

Land Development and Transportation Committee Staff Report

September 25, 2014



Case No:	14MOD1011
Request:	Conditions of Approval Modification
Project Name:	Sheppard Square
Location:	421 Lampton Street
Owner:	Louisville Metro Housing Authority
Applicant:	Louisville Metro Housing Authority
Representative:	Stites and Harbison PLLC
Jurisdiction:	Louisville Metro
Council District:	4-David Tandy
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Removal of Conditions of Approval 12, 13, and 14.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: UN
Proposed Zoning District: UN
Existing Form District: TN
Existing Use: Multi-Family
Proposed Use: JCPS property
Plan Certain Docket #: 18694, 13419

The site was developed as multi-family apartments and is currently under demolition with the exception of the community center building near the corner of Lampton and Hancock streets. Lampton Park currently exists at the corner of Jackson and Lampton streets, this park is proposed to be developed and in turn open space provided across Jackson Street. The open space at Jackson and Lampton is proposed to be sold to JCPA for Meyzeek Middle School. Another linear park is proposed along Hancock Street between Jacob and Lampton. 310 Units are proposed on 32 lots giving the project site an overall density of 20 dwelling units per acre.

The site is flat and currently developed there are no known topographical or geographical features on the site. There are a mix of uses and zoning districts surrounding the site. To the north of the site are commercial, multi-family residential uses as well as church related uses. Some of the property is vacant as well. Similar uses are evident to the east and west of the site. To the south are church, single and multi-family uses, and Meyzeek Middle School. The adjacent zoning districts are OR-2, C-1, C-2 and UN with most of the zoning districts being in the Traditional Neighborhood Form District. Traditional Marketplace Corridor is located nearby and to the north of the site.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential	OR-2/UN	Traditional Neighborhood
Proposed	Residential	OR-2/UN	Traditional Neighborhood
Surrounding Properties			
North	Commercial, Multi-Family Residential, Vacant, Church, parking lot	C-1/C-2/OR-2	Traditional Marketplace / Traditional Neighborhood
South	Church, Single and Multi-Family Residential, Meyzeek Middle School	UN	Traditional Neighborhood
East	Commercial, Single and Multi-Family Residential, Vacant	C-2/UN	Traditional Neighborhood
West	Commercial, Single and Multi-Family Residential, Vacant	C-1/C-2	Traditional Neighborhood

PREVIOUS CASES ON SITE

13419- The Planned Development Option within the UN zoning district was utilized for a subdivision plan that was approved in 2009.

18694- A revised subdivision plan and revised design guidelines was approved in 2013.

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 to sell the site of the proposed new Lampton Park to JCPS for Meyzeek Middle School as green space still preserves the initial intent of the site to be held as open space.

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

STAFF: Vehicle and pedestrian mobility will not be affected by the removal of the conditions of approval.

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

STAFF: Sufficient open space for the Sheppard Square proposal is being maintained with other open space areas within the development as well as with the current proposal. The transfer of the “park” space to JCPS will not affect the overall open space of the area as JCPS will be utilizing the space as open/park space.

- 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: Drainage will not be affected by the elimination of the conditions of approval.

- 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 will not change with the transfer of open space from Parks to JCPS.

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

STAFF: Open space will still be provided in the area and on the site in question.

TECHNICAL REVIEW

- All comments have been addressed.

STAFF CONCLUSIONS

Since the open space will still be preserved and only under different ownership, the proposal meets the guidelines of the Comprehensive Plans and LDC.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for granting a amendments to Conditions of Approval established in the Land Development Code.

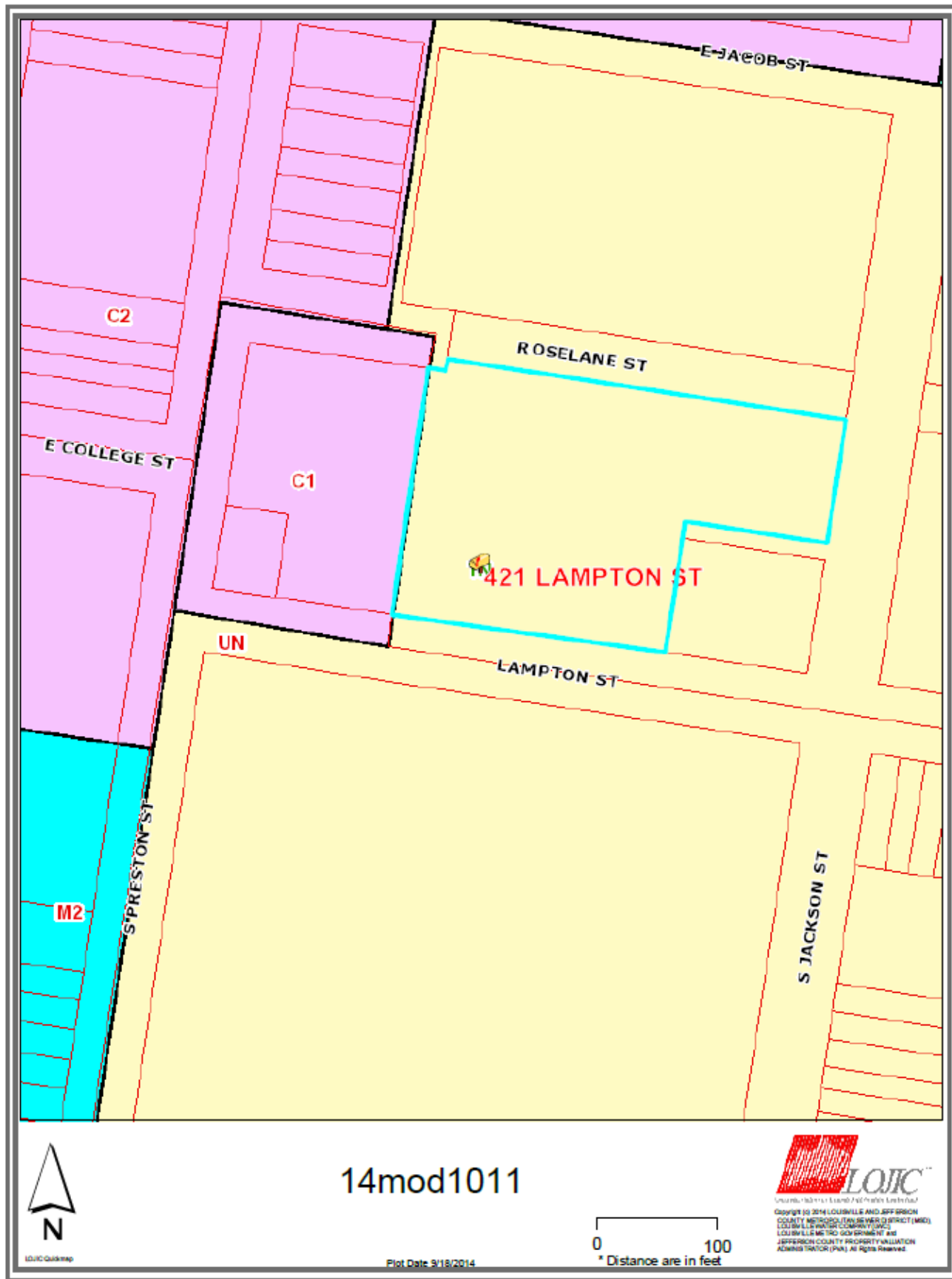
NOTIFICATION

Date	Purpose of Notice	Recipients
9/11/14	Hearing before LD&T on 9/25/14	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 4 Notification of Development Proposals

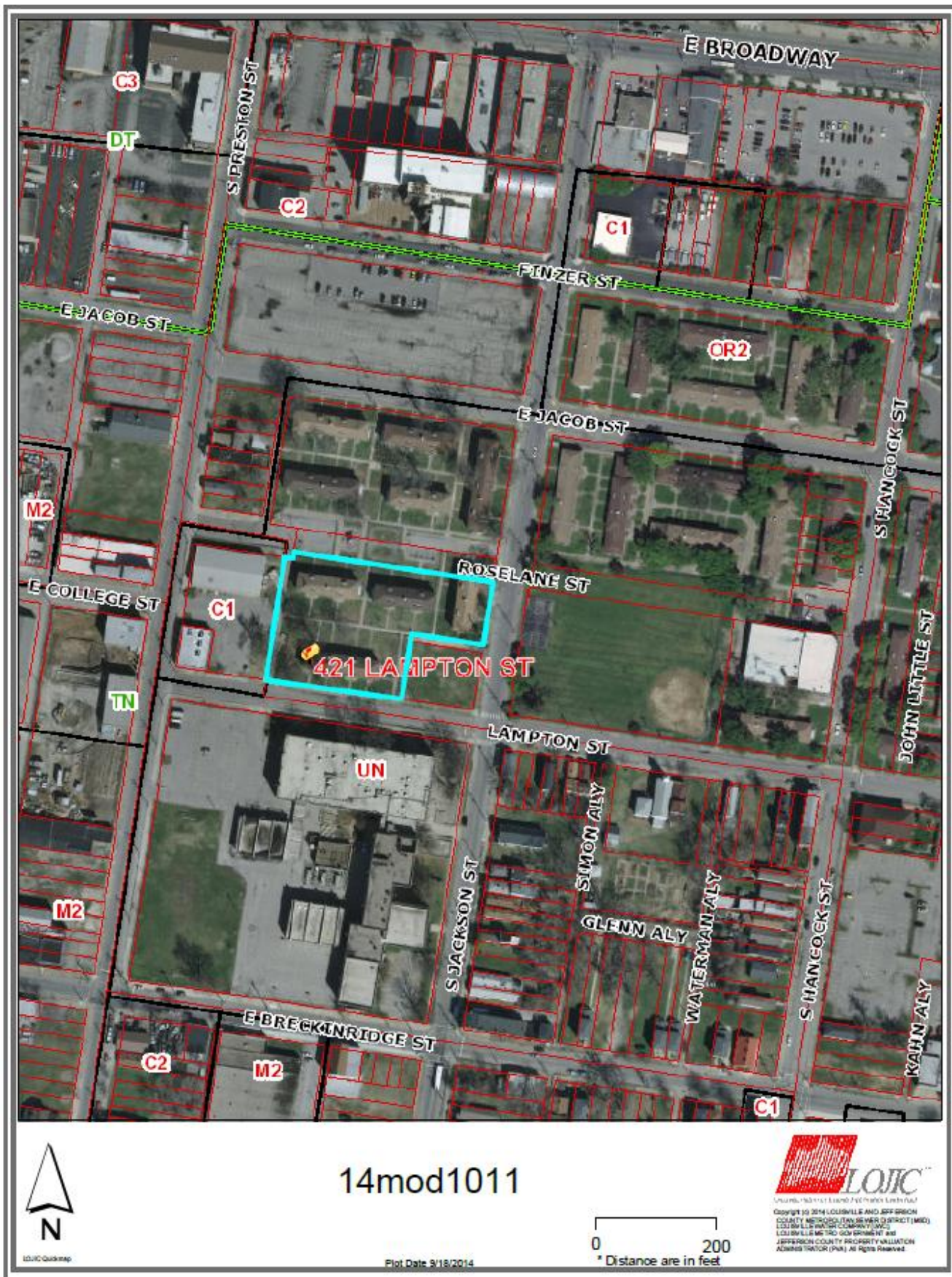
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval with Modifications provided

1. Zoning Map



2. Aerial Photograph



3. **Existing Conditions of Approval with Modifications provided**

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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. 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 lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. 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.
 - f. Alley closure approval and private roadway closures shall be approved prior to record plat approval.
4. 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 conditions of approval requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
5. A legal instrument providing for the long-term use of the joint-use parking spaces, in accordance with Section 9.1.6 Joint Use Parking, shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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.
6. The applicant, developer, or property owner shall provide copies of these conditions of approval 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.
7. 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:

- a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. A note shall be placed on the preliminary 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 dripline 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."
9. All street signs shall be installed by the Developer and shall conform to 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.
10. 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.
11. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
- ~~12. The recreational facilities currently found at Lampton Park (including softball) shall be replaced within the relocated park. The new facilities should be constructed before Lampton Park facilities are demolished to avoid a long period of time with no recreational facilities available to the neighborhood.~~
- ~~13. The relocated park shall be open for public use at all times during the hours that the current Lampton Park is open.~~
- ~~14. The applicant shall work with Metro Parks on the design of the relocated Lampton Park to ensure that the design will accommodate the needs of 'Smoketown Days' and other large community events currently held at Lampton Park.~~