

ORDINANCE No. 073, SERIES 2015

**AN ORDINANCE APPROVING THE DETAILED DISTRICT DEVELOPMENT PLAN ON PROPERTY ZONED R-8A MULTIFAMILY AND LOCATED AT 1418 AND 1426 WILLOW AVENUE AND BEING IN LOUISVILLE METRO (CASE NO. 17822).**

**SPONSORED BY: COUNCILWOMAN MADONNA FLOOD**

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the "Council") has considered the evidence presented at the public hearing held by the Louisville Metro Planning Commission and the recommendations of the Planning Commission and its staff as set out in the minutes and records of the Planning Commission in Case No. 17822; and,

WHEREAS, pursuant to the Council's specific direction set forth in Section II of Ordinance No. 140, Series 2013, the Commission forwards its recommendation of approval of the detailed district development plan for Case No. 17822 to the Council for its final approval; and,


WHEREAS, the Council concurs in and adopts the findings of fact of the Planning Commission for the approval of the detailed district development plan in Case No. 17822 and approves and accepts the recommendations of the Planning Commission as set out in said minutes and records;

**NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

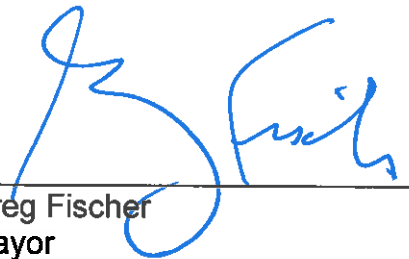
**Section I:** That the detailed district development plan submitted for the property located at 1418 and 1426 Willow Avenue and being in Louisville Metro, as more particularly described in the minutes and records of the Planning Commission in

Case No. 17822, is hereby approved; provided, however, said property shall be subject to the binding elements as set forth in the minutes of the Planning Commission in Case No. 17822

**Section II:** This Ordinance shall take effect upon its passage and approval.

  
\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

  
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David W. Tandy  
President of the Council

  
\_\_\_\_\_  
Greg Fischer  
Mayor

Approved: 5/15/15  
Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

**LOUISVILLE METRO COUNCIL  
READ AND PASSED  
May 14, 2015**

By:   
\_\_\_\_\_



**RESOLVED**, that the Louisville Metro Planning Commission does hereby **RECOMMEND**, to Metro Council, **APPROVAL** of the District Development Plan and the proposed binding elements on pages 20 and 21 of the staff report, with the following revisions: binding element no. 9 shall include – The applicant shall purchase a lifetime memberships in the Cherokee Triangle Association for the initial condominium unit owner at the time of sale; binding element no. 11 – add a separate sentence – Compliance with binding element shall be completed within one year of Certificate of Occupancy for the first unit; binding element no. 13 – strike it altogether and replace with the following: The applicant shall restore the brick alley that abuts the property in accordance with Public Works and Historic Preservation standards. Construction plans, bonds and encroachment permit are required for alley reconstruction prior to issuance of any building permits; add a binding element no. 14 – The applicant shall submit a landscape plan for the site that would include the enhanced landscaping to be approved by a sub-committee of the Planning Commission prior to issuance of any building permits for the site. The enhanced landscaping will be to fulfill the intent of the screening the front garage door, the parking area and vehicular maneuvering from both Willow and Baringer **SUBJECT** to the following binding elements:

#### **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. The development shall not exceed 97,874 square feet of gross floor area.
3. 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.
4. 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 25, 2015 Planning Commission meeting and as approved by the Cherokee Triangle Architectural Review Committee.
9. The applicant shall purchase a lifetime memberships in the Cherokee Triangle Association for the initial condominium unit owner at the time of sale.
10. There will be a condominium association formed (composed of the unit owners) that will have responsibility for the maintenance of the building as well as the common areas. Note that it is typical for the lawns, grounds and maintenance of the condominiums buildings to be managed by the very owners that reside in the development and are generally maintained to a much higher degree and standard than apartment rentals.
11. The applicant will consult with the CTA Tree Committee, the Olmstead Conservancy and other appropriate parties to develop a tree planting program

with the Cherokee Triangle and will commit to contributing 100 trees to the program. In addition, the applicant will contribute \$20,000 towards an endowment fund to be established for the maintenance, landscaping and improvements to Willow Park. Compliance with binding element shall be completed within one year of Certificate of Occupancy for the first unit;

12. The development will provide two parking spaces per ownership unit within the building. In addition, several visitor and overnight spaces will be provided within the structure as well. The 3 proposed parking spaces in the front of the building will be adequately screened and landscaped to avoid any perceived visual impacts.
13. The applicant shall restore the brick alley that abuts the property in accordance with Public Works and Historic Preservation standards. Construction plans, bonds and encroachment permit are required for alley reconstruction prior to issuance of any building permits.
14. The applicant shall submit a landscape plan for the site that would include the enhanced landscaping to be approved by a sub-committee of the Planning Commission prior to issuance of any building permits for the site. The enhanced landscaping will be to fulfill the intent of the screening the front garage door, the parking area and vehicular maneuvering from both Willow and Baringer.