

Development Review Committee

Staff Report

November 16, 2016



Case No:	16DEVPLAN1183
Request:	Revised Detailed District Development Plan
Project Name:	Austin Gardens
Location:	6407 and 6409 Applegate Lane
Owner:	Wayne Gallavin, Through the Valley Foundation, Inc
Applicant:	Michael Gross, LDG Development
Representative:	Clifford Ashburner, Dinsmore & Shohl, LLP
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 27 unit multi-family development, with ten 1-story buildings, each having two or three units. The total building area of the proposal is 47,214 square feet and will be located south of Outer Loop in south central Louisville. The proposal includes open and recreational space beyond the required amount. It will be accessed from the south along Applegate Lane.

The last approved development plan at this site proposed a 30-unit multi family development with six 1-story buildings.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-5A	N
Proposed	Multi-Family	R-5A	N
<i>Surrounding Properties</i>			
North	Church/Single	R-4	N
South	Condominiums	R-4	N
East	Single Family Residential	R-4	N
West	Fire Station	R-4	N

PREVIOUS CASES ON SITE

9-41-06: Rezoning from R-4, Single-Family Residential to R-5A, Multi-Family Residential for proposed 30-unit patio home development.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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: This site currently has 25.5% tree canopy coverage. The applicant is preserving 6% of this canopy and providing a total of 35,545 square feet of tree canopy to meet the requirements of the Land Development Code. LOJIC does not identify any other natural resources on 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 with a proposed 5' sidewalk along Applegate Lane and sidewalk connections from the public right-of-way and throughout the development. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed.

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

STAFF: The applicant has proposed 80,622 square feet of open space with 16,587 square feet of recreational space, exceeding the requirement.

- 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. The applicant has proposed an on-site detention basin.

- 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 land use and building design are compatible with the existing and future development of the area. This area is largely single family residential with some low-intensity uses such as the abutting church and more intense commercial and office uses just north along Outer Loop. Providing a multi-family development alongside single family offers more diverse residential options for the area.

- 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 is in conformance with the Land Development Code as well as the policies and guidelines of the residential intent of the Comprehensive Plan as it increases the residential options and affordability in the area.

TECHNICAL REVIEW

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

STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets 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 hearing, the Development Review Committee must determine if the proposal meets the standards for approving of the RDDDP established in the Land Development Code.

ACTIONS

- **APPROVE or DENY** the revised detailed district development plan

NOTIFICATION

Date	Purpose of Notice	Recipients
11/2/2016	Public Meeting – DRC	Neighborhood notification recipients
11/3/2016	Public Meeting – DRC	1 st tier adjoining property owners

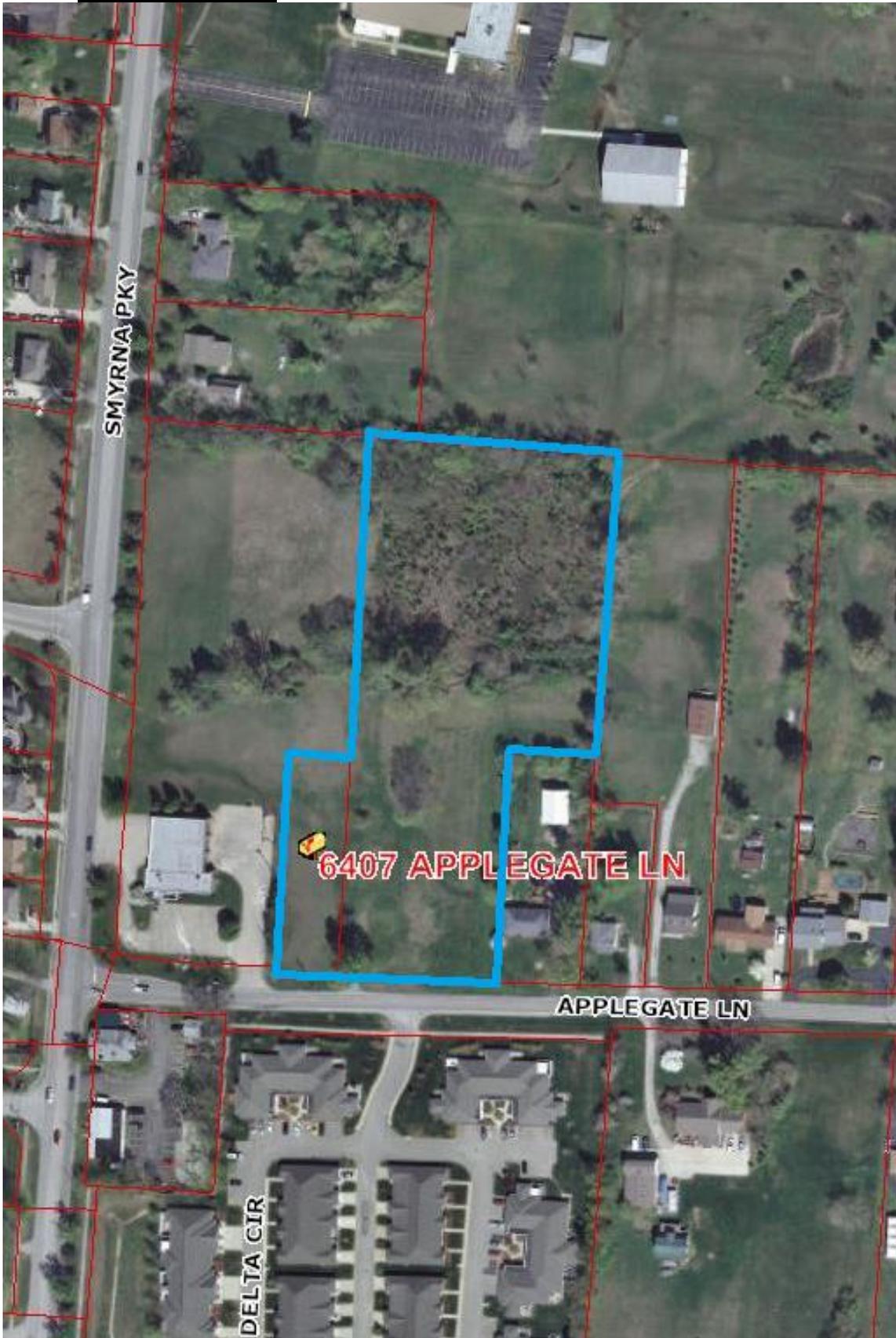
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Amended 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 density of the development shall not exceed 7.77 dwelling units per acre (30 units on 3.86 acres).
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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. 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 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.
 - e. A minor plat or legal instrument shall be recorded creating the lot lines as shown on the development plan and dedicating right-of-way. 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.
7. 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.

8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 16, 2006 Planning Commission meeting.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the Land Development Code.
12. Multi-family development of the property shall be limited to development under a horizontal property regime.
13. All street signs shall be installed by the Developer, and shall conform with 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.
14. Trees and low-lying shrubs shall be included to enhance the detention basin area.
15. The Applegate Lane frontage property shall be irrigated.
16. All of the trees shown behind Tab 4 of the applicant's booklet shall be native species, 2-inch caliper, Type A canopy trees.

4. Proposed Amended Binding Elements

2. The density of the development shall not exceed ~~7.77~~ **6.6** dwelling units per acre (~~30 units on 3.86 acres~~). **(27 units on 4.08 acres).**
6. 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~~ **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.
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