

# Land Development & Transportation Committee

## Staff Report

January 9<sup>th</sup>, 2014



<b>Case No:</b>	13DEVPLAN1075
<b>Request:</b>	Revised General/Detailed District Development Plan with General Plan Binding Element Amendments for proposed multi-family residential use
<b>Project Name:</b>	Cityscape Apartments
<b>Location:</b>	11750 Interchange Drive
<b>Owner:</b>	Southgate Associates FDR LLC
<b>Applicant:</b>	Cityscape Residential LLC
<b>Representative:</b>	Deborah Bilitski Kevin Young
<b>Jurisdiction:</b>	Louisville
<b>Council District:</b>	13 – Vicki Aubrey Welch
<b>Case Manager:</b>	Christopher Brown, Planner II

### REQUEST

- General Plan Binding Element Amendments
- Revised General/Detailed District Development plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2, Commercial  
Proposed Zoning District: C-2, Commercial  
Existing Form District: Suburban Marketplace Corridor/Suburban Workplace  
Existing Use: Vacant  
Proposed Use: Multi-Family Residential  
Minimum Parking Spaces Required: 468  
Maximum Parking Spaces Allowed: 780  
Parking Spaces Proposed: 566  
Plan Certain Docket #:9-105-89/9-25-99

The applicant is proposing to construct thirteen, 3 story buildings for a total of 312 units. On the southeastern portion of the property, there will be a clubhouse with pool and large recreational open space area. All building and parking setbacks are followed on the site. All parking requirements will be met on the site. 42 parking spaces will be provided in garage structures that meet the Land Development Code. All landscaping required by the Land Development Code will be provided on the site. A 2.9 acre residual tract will be left vacant along Interchange Drive and Antonia Way.

The applicant is requesting to delete the general plan binding element that limits the use of the subject site to a home and garden center. The use limitation for this lot was put into place due to its association with a parking waiver granted with the original rezoning. The general plan binding element limiting signage on the lot has also been requested to be amended to allow freestanding signage following the Land Development Code.

**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	C-2	SMC/SW
<b>Proposed</b>	Multi-Family Residential	C-2	SMC/SW
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-2	SW
<b>South</b>	Vacant	PEC	SW
<b>East</b>	Mixed Commercial	C-2	SMC/SW
<b>West</b>	Vacant	PEC	SW

**PREVIOUS CASES ON SITE**

- 9-105-89: Large area rezoning known as Southgate. Planning Commission approved rezoning from residential to mixed commercial and multi-family residential.
- 9-25-99: Approved a rezoning and associated general plan for a portion of Southgate. The new area was known as Southgate II with a mix of C-1, C-2 and PEC.

**INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP 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 does 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: All required open space will be provided on the 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 provisions 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. The change in use follows similar uses existing within the general vicinity. 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. The amendment to the general plan binding elements will allow the use and signage permitted by the Land Development Code.

### TECHNICAL REVIEW

- There are no technical review issues.

### STAFF CONCLUSIONS

The standard of review is met for the requests on the subject site. All Land Development Code requirements will be met. The proposed use is similar to others within the area. The revised general plan will provide an additional tract 2 as a residual lot. 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 general plan binding elements, a revised general plan and detailed district development plan as established in the Land Development Code.

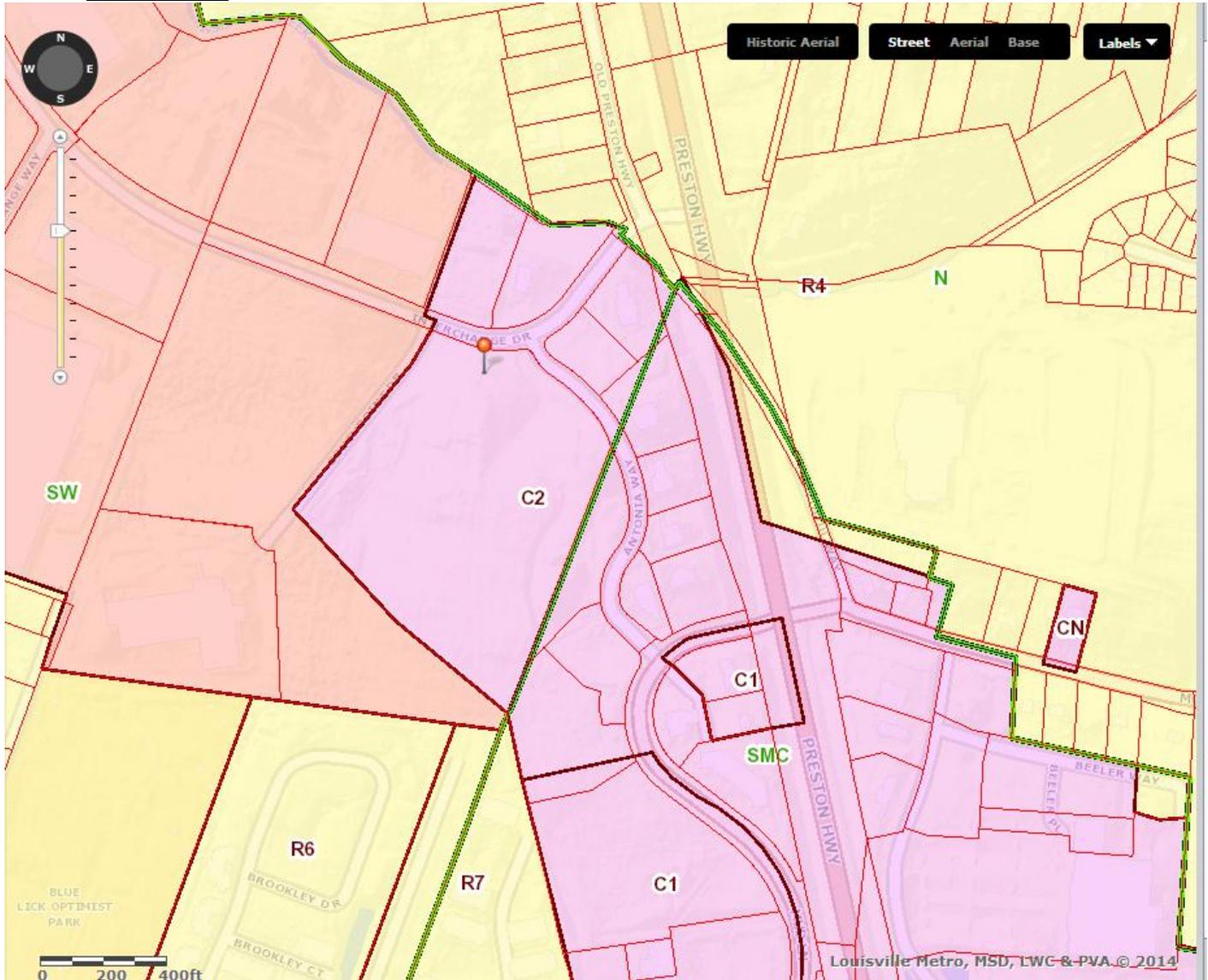
### NOTIFICATION

Date	Purpose of Notice	Recipients
12/23/13	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District __ Notification of Development Proposals

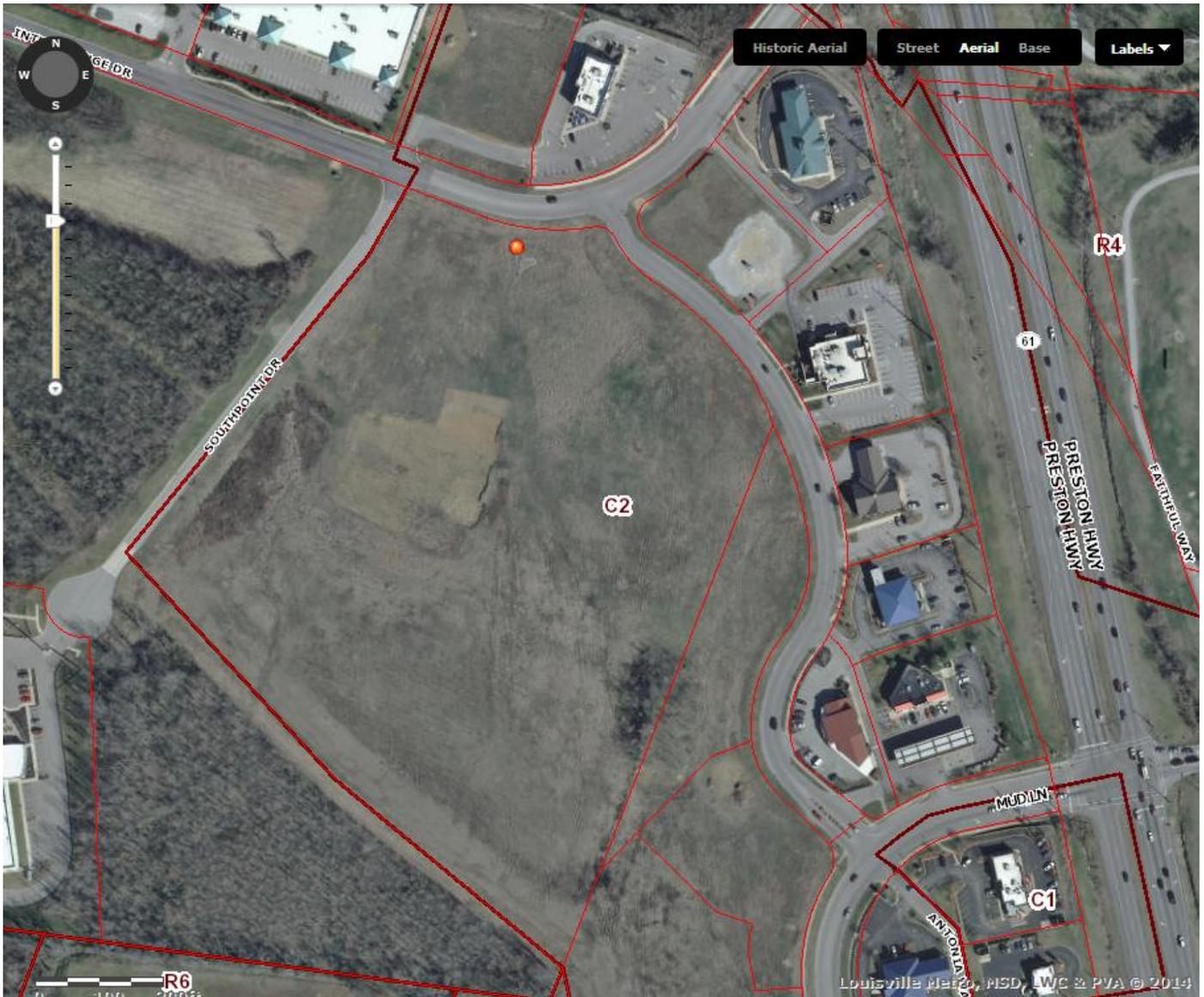
# ATTACHMENTS

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

## 1. Zoning Map



## 2. Aerial Photograph



## 3. Existing Binding Elements

### General Plan Binding Elements:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions, or 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.
- 1a. Prior to development of each site or phase of this project, other than Lot 3, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
  - screening, buffering, landscaping, tree preservation
  - density, floor area, size and height of buildings
  - points of access and site layout with respect to on-site circulation
  - land uses
  - signage

loading berths  
 parking  
 sidewalks  
 site design elements relating to alternative transportation modes  
 outdoor lighting  
 minor subdivision plat approval  
 air pollution  
 the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection  
 dumpsters

2. The commercial (C-1 and C-2) development shall not exceed 312,494 square feet of gross floor area and Lot 3 in the PEC district shall not exceed 87,331 square feet.
3. There shall be no direct vehicular access to Preston Highway from outlots 3, 4, 5 or 6 and there shall be no direct vehicular access from tract 6-A-1 to Elda Drive except for a gated emergency access.
4. There shall be no freestanding signs permitted on site except for the following:
 

(2) Project identification signs	6 feet high, 32 sq. ft.
(2) Shopping Center identification signs	30 feet high, 144 sq. ft.
Freestanding outlot identification signs	25 feet high, 64 sq. ft.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
8. 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.
- 8a. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas and Woodland Protection Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
10. 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.

11. 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.
12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
13. 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.
14. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
15. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
16. The materials and design of proposed structures on Lot 3 shall be substantially the same as presented at the July 15, 1999 Planning Commission meeting.
17. Lot 2 shall be limited to a home and garden center, since the justification for the parking waiver is based on this type of use.
18. Subdivision of Lots may be created using the minor subdivision plat process in conformance with the rules and regulations governing minor subdivisions. A master subdivision plan shall be provided to the Planning Commission showing all current subdivision lots being created and their associated minor subdivision plat docket numbers. This master plan shall be kept current for the entire duration of the development process and shall show any revisions of existing lots, (example: shifting property lines and lot consolidation).
19. All dedicated streets shall be created utilizing the major subdivision record plat process. Such record plat shall be recorded prior to the issuance of a certificate of occupancy for any building on a lot with access to proposed Road A. No more than 5 lots accessible only by a private access easement shall be created until said roadway has been dedicated as a public right-of-way. The intent of this binding element is to assure that all lots have frontage on a dedicated public roadway.
20. The developer, successor or assigns shall lengthen the existing northbound left turn lanes at the following locations to meet AASHTO design standards as approved by the Kentucky Department of Highways:
  - Preston Highway at Antle Drive
  - Preston Highway at Mudd Land and Mount Washington Road
  - Preston Highway at proposed Road A
21. The developer, successor or assigns shall construct a new southbound right turn lane from Preston Highway onto proposed Road A to meet AASHTO design standards as approved by the Kentucky Department of Highways.
22. The developer, successor or assigns shall modify the existing flashing signal at Preston Highway and proposed Road A as required by the Kentucky Department of Highways.
23. Timing of road and signal improvements shall be determined at time of detailed district development plan approval and/or construction plan approval for any public roads.
24. All bonds for the 9-105-89 (Southgate I) and 9-2-97 (Standiford Plaza) cases, as previously required, shall be in place.

#### 4. Proposed Binding Elements

##### General Plan Binding Elements:

4. There shall be no freestanding signs permitted on site except for the following:

(2) Project identification signs	6 feet high, 32 sq. ft.
(2) Shopping Center identification signs	30 feet high, 144 sq. ft.
Freestanding outlot identification signs	25 feet high, 64 sq. ft.

**Signage for the proposed multi-family residential use at 11750 Interchange Drive and 5025 Mud Lane shall follow Chapter 8 of the Land Development Code.**

17. ~~Lot 2 shall be limited to a home and garden center, since the justification for the parking waiver is based on this type of use.~~

##### Detailed District Development Plan:

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 density of the development shall not exceed 20.8 dwelling units per acre **(312 units on 15.0 acres)**.
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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c. A minor subdivision plat shall be recorded **creating the lot lines as shown on the development plan**. 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.
  - d. 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.
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 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.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 9<sup>th</sup>, 2014 Land Development & Transportation meeting.