analysis in accordance with Land Development Code section 4.7.5.B.3 which demonstrates the slopes are stable on the subject site and outlined standard construction techniques to ensure safety and stability during construction.

INTERESTED PARTY COMMENTS

A number of area residents have expressed concern and opposition to the proposed development.

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: The development will minimize disturbance of steep slope areas on site in accordance with Land Development Code section 4.7.5. The development will meet all tree canopy standards on the subject site, including preservation of existing trees in excess of the minimum preservation requirement.

- 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 Transportation Planning Staff has approved the preliminary development plan.

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

STAFF: The applicant has provided open space in excess of the minimum requirements of the Land Development Code. The development meets the minimum requirements for recreational open space, including a variety of recreational activities on the subject site.

- 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. 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 revisions to Binding Elements**

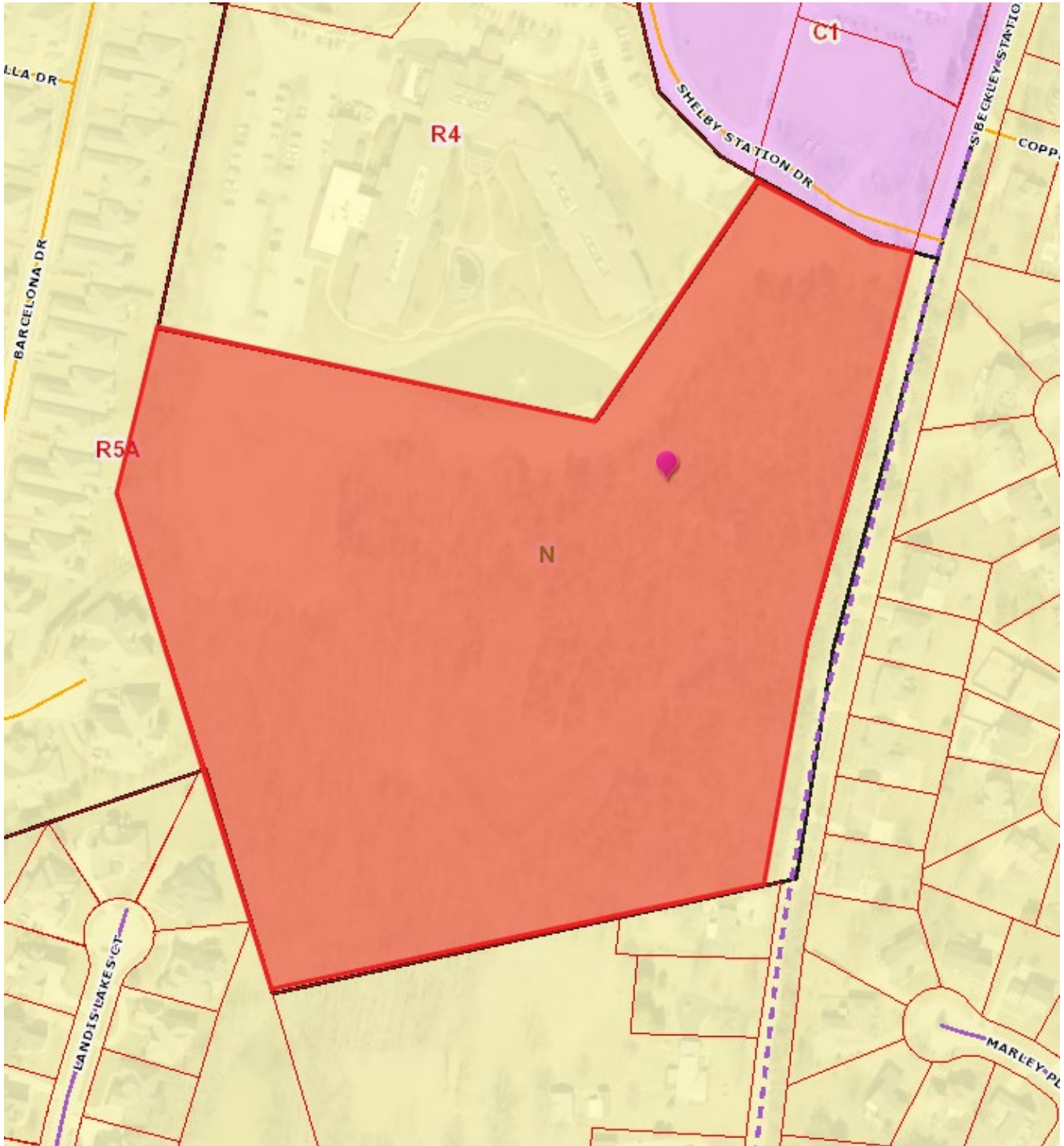
NOTIFICATION

Date	Purpose of Notice	Recipients
2-15-21	Hearing before Planning Commission	1 st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. **Existing Binding Elements with proposed revisions**

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. ~~The 60-unit patio home development on Lot 3 of the site shall not exceed 138,100 square feet of gross floor area, including 135,700 square feet for the patio homes and 2,400 square feet for the clubhouse.~~ **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.**
3. 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 **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. ~~A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~ **A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.**
4. The materials and design of proposed structures shall be substantially the same as depicted in the rendering/**elevations** as presented at the ~~December 3, 2009~~ **March 3, 2022**, Planning Commission public hearing.
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.
6. ~~The density of the development shall not exceed 4.91 dwelling units per acre (60 units on 17.28 acres).~~
7. ~~A Tree Canopy Protection Area (TCPA) shall be imposed in the south/southwest areas of the site generally as shown for tree preservation on the colored-up development and concept landscaping plan submitted at the December 3, 2009 public hearing. This area includes and shall protect an~~

~~intermittent rock bottom stream running along the west border area, and the final boundary of same shall be established at time of construction plan preparation and approval. Plans setting out TCPAs shall contain the following notes: "TCPAs represent portions of the site designated 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 the tree canopy as specified on the approved development plan."~~

- ~~8. The front elevations shall be substantially similar to the rendered elevation produced at the December 3, 2009 public hearing. The remaining 3 sides will be approximately 70% "hardy plank" type siding and 30% brick, with large windows in the bedroom and living areas. These elevations shall be submitted to PDS staff for review and approval consistent with the standards established by this binding element prior to obtaining a building permit to construct the first patio home building.~~
- 6. The development shall be constructed in accordance with the techniques outlined in the Greenbaum and Associates Slope Stability Survey dated January 24, 2022.**
- 7. Prior to requesting a Certificate of Occupancy, the applicant will widen South Beckley Station such that 230' of dedicated right turn stacking from South Beckley Station onto Shelbyville Rd is provided. Applicant will work with Louisville Metro Public Works and KYTC to provide for traffic light signal re-programming as deemed necessary.**
- 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.**

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. 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.
3. 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 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. The materials and design of proposed structures shall be substantially the same as depicted in the rendering/elevations as presented at the March 3, 2022, Planning Commission public hearing.
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.
6. The development shall be constructed in accordance with the techniques outlined in the Greenbaum and Associates Slope Stability Survey dated January 24, 2022.
7. Prior to requesting a Certificate of Occupancy, the applicant will widen South Beckley Station such that 230' of dedicated right turn stacking from South Beckley Station onto Shelbyville Rd is provided. Applicant will work with Louisville Metro Public Works and KYTC to provide for traffic light signal re-programming as deemed necessary.
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.