

Development Review Committee

Staff Report

April 2, 2014



Case No:	14MOD1002
Project Name:	Villages of English Station II
Location:	13712 English Villa Drive
Owner:	Hogan Holdings 15, LLC and English Station Center, LLC
Applicant:	Same as owner
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Project Area/Size:	1.3 acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	N, Neighborhood
Jurisdictions:	City of Middletown / Louisville Metro
Council Districts:	19 – Jerry Miller / 20 – Stuart Benson
Case Manager:	Matthew R. Doyle, Planner I

REQUEST

- Amendment to Binding Element

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting to delete binding element 26 of the approved development plan under Docket 9-65-05, which states the following:

26. Prior to a certificate of occupancy on lot 13, a signature entrance wall shall be constructed at the intersection of U.S. 60 and South English Station Road, matching the entrance wall in the southeast quadrant of this intersection.

The subject binding element was one of four additional binding elements added to 9-65-05 by Metro Council when it was approved. Lot 13 is located 3 lots northwest of the intersection mentioned in the binding element. The signature entrance wall easement and outline of the wall is actually shown on the approved district development plan for 9-28-01, not 9-65-05. A rendering of the wall is also in the file for 9-28-01. The Land Development & Transportation Committee approved a waiver to allow the wall to be in the required parkway buffer along Shelbyville Road on January 23, 2003.

The proposed change to binding element 26 is:

- ~~26. Prior to a certificate of occupancy on lot 13, a signature entrance wall shall be constructed at the intersection of U.S. 60 and South English Station Road, matching the entrance wall in the southeast quadrant of this intersection.~~

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	N
Proposed	Commercial	C-1	N
Surrounding Properties			
North	Multi-family residential, church	R-7, R-4	N
South	Vacant, patio homes	R-5A	N
East	Bank	C-N	N
West	Vacant	C-1	N

PREVIOUS CASES ON SITE

9-65-05 / 10-41-05: A change in zoning from R-4 single family residential to R-5A Multi-family Residential (16.68 acres), C-1 Commercial (10.2 acres), C-2 Commercial (0.21 acres) and OR-3 Office-Residential (2.36 acres) and approval of both the General/Detailed District Development Plan and Major Preliminary Subdivision for the Villages of English Station II. The general/detailed plan was later revised in 2007.

INTERESTED PARTY COMMENTS

Staff has received lots of interest in this case, but no formal comments have been submitted.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR
AMENDMENT TO BINDING ELEMENT**

- 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 requested amendment to the binding element will not affect natural resources on the subject site.

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

STAFF: The requested amendment to the binding element will not affect vehicular and pedestrian transportation in the development or the community.

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

STAFF: The requested amendment to the binding element will not affect open space provided by the development.

- 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 requested amendment to binding element will not alter the drainage facilities. MSD will continue to 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 requested amendment to binding element will not affect the overall site design or the compatibility of the land uses with the existing and future development of 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 requested amendment to binding element will not affect the conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF CONCLUSIONS

- The applicant is requesting to delete binding element 26 under Docket 9-65-05.
- The request appears to meet the standard of review and staff analysis.

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 established in the LDC for approving the Amendment to Binding Element.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Amendment to Binding Element.

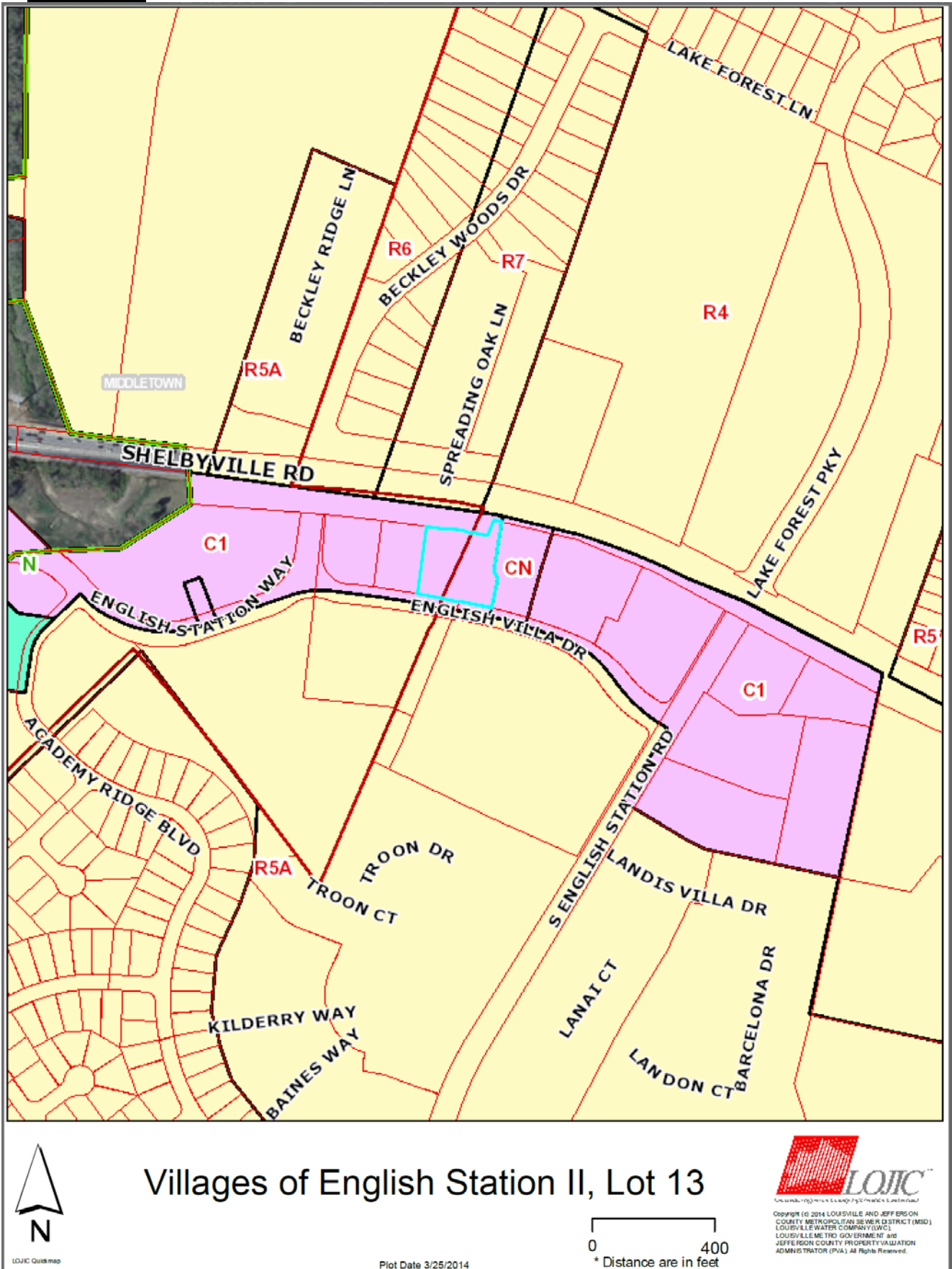
NOTIFICATION

Date	Purpose of Notice	Recipients
3/20/14	Meeting before DRC	1 st tier adjoining property owners Registered neighborhood groups

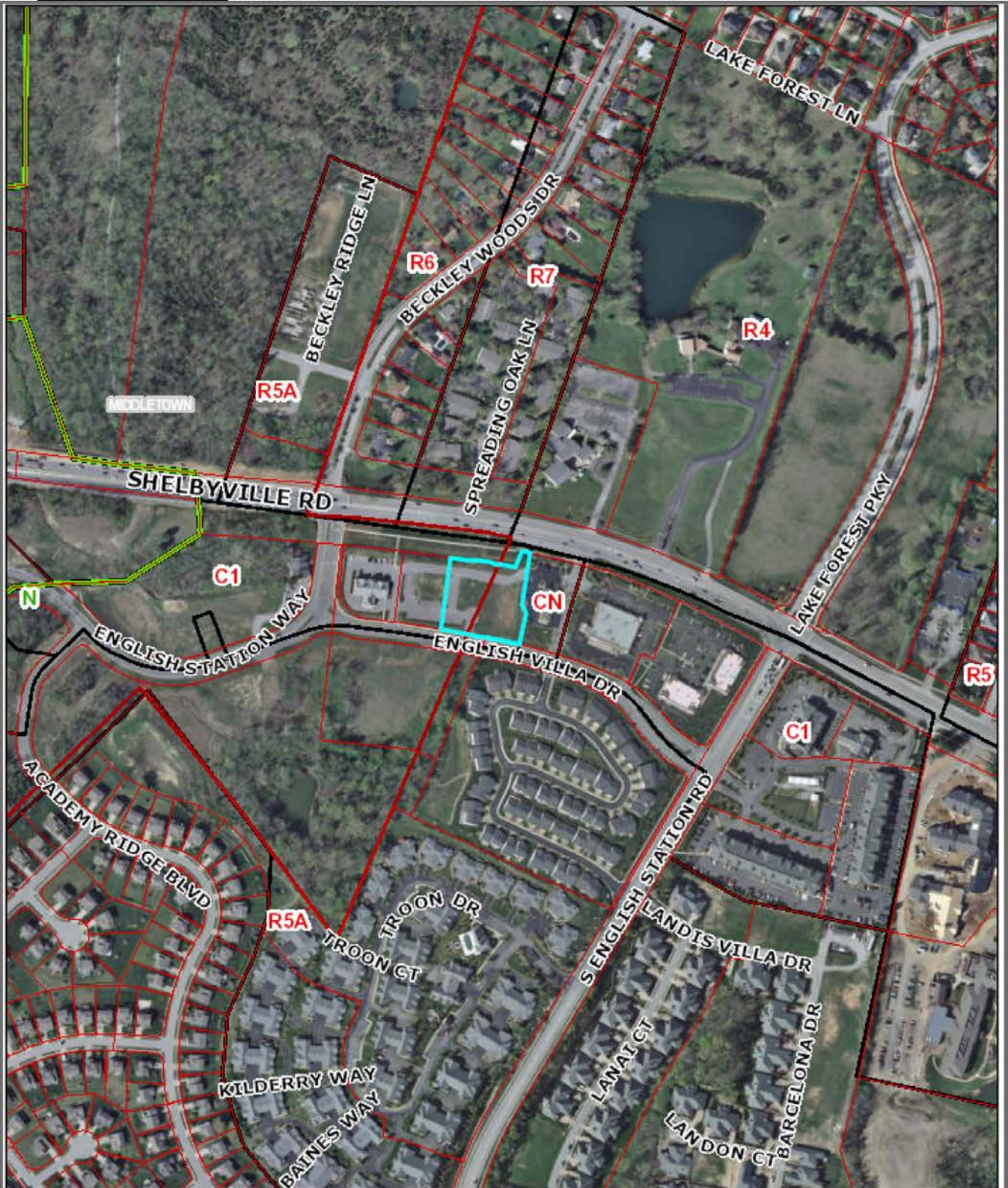
ATTACHMENTS

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

1. Zoning Map



2. **Aerial Photograph**



Villages of English Station II, Lot 13



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Plot Date 3/25/2014

3. Existing Binding Elements

1. The development shall be in accordance with approved general and detailed district development plans, 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 retail and restaurant detailed district development plan portions of the site shall not exceed 45,909 overall square feet and shall be limited to no more than 9,107.4 square feet of C-2, and the multi-family R-5A detailed district development plan portions of the site shall not exceed 6.5 dwelling units per acre (98 units on approximately 15.32 acres after right-of-way deductions).
3. Prior to development (including clearing and grading) of each commercial and office lot, the applicant, developer, or property owner shall obtain approval of the specific building design for conformance with the general design scheme and standards presented at the public hearing of January 5, 2006. Each plan shall be in adequate detail and may be subject to additional binding elements.
4. The materials and design of proposed residential condominium and office building structures shall be substantially the same as depicted in the renderings as presented at the January 5, 2006 Planning Commission meeting. In addition, the materials and design of the proposed banking facilities on Tracts 1 and 2, as well as the materials and design the of proposed retail structure on Tract 3 shall be substantially the same as depicted in the renderings as presented at the March 14, 2007 DRC Committee Meeting.
5. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
6. A focal point in conformance with design materials presented at the January 5, 2006 public hearing shall be constructed in conjunction with residential patio home construction on the lot on which it exists.
7. Signs shall be in accordance with Chapter 8 of the Land Development Code or Middletown Sign Ordinance, as the case may be.
8. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
9. The sign package shall also be presented to LD&T for its approval, and signs located in Middletown shall require Middletown approval.
10. C-2 commercial uses shall be limited to C-1 uses, except as necessary to accommodate outdoor seating and sale of alcoholic beverages associated with restaurant uses.
11. Residential uses shall be limited to residential condominiums constructed under a horizontal property regime.
12. Landscaping, screening and buffering shall minimally be as shown on the colored site plan presented at the January 5, 2006 public hearing. All landscaped areas shall be irrigated.
13. 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.

14. 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.
15. If a clearing and grading permit is not issued within one year or a building permit within 2 years 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.
16. 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.
17. Dumpster and trash compactor pickups/emptying shall be limited to the hours of 7:00 a.m. to 7:00 p.m.
18. 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, Section 3, of the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted and lighting shall be maintained at all times in accordance therewith.
19. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
20. 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.
21. Construction plans shall include shared points of access between all adjoining retail and office lots.
22. Construction plans shall delineate cross walks in logical locations in such manner and with such materials and/or striping as to make them clearly visible.
23. At the same time as construction plans are prepared for lots 6 and 7, construction plans shall also be prepared for the "east-west connector road" curved connection to South English Station Way, as generally shown on the approved district development plan, such plans to also include grade and drain conditions for the road and the referenced lots. The curved road connection does not need to be constructed by these applicants/developers, but construction plans for lots 6 and 7 shall not be approved until these road connection, grade and drain plans are also submitted and reviewed for approval.

24. A CORSIM analysis of the various U.S.60 intersections shall be completed and submitted to the Kentucky Transportation Cabinet District 5 Office prior to construction plan approval of any of the approved development.
25. A temporary fence to try to help control debris and dust from the Ray Barry property shall be installed during construction of the adjoining residential patio homes.

Binding Elements added by Metro Council

26. Prior to a certificate of occupancy on lot 13, a signature entrance wall shall be constructed at the intersection of U.S. 60 and South English Station Road, matching the entrance wall in the southeast quadrant of this intersection.
27. Changes to retail or restaurant uses, including the addition of drive-thrus not shown on the development plan for Villages of English Station II, shall require Metro Council approval.
28. The temporary intersection of English Station Way and existing English Station Way shall be a continuous roadway rather than a stop condition until such time as the "east-west connector road" curved to South English station Way described in Binding Element no. 23 is constructed.
29. All binding elements, including the binding elements added by Metro Council in this ordinance, shall be applicable to the entire site covered by Docket No. 9-65-05.

4. Proposed Binding Element

- ~~26. Prior to a certificate of occupancy on lot 13, a signature entrance wall shall be constructed at the intersection of U.S. 60 and South English Station Road, matching the entrance wall in the southeast quadrant of this intersection.~~