

# Development Review Committee

## Staff Report

April 20, 2016



<b>Case No:</b>	16DEVPLAN1034
<b>Project Name:</b>	Riverport Landings
<b>Location:</b>	4646 Cane Run Road
<b>Owners:</b>	The Salvation Army & Louisville Metro
<b>Applicant:</b>	Riverport Development, LLC.
<b>Representative(s):</b>	Dinsmore & Shohl – Clifford Ashburner
<b>Project Area/Size:</b>	34.53 Acres
<b>Existing Zoning District:</b>	R-7, Multi-Family & C-1, Commercial
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	1 – Jessica Green
<b>Case Manager:</b>	Joel P. Dock, Planner I

### REQUEST

- **Revised Detailed District Development Plan (RDDDP)** for proposed mixed-use development.
- **Sidewalk Waiver** to omit the sidewalk on the North side of proposed street connection.

### CASE SUMMARY

The applicant proposes to revise the detailed district development plan for lots 2, 3, 4, & 8 approved with rezoning case 15ZONE1012. The revisions include changes to the layout and size of structures, parking, and open space on lot 2 (Family Scholar House); modifications to the orientation of clubhouse and pool, size of recreational space, and round-a-bout on Lot 3 (multi-family); and increased height resulting in a slightly higher floor area, reduction of open space, and increased vehicle use area on lot 4 (senior living). No changes are being requested at this time for commercial lots 1, 5, 6, & 7 of the general district development plan. Each of these lots will require the approval of a detailed development plan prior to construction approval.

The applicant also requests a sidewalk waiver to omit the construction of the sidewalk on the North/Northwest side of the proposed public right-of-way connecting Raven Ridge Road and Trumpet Way of the adjacent subdivisions. A sidewalk will be provided on the South/Southeast side and pedestrian access to the development site from adjacent neighborhoods will be available along this street. However, only emergency vehicle access will be permitted from this proposed right-of-way as the entrance to the site at this location is restricted by an emergency gate. Pedestrian access is also available from the adjacent neighborhood via Camino Way and Cane Run Road.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Mixed-use	R-7/C-1	N
<b>Proposed</b>	Mixed-use	R-7/C-1	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-Family	R-4	N
<b>South</b>	Single-Family	R-4	N
<b>East</b>	Single-Family	R-4	N
<b>West</b>	Single-Family	R-4	N

## PREVIOUS AND ASSOCIATED CASES ON SITE

15ZONE1012: Rezoning from R-4 & R-5 to R-7 & C-1 with Detailed District Development Plan for lots 2, 3, 4, & 8 and General District Development plan for remainder (approved August 20, 2015).

## INTERESTED PARTY COMMENTS

On April 13<sup>th</sup> staff discussed the case with an interested party in the office of Planning and Design Services. These individuals voiced a concern with the construction of the emergency entrance gate on the street connection. They stated their opposition to public access to the site from this location due to safety concerns in their neighborhood from potential increased traffic. They desire only emergency access from this location.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (revised April 2016)

## 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 does not appear to have an adverse impact on natural resources or the environment. All tree canopy and landscaping requirements of the Land Development Code (LDC) are being met.

- 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 the development and the community is provided through pedestrian connection to the public sidewalk on Cane Run Road, as well as pedestrian access to adjacent neighborhoods from Camino Way and Raven Ridge/Trumpet Way street connection. Two access points serve the development from Cane Run Road and emergency vehicle access is provided towards the rear of the development. Additionally, the development provides an internal network of pedestrian and vehicular connectivity from each lot to parking areas, playgrounds and recreation space, and commercial frontage lots.

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

STAFF: The development site meets or exceeds the provisions for open space as established by the LDC. The site provides three playgrounds, clubhouse with pool, and a combination of recreation and park open space areas.

- 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 designs (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 as the development provides a mix of neighborhood serving uses at a multi-generational level available to both residents within the development and the surrounding community.

- 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 (LDC).

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIDEWALK WAIVER**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as adequate provisions for safe pedestrian access serving the development and the community is provided from Cane Run Road, Camino Way, and the South/Southeast side of the proposed right-of-way.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The proposed waiver of the sidewalk on the North/Northwest side of the right-of-way does not violate specific guidelines of Cornerstone 2020 as Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The proposed development enhances vehicular connection between adjacent subdivisions where they were previously disconnected and provides a sidewalk in an area where no sidewalks currently exist. Pedestrian connection to the site is also provided from Camino Way and to the Public Sidewalk on cane Run Road.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as a sidewalk is being constructed on one side of the right-of-way to provide safe pedestrian connection to adjacent build-out neighborhoods that currently contain no sidewalks.

- (d) Either:  
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land or create an unnecessary hardship as the proposed development revisions provide safe pedestrian access to the site from multiple points on three sides of the site, as well as safe pedestrian access along the proposed right-of-way to the surrounding neighborhoods lacking the safety of a sidewalk network.

### TECHNICAL REVIEW

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

A minor subdivision plat will need to be submitted, approved, and recorded to create the lots as shown on the revised development plan.

### STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Sidewalk Waiver appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving a Revised Detailed District Development Plan and a Sidewalk Waiver.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan for lots 2, 3, 4 & 8.
- **APPROVE** or **DENY** the Sidewalk Waiver to omit the sidewalk requirement on the North/Northwest side of the proposed right-of-way.

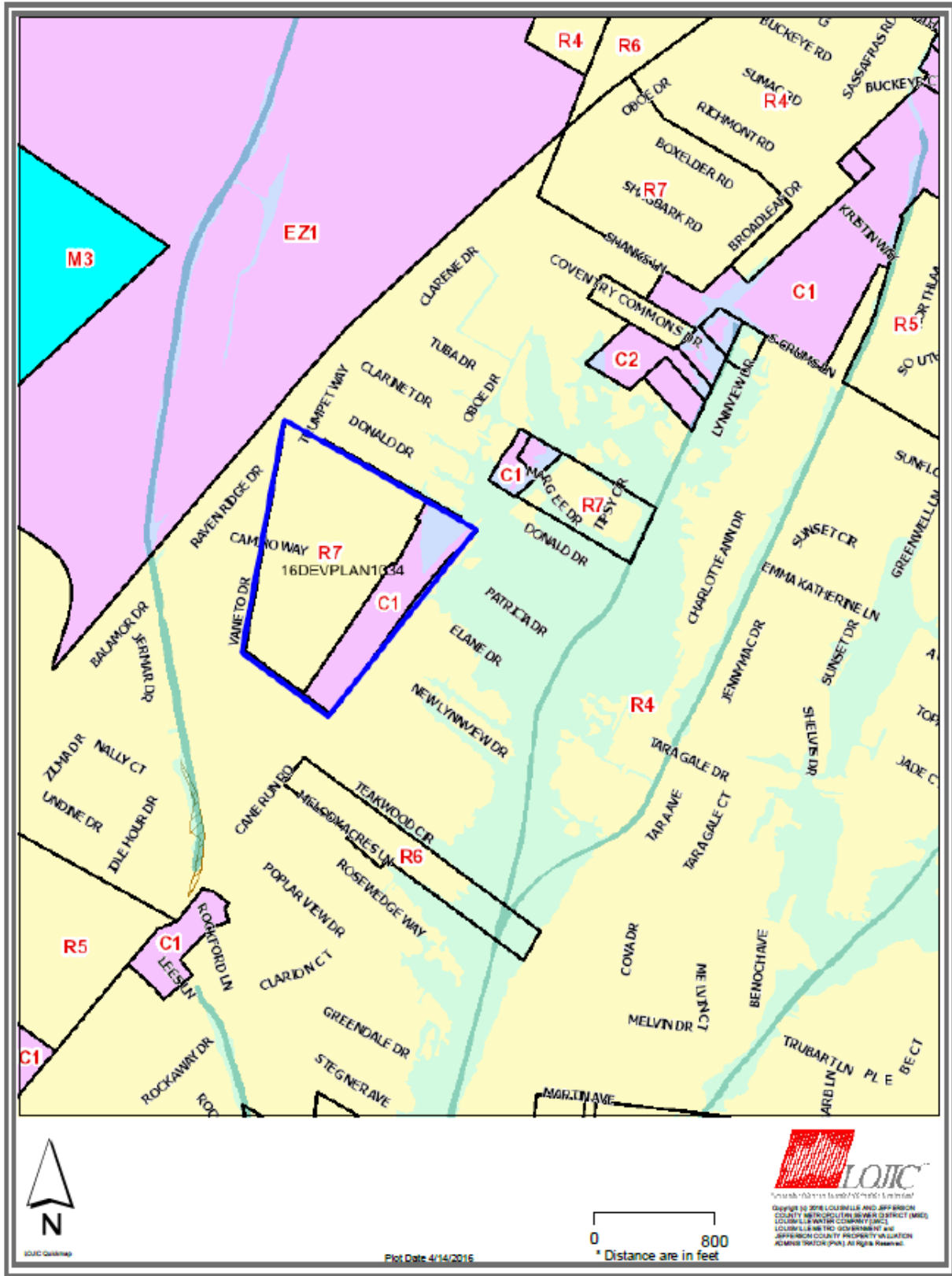
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/31/16	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 1.

### 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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 Develop Louisville 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 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.
  - 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.
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 August 20, 2015 Planning Commission meeting for Lots 2, 3, 4 and 8.
8. The materials and design of proposed structures for Lots 1, 5, 6 and 7 shall be reviewed for compliance with the LDC upon submittal of a Detailed District Development Plan for each lot.