

**Development Review Committee**  
**Staff Report**  
October 5, 2016



|                          |                                                      |
|--------------------------|------------------------------------------------------|
| <b>Case No:</b>          | <b>15DEVPLAN1193</b>                                 |
| <b>Request:</b>          | <b>Revised Detailed District Development Plan</b>    |
| <b>Project Name:</b>     | <b>Belknap Apartments</b>                            |
| <b>Location:</b>         | <b>1810 Sils Ave</b>                                 |
| <b>Owner:</b>            | <b>Gene W. Milner, Jr, Gato/Milner LLC</b>           |
| <b>Applicant:</b>        | <b>Gene W. Milner, Jr, Gato/Milner LLC</b>           |
| <b>Representative:</b>   | <b>Clifford Ashburner, Dinsmore &amp; Shohl, LLP</b> |
| <b>Jurisdiction:</b>     | <b>Louisville Metro</b>                              |
| <b>Council District:</b> | <b>8 – Tom Owen</b>                                  |
| <b>Case Manager:</b>     | <b>Laura Mattingly, Planner I</b>                    |

**REQUEST**

- Revised Detailed District Development Plan

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The Belknap Apartments are located in the Belknap neighborhood in northern central Jefferson County. The applicant is proposing no exterior changes to either of the two existing buildings on site but increasing the number of units from a total of 39 to 47. The number of units in "Building B", the newer structure on site, will remain the same. The number of units in the historic school building, "Building A" on the site plan, will increase from 17 to 25. The applicant has also proposed to add 14 new on-site parking spaces, including 3 stacked parking spaces that will be assigned to specific units whose owners or leasees own more than one car. The on-site parking is still under what is required in Chapter Nine of the Land Development Code, but there are 37 street parking spaces that can be counted toward the requirement, bringing the total parking count within the required range. The applicant wishes to increase on-site parking to accommodate the large number of elderly occupants and take some stress of the street parking, which is in high demand during the summer season.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

|                                      | Land Use                  | Zoning | Form District |
|--------------------------------------|---------------------------|--------|---------------|
| <b><i>Subject Property</i></b>       |                           |        |               |
| <b>Existing</b>                      | Multi-Family Residential  | OR-3   | TN            |
| <b>Proposed</b>                      | Multi-Family Residential  | OR-3   | TN            |
| <b><i>Surrounding Properties</i></b> |                           |        |               |
| <b>North</b>                         | Single Family Residential | R-5    | TN            |
| <b>South</b>                         | Single Family Residential | R-5    | N             |
| <b>East</b>                          | Single Family Residential | R-5    | TN            |
| <b>West</b>                          | Single Family Residential | R-5    | TN            |

**PREVIOUS CASES ON SITE**

9-17-83: Change in zoning from R-5 to R-9 (this zoning classification was later eliminated by the city and re-classified as OR-3, Office Residential) for a change of use from school site to general offices,

revised plan in 2005 to renovate old school building and add new 3-story, 35,100 square foot building for condos.

B-92-05: A variance from the Land Development Code to allow a proposed building to exceed the 25-foot maximum front setback.

14263: Revised Detailed Development Plan for two new parking garages.

19229: Neighborhood Use Plan to show compliance with binding element.

### **INTERESTED PARTY COMMENTS**

Staff has received several concerned phone calls and emails since this case was first submitted, as well as a petition from the Belknap Neighborhood Association that was signed by 114 people supporting the preservation of green space and the limitation of the density of the apartments by the previous binding element.

Councilman Tom Owen wrote a letter to the Committee urging the use of the street parking in place of increasing the on-site parking but in favor of the increase in density of the apartment building.

Amy Yuda, Belknap Neighborhood Association President, has written and called with concerns about the parking in the green space, the increase of units where the binding elements limit the density, and an overall concern with discrepancies on the plan.

Staff also received emails from other neighbors with the same concerns over greenspace, the preservation of the historic site, parking, and density increases.

### **APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP**

- 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: This proposal will be removing one tree from the site along Wibben Avenue but preserving the maximum amount of green space possible with the proposed design of the parking expansions.

- 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 with exiting sidewalks and vehicular connections that are remaining unchanged.

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

STAFF: The applicant has designed the parking expansion to minimize the impacts on the existing greenspace but the proposal does not meet the threshold for the requirement of providing open space.

- 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 land use and building design are compatible with the existing and future development of the area. This is a historic site and the building design will not be changed. The proposal to increase the number of units in the historic school building is working to meet a higher demand for housing in a highly sought after area of Louisville. The applicant has stated that all parking areas will be screened from the street in order to decrease the visual impact on neighboring properties and from the public right of way.

- 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 is in conformance with the Land Development Code as well as the policies and guidelines of the residential intent of the Comprehensive Plan as it increases the residential options in the area.

### TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- There was previously a waiver of 5.4.1.G, to provide a hedge in place of a wall between parking and the street, included with this case. Staff concluded after revisions of the plan that this was not required due to the proposal not meeting the threshold for Residential Site Design Standards.

### STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

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 of the RDDDP established in the Land Development Code.

### ACTIONS

- **APPROVE or DENY** the revised detailed district development plan.

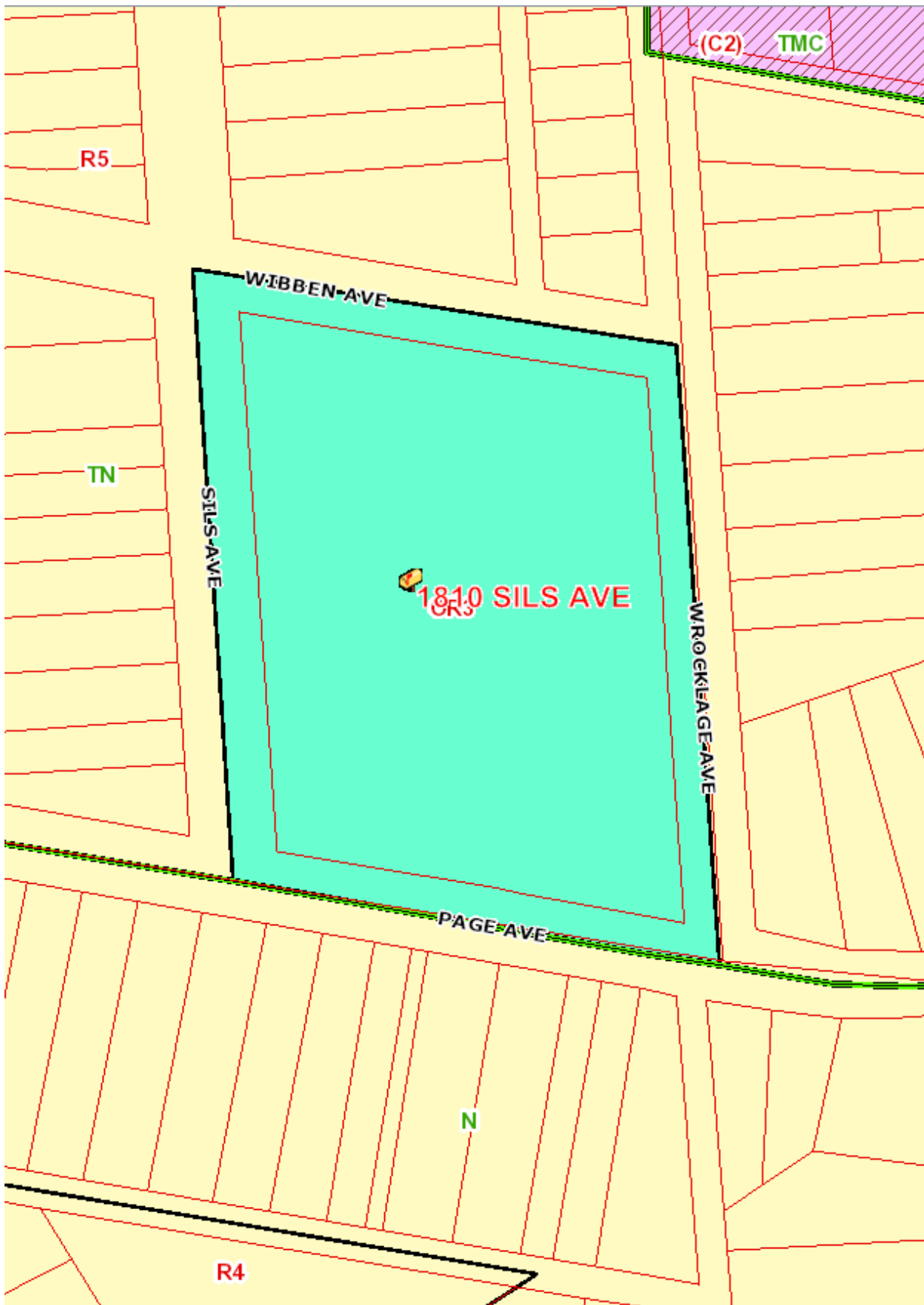
### NOTIFICATION

| Date      | Purpose of Notice     | Recipients                                     |
|-----------|-----------------------|------------------------------------------------|
| 9/20/2016 | Public Meeting – LD&T | Neighborhood notification recipients           |
| 9/22/2016 | Public Meeting – LD&T | 1 <sup>st</sup> tier adjoining property owners |

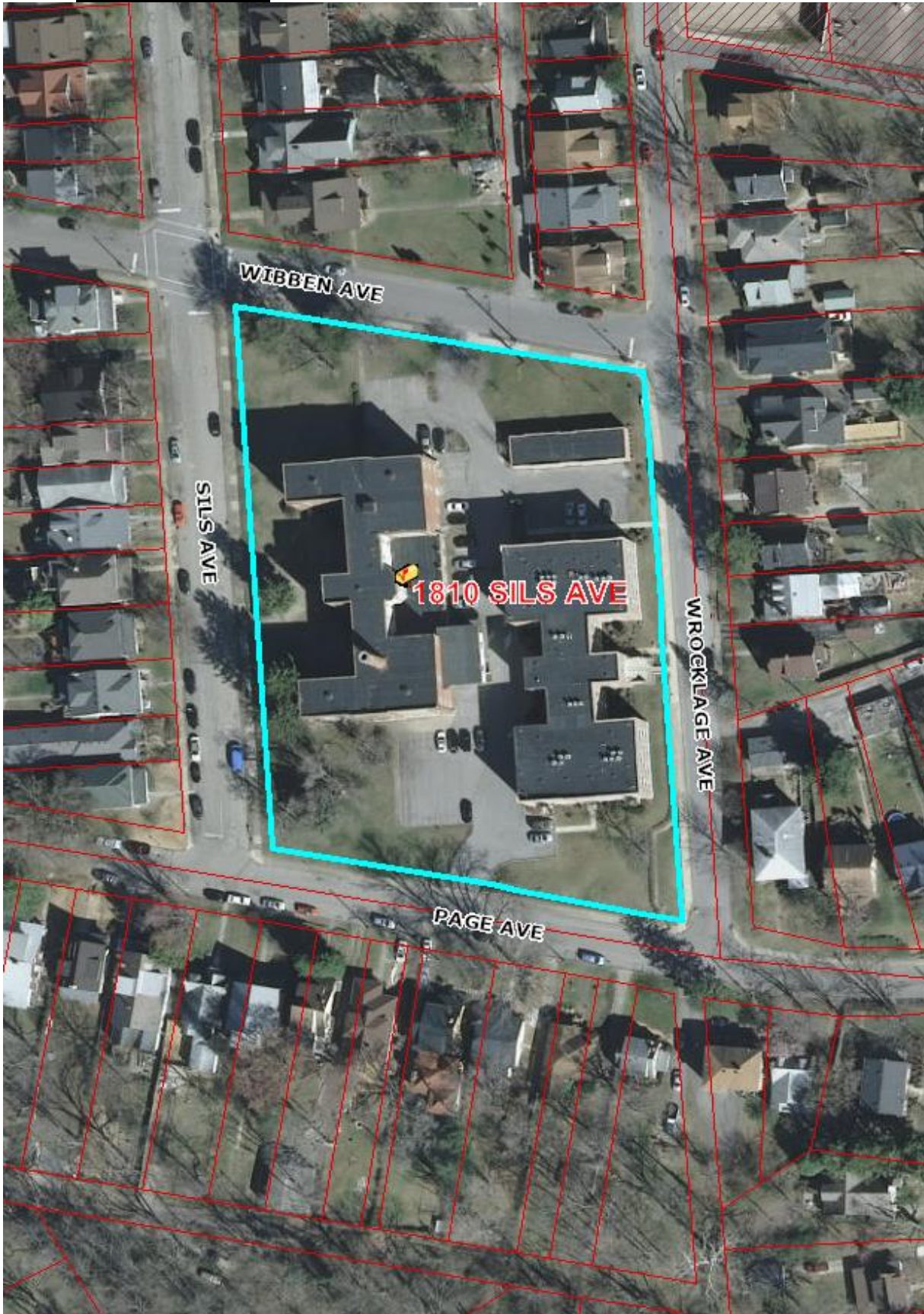
#### ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



### **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.
2. The density of the development shall not exceed 18 dwelling units per acre (39 units on 2.154 acres).
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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 Public Works and the Metropolitan Sewer District.
  - b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - 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 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; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - e. Alley closure approval for unnamed alleys on site shall be approved prior to requesting a building permit.
6. 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.
7. 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.
8. 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 2, 2005 Planning Commission meeting.
11. 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 thereafter. 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.
12. Prior to receiving a Certificate of Occupancy, the applicant must submit a plan detailing the neighborhood use of the property to the Land Development and Transportation Committee for review.

#### **4. Proposed Amended Binding Elements**

2. The density of the development shall not exceed ~~18 dwelling units per acre (39 units on 2.154 acres).~~ **22 dwellings per acre (47 units on 2.154 acres).**
6. If a building permit is not issued within ~~one year~~ **two 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.