

Development Review Committee

Staff Report

August 3, 2016



Case No:	16devplan1115
Request:	Revised District Development Plan and Binding Element #13
Project Name:	Westport Road Apartments
Location:	8211 Old Westport Road
Owner:	Arlington West Port LLC
Applicant:	Arlington Properties LLC
Representative:	Gresham Smith and Partners; Bardenwerper, Talbott and Roberts PLLC.
Jurisdiction:	Louisville Metro
Council District:	7-Angela Leet
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST

- Revised District Development plan with amendments to binding element #13 regarding the historic house

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a revised development plan to remove the National Register main house from the site to another site at 15920 Wibble Hill Road.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Multi-Family Residential	R-6	Neighborhood
Proposed	Multi-Family Residential	R-6	Neighborhood
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4	Neighborhood
South	KTC owned property and Single Family Residential	R-4	Campus/Neighborhood
East	Church/private school	R-4	Neighborhood
West	Church/private school	R-4	Neighborhood

PREVIOUS CASES ON SITE

17756- Change in zoning from R-4 to R-6, approved in 2013.
 15devplan1037-Staff approved revised plan indicating the removal of a drive brlane and shifting of buildings, approved in 2015

INTERESTED PARTY COMMENTS

1. I am one of the property owners of the Palmer-Ball Family LLC property (Brainard Palmer-Ball's sister). I was recently shown the new proposed changes to the apartment complex. In earlier versions of the drawing there was a road "link" (a stub to a future road) to the LLC property on the north east side of the

project. That no longer shows up. Now it appears there is an easement more on the northwest corner off the road that is currently under proposal to be taken out. I am concerned that we are losing this potential link to that property. Can you update me on the status of that? -Gertrude Regan

2. My name is William F. Booker III of 8209 Old Westport Rd. My property borders the Westport Road Apartments on their northwest side. I have been notified of the Revised Detailed District Development Plan (RDDDP) regarding the Westport Road Apartments. The notice was dated May 25, 2016 and sent by Mr. Nicholas R. Pregliasco of Bardenwerper, Talbott & Roberts, PLLC. I also accessed the revised site plan on your web site as drawn by G S & P. I note two changes. One is to Binding Element #13, which will allow the historic house to be relocated. (Note 3 on the Plan.) The other is the elimination of a east-west section of the internal road named (as referenced on the LOJIC map) Tattersall Ridge Road. I have these questions or requests:

1. Would you be able to send me email me the revised G S & P site plan file in PDF? The one I accessed off your Department's website will not blow up to where I can make a larger copy.

2. One of the changes is the elimination of part of the east-west Tattersall Ridge Road which is along my border. This area is denoted by a drawn "cloud" encirclement on the site plan, which has a triangular "Note 2" to the right of it. My question is that I am not clear on what is going to occupy this "cloud" area, now that the road has been removed. I cannot make too much sense of the Note 2.

Would you be able to tell me what the plans are for this space? If this is to be open space, will it be put in writing on the site plan?

3. May I presume that the space that was formerly occupied by the historic house, will be open or green space with no new buildings to be placed in this area? I gather this from "Note 3".

4. Will there need to be a public hearing to change Element #13?

This concludes my questions. I thank you for your time and consideration. -William Fred Booker

3. Staff also received a phone call from Wayne Priddy (sp) from the site who was concerned about the removal of the historic house and compliance with the binding elements.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code
- Westport Road Corridor Small Area Plan (08/10):

The future land use recommendation map recommends this property to be used as potential multi-family residential. The plan further states, "The property at 8211 Old Westport Road (land located between the Islamic School of Louisville and the former Mother of Good Council property) should be considered as part of the proposed Planned Development District for the Plantation Center." The plan recommends a 12' multi-use path along Westport Road. The location of decks should be out of view of Westport Road.

The Design Guidelines in the Plan could be referenced to aid in the design of the site and open space. The concept plan within the Plan also provided some ideas on connectivity.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP 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 removal of the National Register house from the site does not preserve this historic resource and the protections that were agreed to in the binding elements.

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

STAFF: Vehicular and pedestrian transportation are not affected by the removal of the historic home.

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

STAFF: The land around the historic home and its springhouse context will be removed from the site with the removal of the historic house. The removal of the house affects the scenic open space created around the historic home.

- 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 removal of the historic home.

- 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 proposal is still compatible with the surrounding area with the removal of the historic house although the springhouse which will remain will now not have the same context. The removal of the historic home removes the historical context of the existing springhouse.

- 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 removal of binding element #13 and the subsequent removal of the National Registered existing home on the site violates Community Form/Land Use Guideline 5 which indicates that the proposal include the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value. That resource is now being proposed to be removed from the site, along with its removal is also the protections that were given to it with the original change in zoning and binding elements indicating its preservation and restoration. Removal of the National Registered home from the site will also affect its National Register status, as in it will lose its status. Once the home is removed, there are no protections that would indicate the restoration or preservation of the historic building at its new location.

TECHNICAL REVIEW

- Agency comments have been addressed.

STAFF CONCLUSIONS

The removal of binding element #13 and the subsequent removal of the National Registered existing home on the site violates Community Form/Land Use Guideline 5 which indicates that the proposal include the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value. That resource is now being proposed to be removed from the site, along with its removal is also the protections that were given to it with the original change in zoning and binding elements indicating its preservation and restoration. Removal of the National Registered home from the site will also affect its National Register status, as in it will lose its status. Once the home is removed, there are no protections that would indicate the restoration or preservation of the historic building at its new location.

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 for granting a Revised District Development Plan established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
7/19/16	Hearing before DRC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 7 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Revised Binding Elements

2. Aerial Photograph



3. Revised 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 278,783 square feet of gross floor area.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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 property owner shall provide a cross over access easement if the property to the north is ever developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 20, 2013 Planning Commission meeting.
10. A \$10,000 contribution for improvements will be required for the existing bridge on Old Westport Road. No construction traffic or other heavy vehicles will be permitted to use this bridge.
11. A five –board, five-foot-tall horse fence shall be installed along the perimeter of the property as shown on the diagrams presented at the June 20, 2013 public hearing.
12. The final landscape plan, notably the entryway from Old Westport Road, shall be consistent with the landscape concept plan presented at the June 20, 2013 public hearing.
- ~~13. The historic main house shall be restored as presented at the June 20, 2013 public hearing.~~

14. Any blasting shall be performed by licensed, insured contractors in accordance with state laws governing same. Before blasting, pre-blast surveys shall be conducted in accordance with law, such surveys shall be made available to affected adjoining property owners to review and retain for their own records.