

# Land Development and Transportation Committee Staff Report

September 10, 2015



<b>Case No:</b>	15MOD1014
<b>Request:</b>	<b>Amendment to Binding Element</b>
<b>Project Name:</b>	<b>Paddock at Sawyer Park</b>
<b>Location:</b>	<b>9910 Westport Road</b>
<b>Owner:</b>	<b>Bent Tree at Sawyer Park LLC</b>
<b>Applicant:</b>	<b>Hagan Properties Inc.</b>
<b>Representative:</b>	<b>Land Design and Development; Bardenwerper Talbott and Roberts PLLC</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>17-Glen Stuckel</b>
<b>Case Manager:</b>	<b>Julia Williams, AICP, Planner II</b>

## REQUEST

- Amendment to Binding Element #5 d.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-6  
Proposed Zoning District: R-6  
Existing Form District: N  
Existing Use: Vacant  
Proposed Use: Multi-Family  
Minimum Parking Spaces Required: 534  
Maximum Parking Spaces Allowed: 1,068  
Parking Spaces Proposed: 767  
Plan Certain Docket #:18264

The property currently is vacant. The applicant is proposing to construct 356 dwelling units for a net density of 15.3 du/ac. The property is generally flat and open with an area in the southeastern corner that was formerly a man-made pond and has since been filled.

The site fronts on Westport Road. To the east is an R-5 single-family residential subdivision (The Coves) with a density of approximately 3.7 du/ac and an R-6 Multi-family residential development (Graystone Manor). Graystone Manor is a patio home condominium development with a density of 6.5 du/acre. To the north and across Westport Road are several R-4 single-family subdivisions including Village of Wynbrook, Springhurst, Creekside, and Carriage Hill. To the west is another R-4 single-family residential subdivision known as Hickory Hill (approximate density of 3.4 du/ac). To the south is E.P. "Tom" Sawyer Park, which is surrounded primarily by single-family residential subdivisions.

The property's broader context places the site between the Frey's Hill/Westport Rd. intersection to the north and the Hurstbourne Parkway/Westport intersection to the south. The Frey's Hill/Westport intersection sits near the southern edge of the Regional Center Form District that contains, among other facilities, the Springhurst Shopping Center. The Hurstbourne/Westport intersection is partially occupied by single-family residential (northeast and southwest corners) and partially by commercial within a small pocket of Suburban Marketplace Corridor Form District (northwest and southeast corners). The area in between these two intersections is solidly occupied by single-family residential.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	R-6	N
<b>Proposed</b>	Multi-Family Residential	R-6	N
<b>Surrounding Properties</b>			
<b>North</b>	Single-family residential	R-4	N
<b>South</b>	State Park	R-1	N
<b>East</b>	Single-family residential	R-5	N
<b>West</b>	Single-family residential	R-4	N

**PREVIOUS CASES ON SITE**

- 15devplan1073, A revised district development plan was approved by DRC on 7/1/15.
- 18264, Change in zoning from R-5A to R-6 approved in 2012.
- 12051, a change in zoning from R-4 to R-5A Multi-Family Residential was requested and approved. 296 Condominium units were proposed with a density of 11.9 du/ac.
- 9-47-06/10841, a change in zoning from R-4 to R-6 Multi-Family Residential was requested and denied. Density and mass and scale were the core issues behind the denial.
- 9-54-04, a change in zoning from R-4 to R-5A Multi-Family Residential was requested on this property to allow construction of 147 detached condominium units for a net density of 8.6 du/ac. After an LD&T Committee review during which committee members expressed serious concerns about compatibility relative to the adjacent single-family residential subdivisions and the E.P. "Tom" Sawyer Park, the applicant requested indefinite deferral and did not return with revised plans.

**INTERESTED PARTY COMMENTS**

None received.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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 proposal has limited natural resources on the site. The areas where hydric soils have been identified will be drained through the use of the perimeter detention basins. New trees will be planted throughout the development to meet LDC requirements.

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

STAFF: The Springbark Drive extension will not serve the site and therefore does not provide efficient vehicular circulation within the development and community. Sidewalks are provided throughout the development.

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

STAFF: The proposal is meeting the open space requirements. Open space provided is mainly for recreational and infrastructure purposes.

- 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: Detention basins are provided along the east and west perimeters to aid and prevent further drainage issues.

- 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 structures are placed within the development outside a 50 foot buffer which exceeds the setback requirements of the LDC.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The proposal meets the guidelines of the Comprehensive Plan and Land Development Code.

### TECHNICAL REVIEW

- All agency review comments have been addressed.

### STAFF CONCLUSIONS

The proposal meets the guidelines of the Comprehensive Plan and Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a binding element amendment established in the Land Development Code.

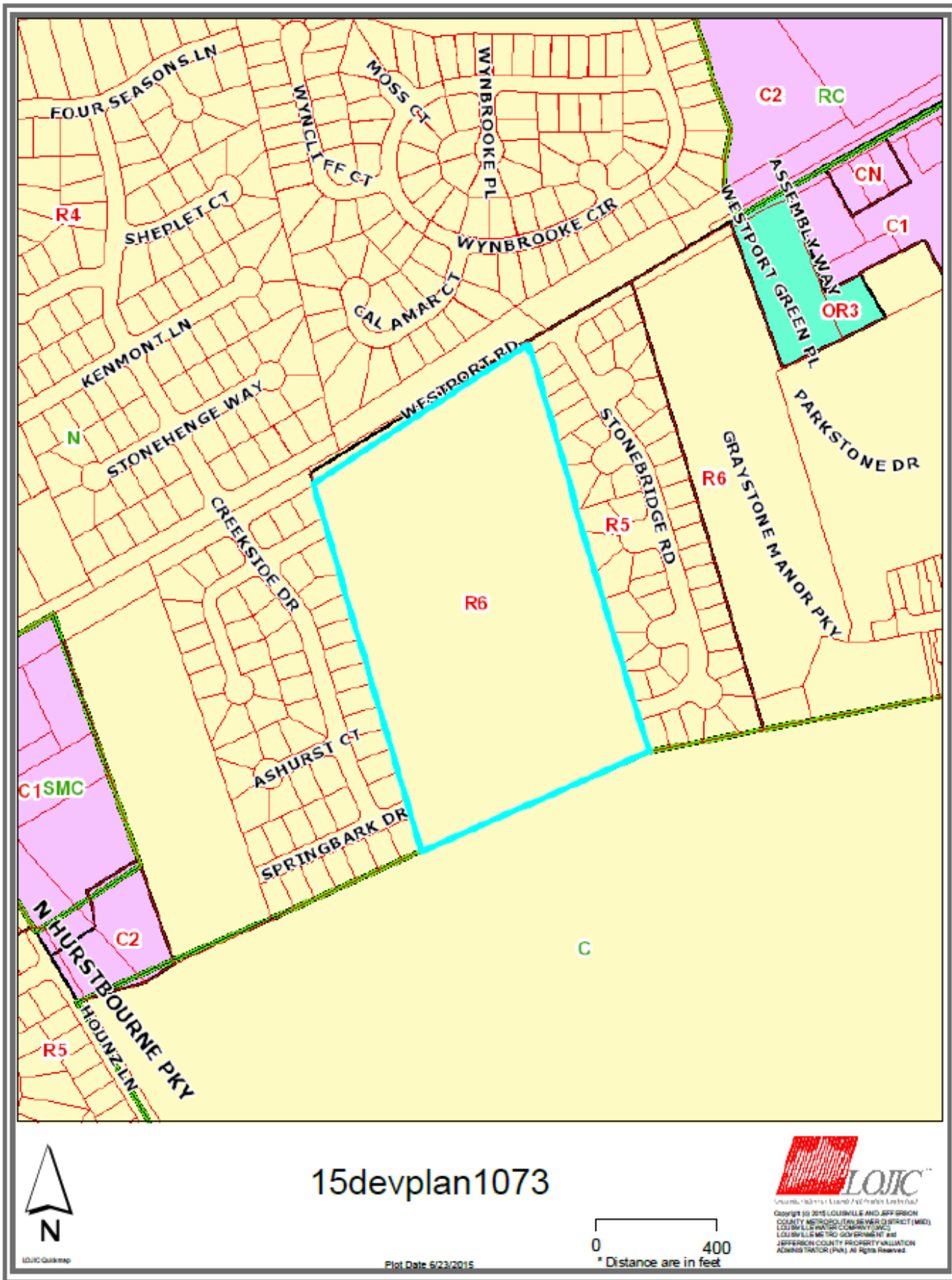
### NOTIFICATION

Date	Purpose of Notice	Recipients
6/17/15	Hearing before DRC on 7/1/15	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 17 Notification of Development Proposals

### ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



### 3. Existing 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. The development shall not exceed 539,700 square feet of gross floor area.
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 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.
5. 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 Office of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. A major subdivision plat creating the roadway as shown on the approved district development plan shall be recorded prior to issuance of any ~~building permits~~ **certificates of occupancy**.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. 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.
8. Building designs shall be substantially similar to the photographs shown at the June 27, 2013 Public Hearing of the "Paddock at Eastpoint" apartment community. Building materials shall include brick, stone and/or hardy plank (not vinyl) siding in proportions generally in accordance with the photographs shown. Colors may vary from building to building.

9. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
10. A permanent maintenance easement shall be recorded from the Commonwealth of Kentucky (on behalf of the State Department of Parks) in favor of MSD for the drainage area defined on plans described at the June 27, 2013 public hearing.
11. The applicant shall present for approval by MSD a specific written plan or set of construction drawings agreed to in writing by the Commonwealth of Kentucky, MSD and the developer detailing the drainage and maintenance improvements on the Park as described at the June 27, 2013 public hearing. The construction plans for these drainage improvements shall be submitted to the City of Hickory Hills for comment 7 days in advance of official submittal to MSD. The overall drainage plan for the property, including improvements on other properties shown and explained at the June 27, 2013 Public Hearing, shall be implemented in accordance with said plans and explanations.
12. Applicant (its successors and assigns) shall not permit any construction access to the site from adjoining residential areas. At commencement of construction, the developer shall install barricades at or near the current ends of the roadways currently stubbing into this site from the adjoining residential subdivisions. Such barricades shall not be removed until a building permit is obtained for the 200th unit, at which time the barricades shall be removed in accordance with requirements of law for additional points of access. Even at that time, construction access, however, shall be prohibited to the site from the adjoining residential subdivisions.
13. There shall be no permanent or temporary structures permitted close to any adjoining residential property line than as shown on the approved district development plan.
14. No outside construction shall occur between the hours of 8 pm and 7 am.
15. No truck idling, as opposed to truck operation, shall take place outside of the driving areas shown on the approved district development plan. No overnight truck idling shall take place anywhere on the site.
16. Dumpsters/compactors shall be located as shown on the approved district development plan.
17. The final landscape plan shall be substantially similar to, and no less than, the concept landscape plans presented at the June 27, 2013 Public Hearing, especially as respects the entrance way and along the east and west property lines shared with Hickory Hill and The Cove Subdivisions as explained and depicted with cross sections, photographs and renderings shown at the public hearing.
18. The main entranceway to the development from Westport Road and areas around the Clubhouse shall be irrigated in order to assure that landscaping in these highly visible and most trafficked areas have the maximum opportunity to thrive.
19. Newly installed vegetation that dies shall be replaced within 6 months of such time.
20. The driveway connection from the apartment community to the Springbark Drive extension shall have a fire department approved fire gate installed as shown on the approved development plan. The gate shall be installed when the driveway and parking connect to the extension.
21. Until 80 percent of the units are constructed, the applicant, its successors and assigns shall be responsible for funding the cost of a traffic signal at the entrance to the site if a traffic signal is approved by KTC prior to that time. Other off-site road improvements shall be funded and constructed by the developer as follows: (a) The Westport Road frontage deceleration lane shall be constructed at time of construction of Phase 1 of the project and shall be completed prior to a certificate of occupancy issuance on the first unit.