

Development Review Committee

Staff Report

August 17, 2022



Case No:	22-DDP-0042
Project Name:	Crossings at South Park
Location:	10511 W Manslick Road
Owner(s):	Estate of Chester L Cummings
Applicant:	Marian Development
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Waiver** from 10.2.4 to omit required Landscape Buffer Area (LBA), plantings and screening along zoning lines internal to the site (22-WAIVER-0065)
- **Revised Detailed District Development Plan** with Binding Elements

CASE SUMMARY/BACKGROUND

The subject site is located on W Manslick Road near the roundabout at the center of Fairdale, and consists of one parcel. The site was rezoned in early 2022 under docket 21-ZONE-0119 in order to construct a new 192-unit multi-family development with a commercial building close to W Manslick Road. The front of the site was originally C-2 and remains C-2. The rear of the site was R-4 and was rezoned to R-6. The applicant proposes to not provide the required LBA, plantings or screening required between the two zoning districts internal to the site.

Additionally, the applicant proposes to subdivide the property into two lots, so that the proposed commercial structure in the front of the site is on its own lot. Density and layout of buildings are unchanged. Small changes to the sewer and drainage systems have been made per MSD requirements.

Large-lot single-family residential development is located to the north-west and generally to the east, with commercial located along W Manslick Road to the south-east. Single-family and multi-family is located to the south-west and west. Fairdale High School is located nearby to the east, with the campus wrapping around to the site at the north.

The site is located within the study area for the Fairdale Village Center Plan. The plan has no specific recommendations for this site, but three of the Big Ideas in the plan would be applicable to the site (#1: Streetscape, #4: Connect to the Louisville Loop and Forest, #9: Design Standards).

STAFF FINDING

Staff finds that the proposed waiver is adequately justified and meets the standard of review. The site plan meets the requirements of the Land Development Code, and generally meets the guidelines of the Comprehensive Plan.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM 10.2.4

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the required LBAs are internal to the site and would not buffer any adjoining property if provided.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 encourages appropriate buffering and transitions between uses that are significantly different in density or intensity. The zoning lines that require the LBA are internal to the site and the property owner can buffer the differing uses informally if so desired.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the zoning lines requiring the LBA are internal to the site and provision of the required LBAs would not protect any other property.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because provision of the required landscape buffer area would make utilization of the lot less feasible.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- (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 is heavily wooded and features unstable soils and hydric soils across the majority of the site. Tree canopy preservation will be provided and will be preserved as threatened and endangered bat habitat binding element #9. The site must be developed in coordination with a geotechnical engineer due to the unstable soils.

- (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 Metro Public Works 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: Open space is being provided in compliance with the requirements of the Land Development Code.

- (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 is in compliance with existing and planned future development in the area. The proposal is unchanged with respect to the provision of new housing in the neighborhood.

- (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 requirements of the Land Development Code and applicable guidelines of Plan 2040.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan with Binding Elements**

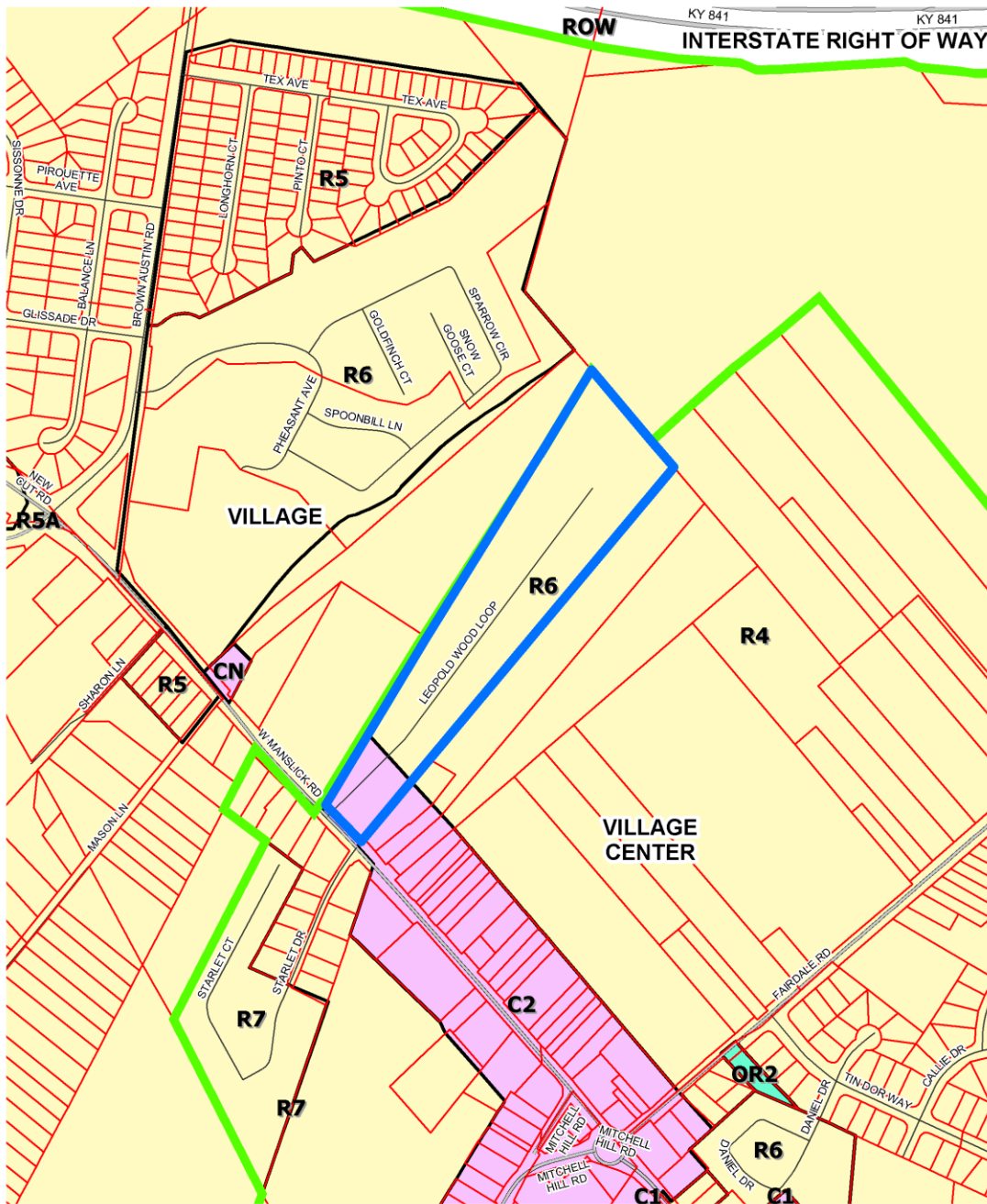
NOTIFICATION

Date	Purpose of Notice	Recipients
08/05/2022	Hearing before DRC	1 st tier adjoining property owners and current residents Persons who spoke at the Planning Commission hearing Registered Neighborhood Groups in Council District 13

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (to remain unchanged)

1. Zoning Map



Crossings at South Park

feet



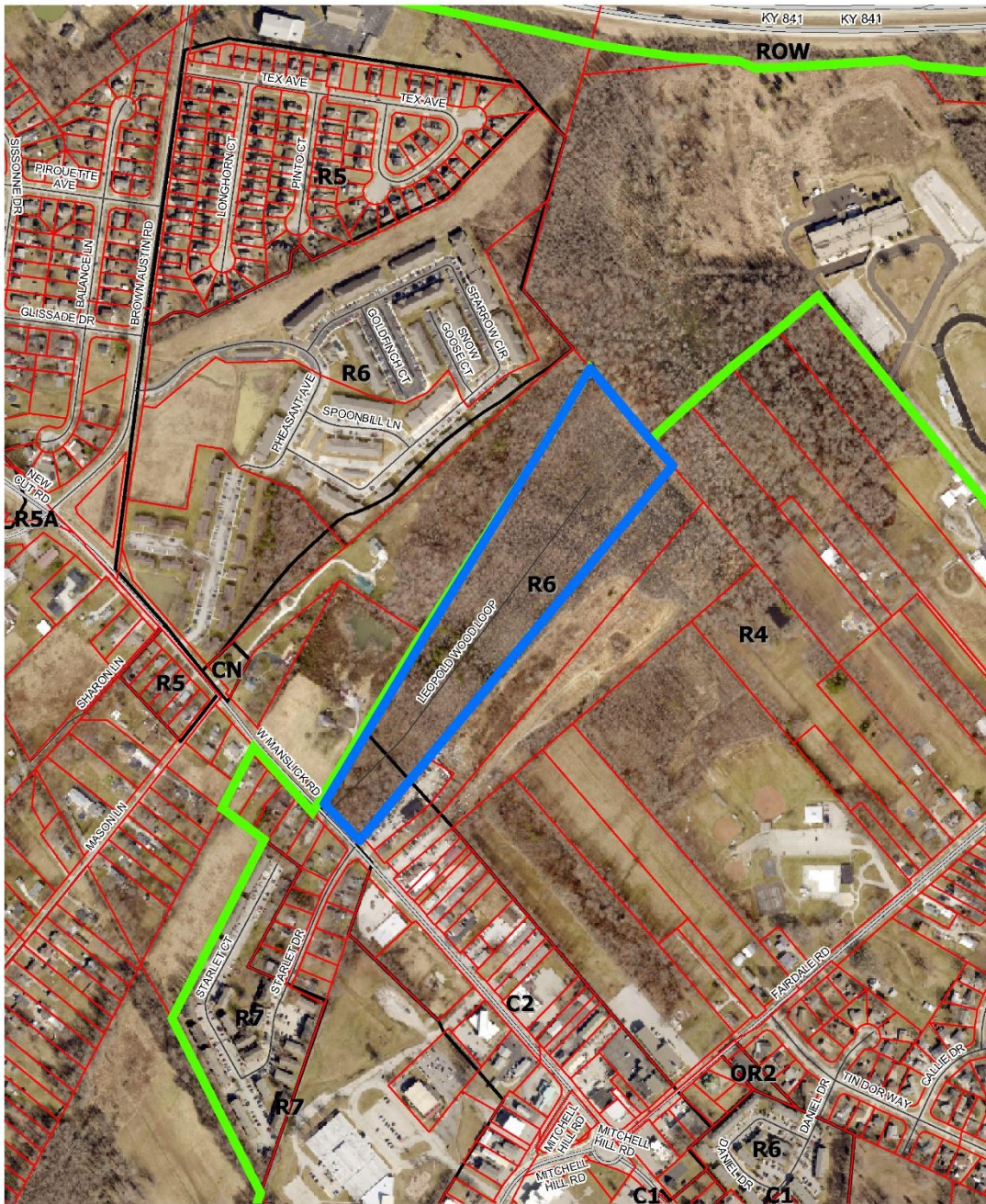
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Map Created: 8/12/2022



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2. Aerial Photograph



Crossings at South Park

feet



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3. Existing Binding Elements (to remain unchanged)

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, 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 property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - 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.
 - e. The materials and design of proposed multi-family structures shall be substantially the same as depicted in the rendering as presented at the November 18, 2021 Planning Commission meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
 - f. Final elevations/renderings for the commercial structure 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
9. The area to the north-east which is shown on the development plan as Tree Canopy Credit Area and Open Space Preservation for Natural Resource Protection shall be maintained in a wild state to the maximum extent possible in order to preserve habitat for threatened or endangered bat species. Vegetation, including canopy trees, understory trees and undergrowth, shall not be removed unless the vegetation constitutes a safety hazard or consists of invasive species, or is required to maintain the drainage easement. Any removal of vegetation shall be limited to only to safety hazards and invasive species, or the minimum absolutely necessary for maintenance of the easement.
10. Any significant changes or alterations to the proposed structures (e.g. building height, number of units, number of buildings), any increase in density on the property, any changes in use on the property, and/or any amendments to the binding elements shall be reviewed before the Planning Commission with final action to be determined by Metro Council.