

Development Review Committee

Staff Report

October 14, 2015



Case No:	15DEVPLAN1102
Request:	Revised Detailed District Development Plan
Project Name:	Ashton Park Phase II
Location:	7504, 7506 and 7508 Beulah Church Road
Owner:	Revocable Trust Agreement with Margaret D. Greenwell
Applicant:	Ashton Park, LLC
Representative:	Bardenwerper, Talbott and Roberts, PLLC Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-5A
 Existing Form District: Neighborhood
 Existing/Proposed Use: Single Family/Multi-Family
 Plan Certain Docket #: 14ZONE1057

This portion of the site was recently rezoned from R-4 to R-5A and approved to have 99 dwelling units on the site. At the time of approval, the Planning Commission also approved a waiver to waive the 25-foot landscape buffer area and landscaping required adjacent to the property lines shared with The Fountains.

The applicant is proposing to amend the plan to redesign Zelma Fields venue, amend the building configuration, include a clubhouse and pool, and increase the number of dwelling units to 104. The revised plan eliminates the connection to the single family portion of the development which was originally approved for 28 lots. The revised plan request is only applicable to the R-5A portion of the development.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Single Family	R-5A	N
Proposed	Multi Family	R-5A	N
<i>Surrounding Properties</i>			
North	Multi Family	C-1/C-2	N
South	Single Family	R-4	N
East	Single Family	R-4	N
West	Single Family	R-4	N

PREVIOUS CASES ON SITE

14ZONE1057: On February 6, 2014 the Planning Commission approved a development plan for the project known as Ashton Park Phase II. The approvals included changing 8.36 acres from R-4 to R-5A, a development plan for 99 dwelling units on the R-5A portion, and a preliminary subdivision plan for 28 single family lots on the 6.72 acres on the rear of the property. The Planning Commission also approved three waivers: a waiver from Section 10.2 to waive the 25-foot landscape buffer area and landscaping required adjacent to the property lines shared with The Fountains, a waiver of Section 10.2 to reduce the 25-foot landscape buffer area between Tract 2 and The Fountains to 10 feet and waive the dumpster and pavement encroachments, and a waiver of Section 10.2 to reduce the required 8-foot screen to 6 feet adjacent to the Fountains Condo Council property.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and/or 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 applicant is proposing a detention basin at the rear of the property to assist with drainage, establishing a floodplain compensation basin, and not developing a portion of the site identified as potential wetlands.

- 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, and Transportation Review has approved the preliminary development plan.

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

STAFF: The applicant is providing 2.72 acres of open space as well as 0.76 acres of recreational open space. The required amount for the development is 1.51 acres.

- 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 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. 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to the requirements of the Land Development Code.

TECHNICAL REVIEW

- MSD and Transportation Review have reviewed and stamped the plan for preliminary approval.

STAFF CONCLUSIONS

The proposed changes to the site will not alter the existing character of the area. The proposed revisions to the building layout provides more protection to the environmental features at the rear of the lot. The increase in dwelling units is minimal (104 units compared to 99 units on the originally approved plan). The number of units that back up to The Fountains does increase, though this is not out of character with the adjoining development.

The standard of review has been met for the requested revised detailed district development plan. 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 the Revised Detailed District Development Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the RDDDP, the amended binding elements and the two waivers.

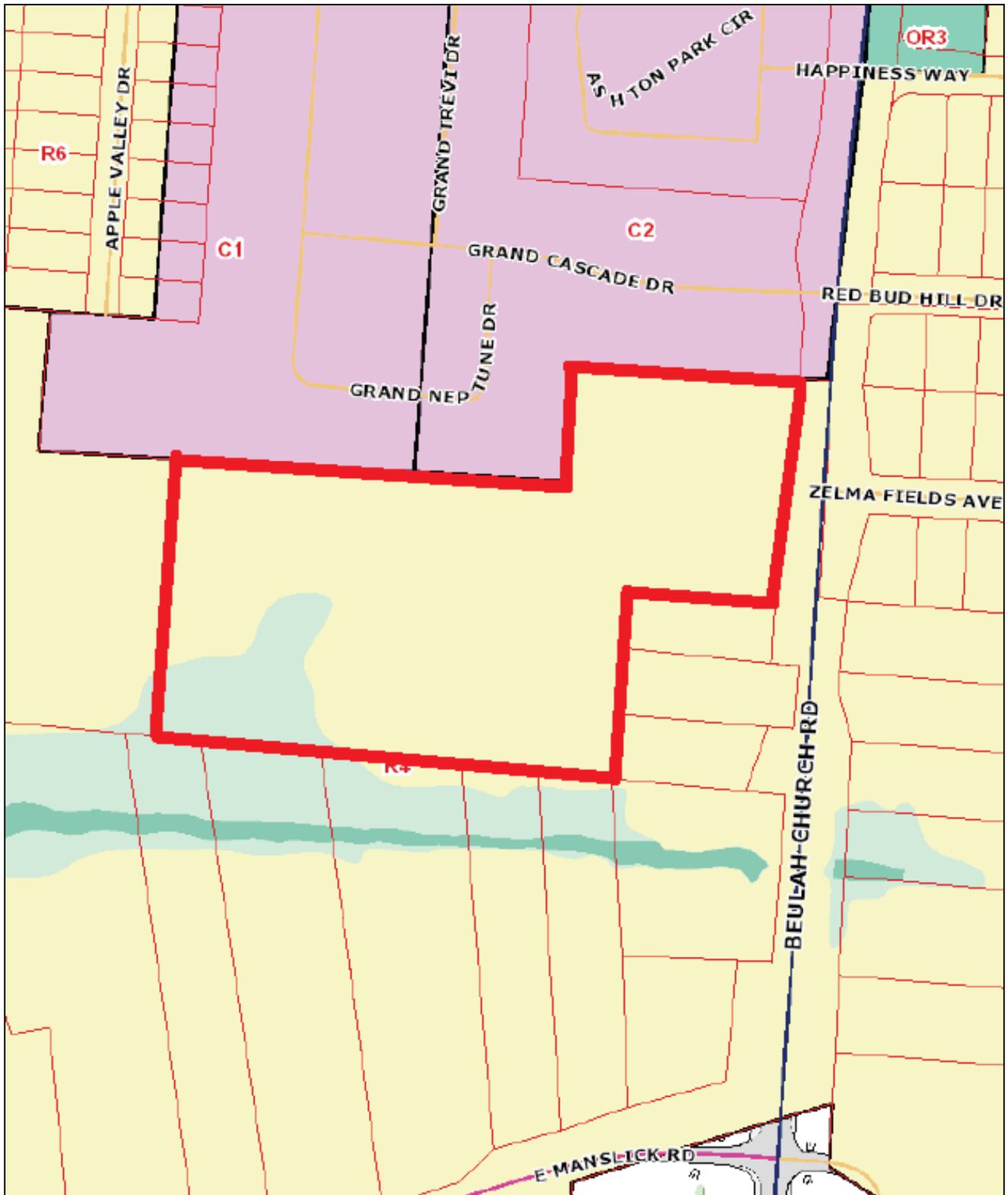
NOTIFICATION

Date	Purpose of Notice	Recipients
10/1/2015	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 23 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing/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. 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.
3. 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 Codes and Regulations Construction Permits, Transportation Planning Review 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 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.
4. 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.
5. 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.
6. 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 and open space, maintenance of noise barriers, maintenance of WPAs, 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.

7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 16, 2015 Planning Commission meeting.
9. A 6 ft. high solid wood shadow box fence shall be provided along the north property line between the multi-family portion of the Ashton Park 2 project adjoining the Fountains Condominiums. This new fence shall tie into the existing Fountains Condominiums fence and shall be stained the same color as the existing fence.
10. The applicant shall install landscaping as shown on the proposed landscape plan presented at the April 16, 2015 public hearing.