

Development Review Committee

Staff Report

October 4, 2023



Case No:	23-DDP-0050
Project Name:	Casualwood Apartments
Location:	8314 Casualwood Way
Owner(s):	Casualwood Development LLC
Applicant:	Casualwood Development LLC
Jurisdiction:	Louisville Metro
Council District:	23 – Jeff Hudson
Case Manager:	Ethan Lett, Planner I

REQUEST(S)

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND

The proposal is for a mixed-density residential development consisting of 112 units divided among 4 multi-family buildings and 9 single-family lots. The site is zoned R-5A in the Neighborhood form district and is located near the Highview area of southeast Louisville Metro. The site has 3 stub streets from adjacent existing development that will provide access to the site. There are some areas of steep slopes, and a protected stream runs the length of the northern property line. The development will feature recreational open space which includes a dog park, playground, and nature trail. The previously approved plan, which proposed 33 single-family lots, encroached into the 100-foot stream buffer and 100-year floodplain, while the current proposal will observe the buffer and preserve trees to avoid disturbing the sensitive riparian area. The proposed right-of-way has been reconfigured from the previously approved plan to accommodate the change in scale and layout of the current plan.

Associated Cases:

21-DDP-0065 & 21-MSUB-0005 – Revised Detailed District Development Plan and Major Preliminary Subdivision Plan approved August 18, 2021
9-21-06 & 10-21-06 – Change in Zoning, District Development Plan, and Major Preliminary Subdivision Plan approved July 6, 2006.

STAFF FINDING

Staff finds that the request is adequately justified for approval based on the analysis contained in the standard of review.

TECHNICAL REVIEW

MSD and Transportation Planning have approved the preliminary development plan.

Highview Neighborhood Plan (2015)

INTERESTED PARTY COMMENTS

Please see attached citizen letters

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 site contains steep slopes as well as a protected stream. The stream buffer will prevent development from encroaching into the environmentally sensitive waterway area. Existing tree canopy is being preserved and additional canopy will be provided to meet the requirements of the Land Development Code.

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

STAFF: Metro Public Works has approved the preliminary development plan and has not voiced any concerns regarding potential increased traffic generation resulting from this development. Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided.

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

STAFF: Open space will be provided to meet Land Development Code requirements.

- 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 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.

- 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. Although the area in the immediate vicinity of the subject site is a predominantly single-family residential area, the development plan incorporates tree canopy and open space to provide buffering and reduce the visual impact of the development on adjacent residences. The proposal includes both higher density multi-family buildings and single-family lots adjacent to the existing residences to provide a transition area and buffer between properties of varying densities and the abutting roadway. 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 generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. Community Form Goal 1, Policy 5 calls for allowing a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences. The development plan proposes landscaping, substantial open space, and preservation of existing tree canopy which will buffer and screen this development from adjacent residences. The development site will be subdivided to provide single-family lots adjacent to existing single-family residences. These new lots will serve as a transition between the existing neighborhood and the higher-density buildings of the proposed development.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

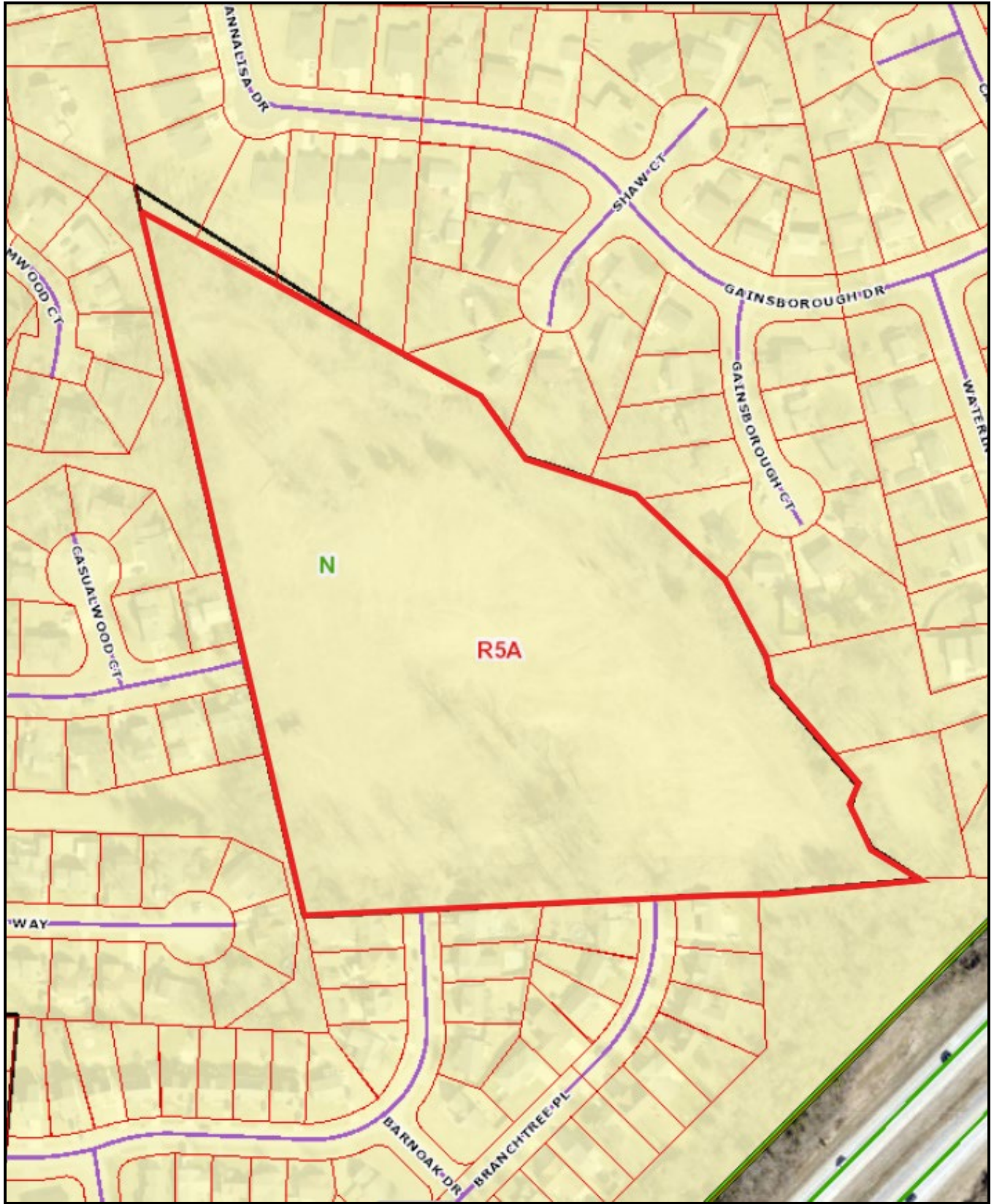
NOTIFICATION

Date	Purpose of Notice	Recipients
9/19/2023	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 23

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 elements 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 be in accordance with the approved preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - d. The applicant shall submit a Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
6. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
7. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at

the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

8. 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.
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 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. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open spaces, TPAs, and other issues required by these binding elements/conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
11. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
12. 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.
13. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
14. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.