

Planning Commission
Staff Report
January 9, 2020



Case No:	19-DDP-0056
Project Name:	Massie Avenue Condos
Location:	3930 Massie Avenue
Owner(s):	Wayne Wells, Jr, WHWJR, LLC
Applicant:	Wayne Wells, Jr, WHWJR, LLC
Jurisdiction:	St Matthews
Council District:	9 – Bill Hollander
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST:

1. **Revised District Development Plan**

CASE SUMMARY/BACKGROUND

The subject site is zoned R-6 Residential Multi-Family in the Neighborhood form district. It is located on the southern side the Massie Avenue and Woodrow Avenue intersection. The site currently consists of three parcels with residential structures, and is surrounded by R-4 Residential Single Family properties to the north, east, and south, and an R-6 Residential Multi-Family parcel to the west.

The applicant is proposing to demolish the three residential structures, consolidate the lots, and construct 16 condominium units. Compared to the previously approved plan, 18ZONE1006, the applicant is proposing to increase the number of units from 12 to 16, reduce the building height from 2-story to 1-story, reduce the floor area by over 11,911.5 square feet, reduce the impervious surface area by 4,043 square feet, reduce the floor area ratio from 0.59 to 0.36, and make improvements to the detention system.

The Development Review Committee heard this case on December 4, 2019. The case was continued to December 18, 2019 to allow the applicant to make changes to the plan.

The Development Review Committee heard this case again on December 18, 2019. The case was continued to the Planning Commission on January 9, 2020 to allow staff to review the revised plan.

Previous cases:

- 18ZONE1006: Change in zoning from R-4 to R-6

STAFF FINDINGS

The district development plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

Staff has received comments from interested parties concerning this proposal, which are included with the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP 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: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject 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. Public Works and MSD have provided preliminary approval.

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

STAFF: The proposed Outdoor Amenity Area meets 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. 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 requirements of the Land Development Code.

REQUIRED ACTIONS:

- **Recommend APPROVAL or DENIAL of the District Development Plan and Binding Element Amendments to St. Matthews**

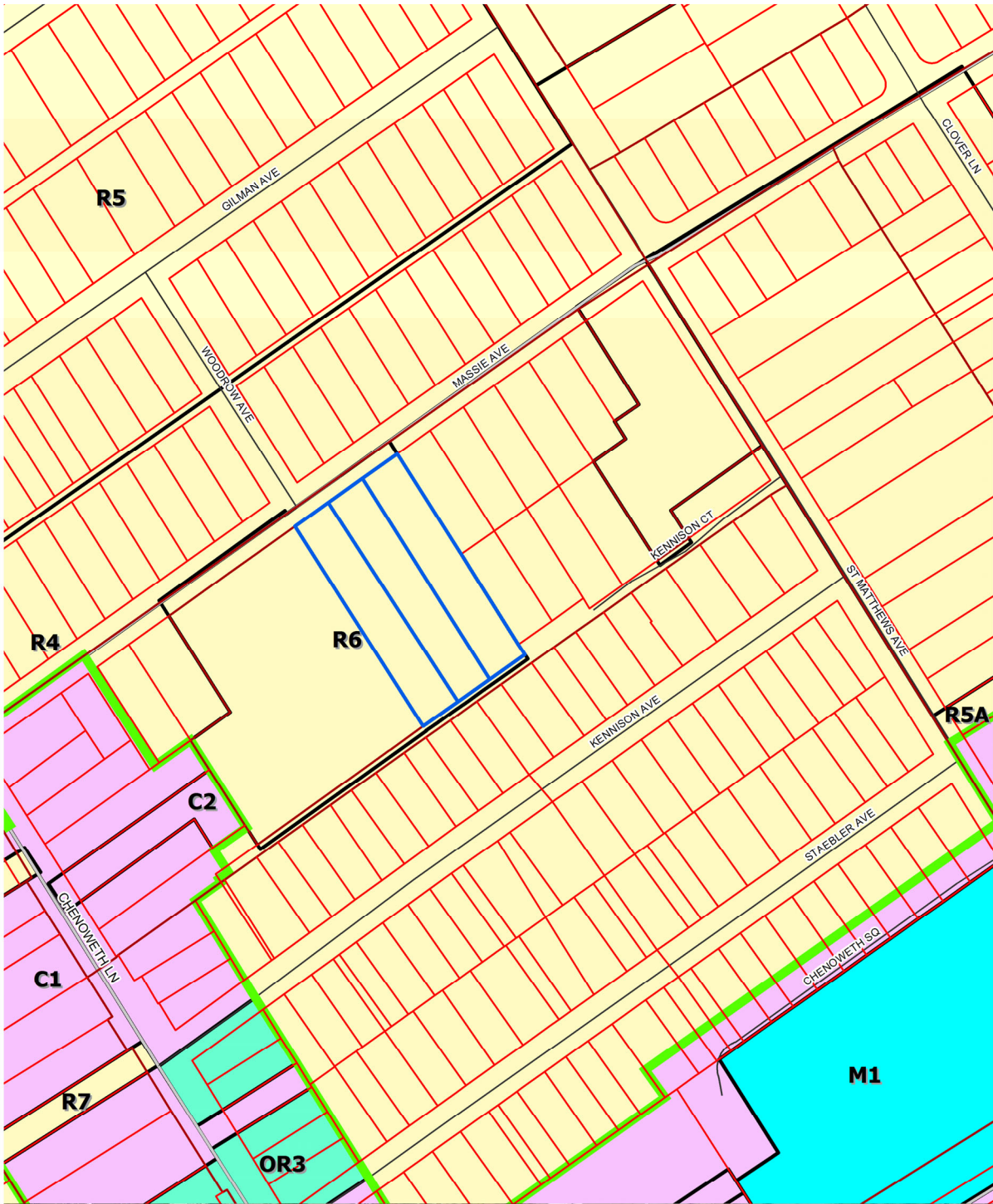
NOTIFICATION

Date	Purpose of Notice	Recipients
12-4-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 9
12-18-19	Hearing before DRC	
1-9-20	Hearing before Planning Commission	

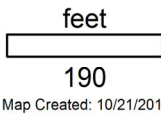
ATTACHMENTS

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

1. **Zoning Map**



3930-3936 MASSIE AVENUE



Map Created: 10/21/2019



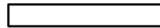
Copyright (c) 2019, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



3930-3936 MASSIE AVENUE

feet



190

Map Created: 10/21/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

3. Existing Binding Elements

1. The development shall be in accordance with the approved detailed district development plan, all applicable sections of the Development Code and agreed upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) or to the approved development plan shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews for review and approval; any changes/additions/alterations no so referred shall not be valid. Development shall not exceed 34,368.46 total square feet.
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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District and the City of St. Matthews Public Works Director. Applicant shall dedicate a drainage easement on the East side of its property and direct a portion of the through-drainage in that area into its underground detention system. The amount of through-drainage to be directed into applicant's underground detention system shall be determined by the City of St. Matthews Public Works Director. Post construction flows from the watershed shall keep a 50-year storm event from surcharging out of the downstream system; either through underground detention, or, at the City of St. Matthews' sole option, an off-site drainage improvement. A blocked condition analysis for the 100 year-rain event shall be provided to the City of St. Matthews to verify the flow path of the possible 100-year event surcharge.
 - b. In order to ensure that the underground detention is properly constructed, maintained and properly functioning, Developer shall submit a letter of credit, in the amount of \$25,000.00. Such letter of credit shall be payable to the City of St. Matthews, if, in the opinion of the St. Matthews Public Works Director, the underground detention facilities are not constructed properly, are not maintained, or do not function properly. The letter of credit shall be maintained by the Developer for a period of five years after the issuance of the first certificate of occupancy for the site.
 - c. The property owner/developer must obtain approval (including City of St. Matthews approval), of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. St. Matthews may require more landscaping than required by code. Developer shall provide a 15-foot landscape buffer adjacent to the principal structure at 3933 Kennison Court. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and the City of St. Matthews prior to obtaining a building permit.
4. 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 or designee and the City of St. Matthews.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of any structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting an 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 the 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, subcontractor and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

~~7. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the December 20, 2018 Planning Commission meeting.~~

4. Proposed Binding Elements

1. The development shall be in accordance with the approved detailed district development plan, all applicable sections of the Development Code and agreed upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) or to the approved development plan shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews for review and approval; any changes/additions/alterations no so referred shall not be valid. Development shall not exceed 34,368.46 total square feet.

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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District and the City of St. Matthews Public Works Director. Applicant shall dedicate a drainage easement on the East side of its property and direct a portion of the through-drainage in that area into its underground detention system. The amount of through-drainage to be directed into applicant's underground detention system shall be determined by the City of St. Matthews Public Works Director. Post construction flows from the watershed shall keep a 50-year storm event from surcharging out of the downstream system; either through underground detention, or, at the City of St. Matthews' sole option, an off-site drainage improvement. A blocked condition analysis for the 100 year-rain event shall be provided to the City of St. Matthews to verify the flow path of the possible 100-year event surcharge.
- b. In order to ensure that the underground detention is properly constructed, maintained and properly functioning, Developer shall submit a letter of credit, in the amount of \$25,000.00. Such letter of credit shall be payable to the City of St. Matthews, if, in the opinion of the St. Matthews Public Works Director, the underground detention facilities are not constructed properly, are not

maintained, or do not function properly. The letter of credit shall be maintained by the Developer for a period of five years after the issuance of the first certificate of occupancy for the site.

- c. The property owner/developer must obtain approval (including City of St. Matthews approval), of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. St. Matthews may require more landscaping than required by code. Developer shall provide a 15-foot landscape buffer adjacent to the principal structure at 3933 Kennison Court. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services and the City of St. Matthews prior to obtaining a building permit.
- e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. 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 or designee and the City of St. Matthews.

5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of any structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting an 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 the 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, subcontractor and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.