

# Planning Commission

## Staff Report

October 18, 2018



|                          |                               |
|--------------------------|-------------------------------|
| <b>Case No:</b>          | 18DEVPLAN1122                 |
| <b>Project Name:</b>     | Bridwell Apartments           |
| <b>Location:</b>         | 4856 Cane Run Road            |
| <b>Owner(s):</b>         | Hogan Holdings 36 LLC         |
| <b>Applicant:</b>        | Hogan Holdings 36 LLC         |
| <b>Jurisdiction:</b>     | Louisville Metro              |
| <b>Council District:</b> | 1 – Jessica Green             |
| <b>Case Manager:</b>     | Dante St. Germain, Planner II |

### REQUEST

- Revised Detailed District Development Plan

### CASE SUMMARY/BACKGROUND

The subject property is currently undeveloped. The applicant proposes to construct two new two-story multi-family residential buildings, containing 32 units in total, with an associated parking lot and open space.

The property was rezoned in 2007 under docket 9-8498-07, from R-4 Single Family Residential to C-1 Commercial and OR-1 Office Residential, for construction of a new center to include retail, office, banking and restaurant uses. This project was not developed. In 2013, a revised detailed district development plan was approved to construct a Family Dollar store where the restaurant had been proposed, under docket 18988. The store is currently a Dollar Tree. The tract was divided into two lots in 2013 by minor plat, to separate the store from the larger parcel, under docket 19311.

In 2018, a revised detailed district development plan was approved to construct a car wash where the bank had been originally proposed, under docket 18DEVPLAN1059, with a variance for front yard setback. A minor plat is currently under review to divide the remaining tract into two lots to separate the car wash from the larger parcel, under docket 18MINORPLAT1089.

This request for multi-family residential buildings is located where the office and retail uses were originally proposed on the 2007 rezoning plan. This plan must be reviewed by the full Planning Commission due to a binding element placed on the original plan that any request for a change in use from the original rezoning plan must be brought back before the Planning Commission.

### STAFF FINDING

Staff finds that the proposal generally meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. No waivers or variances are being requested.

### TECHNICAL REVIEW

Land Development Code (2018) Louisville Metro.

The plan has received preliminary approval from all applicable agencies.

## **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

## **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: There do not appear to be any environmental constraints or historic resources on the subject site. The site is currently a grassy lot and no natural resources appear to exist on the 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. Louisville Metro Public Works has provided preliminary approval of the plan.

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

STAFF: Open space requirements are being met. Recreational open space requirements are also being met, with a walking path being provided as a recreational amenity.

- 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. The proposed multi-family residential use is an appropriate transition between the more intense commercial uses to the south and the less intense single-family residential uses to the north. The development provides the required landscape buffer areas between the proposed development and the single-family residential properties to the north.

- 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.

**REQUIRED ACTIONS:**

- **APPROVE or DENY the Revised Detailed District Development Plan and Proposed Binding Elements**

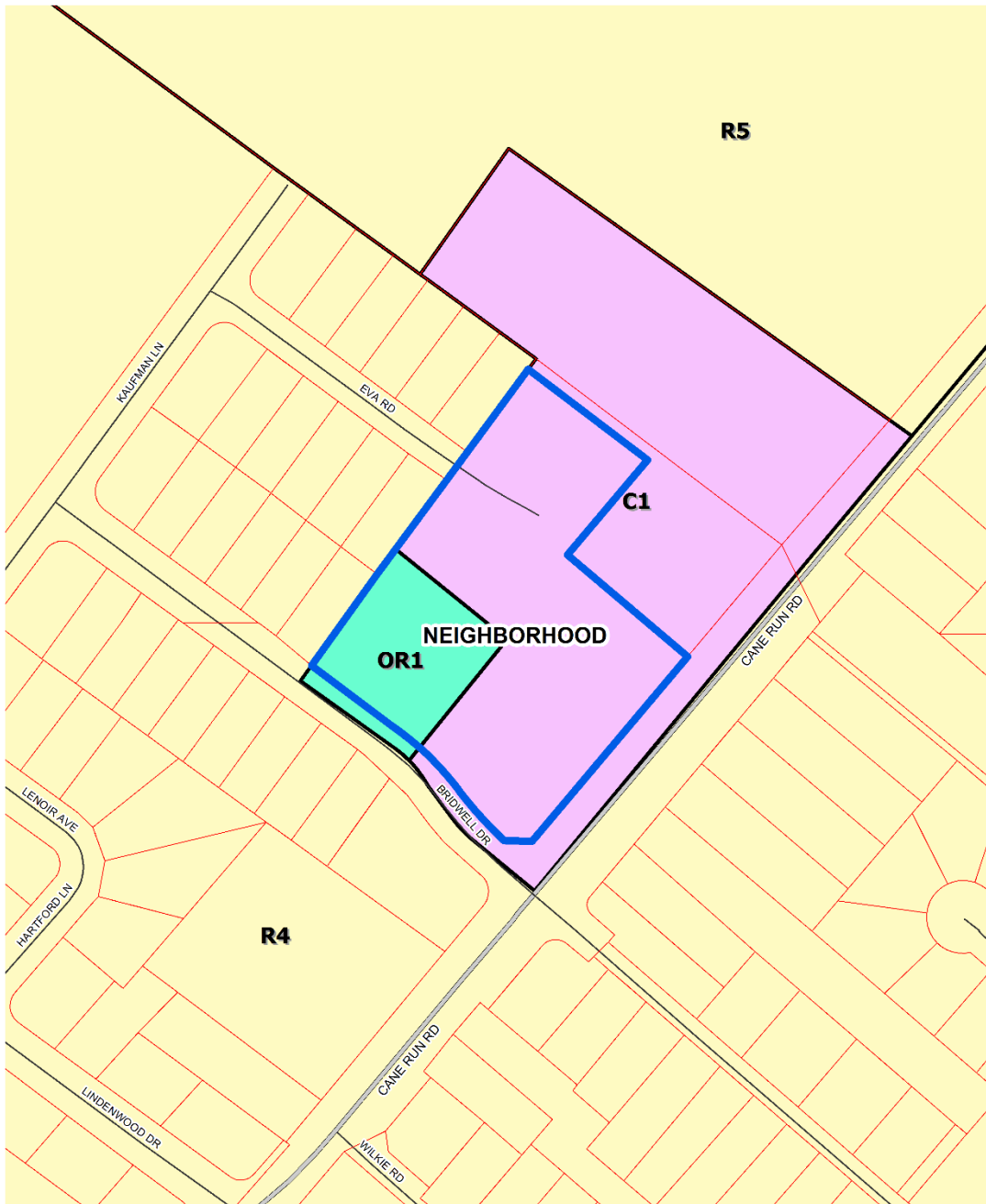
**NOTIFICATION**

| Date       | Purpose of Notice | Recipients   |
|------------|-------------------|--|
| 09/21/2018 | PC Public Hearing | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 1 |

**ATTACHMENTS**

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

1. Zoning Map



4856 Cane Run Road

feet



175

Map Created: 9/20/2018



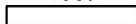
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2. Aerial Photograph



4856 Cane Run Road

feet



110

Map Created: 9/20/2018



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### 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. ~~If the proposed use changes, the applicant must come back to the Planning Commission and show their detailed plan for that use.~~
- ~~2. The square footage of the development shall not exceed 15,000 square foot of retail space, a 4,050 square foot restaurant and a 3,500 square foot for the bank.~~
- ~~3. Signs shall be in accordance with Chapter 8, or as presented at the public hearing.~~
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, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from 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.
- ~~7. 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.~~
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 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. 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.~~
11. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

#### **4. Proposed 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. 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 Office of Planning and Design Services. A copy of the recorded instrument shall be submitted to the Office of Planning and Design Services prior to obtaining a building permit.
  - 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.
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 address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 3, 2018 Development Review Committee meeting.
9. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.