

# Development Review Committee

## Staff Report

April 19, 2017



<b>Case No:</b>	<b>17DEVPLAN1033</b>
<b>Request:</b>	<b>Revised Detailed District Development Plan and Binding Element Modification</b>
<b>Project Name:</b>	<b>Commons at Moss Creek</b>
<b>Location:</b>	<b>6110 Goalby Drive</b>
<b>Owner:</b>	<b>Moss Creek Enterprises, LLC</b>
<b>Applicant:</b>	<b>Moss Creek Enterprises, LLC</b>
<b>Representative:</b>	<b>Land Design &amp; Development, Inc</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>12 - Rick Blackwell</b>
<b>Case Manager:</b>	<b>Laura Mattingly, Planner II</b>

### REQUEST

- General Plan Binding Element Modification
- Revised Detailed District Development plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

This proposal revises Tract 11 of the Commons at Moss Creek development, located in southwest Louisville. Tract 11, formerly approved for 42 condominiums with parking between the buildings, is now proposed to include 36 townhouses and the removal of the parking area. All townhomes will have access from a local road. These changes would normally be staff approvable.

Despite the decrease in density on Tract 11, a rezoning on Tracts 5 & 6 in 2015 increased the density of the overall development, bringing about the need to modify the General Plan binding element pertaining to density from the previously approved 195 units to a total of 233 units.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	R-5A	N
<b>Proposed</b>	Condominiums	R-5A	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Condominiums	R-5A	N
<b>South</b>	Single Family Residential	R-4	N
<b>East</b>	Single Family Residential/Condos	R-4	N
<b>West</b>	Single Family Residential	R-4	N

### PREVIOUS CASES ON SITE

**9-33-05 & 10-20-05:** Approval of a change in zoning from R-4 to R-5A and a Detailed District Development Plan for condominiums. Approved by Planning Commission August 4, 2005.

- 11628:** Staff approval of a RDDDP to change buildings 42-51 to single family detached residences instead of the attached units originally approved. Approved September 10, 2008.
- 15DEVPLAN1041:** Revised Detailed Development Plan to increase number of dwelling units from 171 to 195. Approved by DRC on May 20, 2015.
- 15ZONE1040:** Change in zoning on Tracts 5 & 6 from R-5A to R-6 for nine apartment buildings, containing 104 dwelling units. Approved by Planning Commission December 3, 2015.

### INTERESTED PARTY COMMENTS

None received.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### 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 does not appear to be any environmental constraints or historic resources on the subject site. All tree canopy and open space requirements have been met.

- 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: The proposal has met all open space 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 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- 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.

**TECHNICAL REVIEW**

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

At the time of staff report publishing, the submitted elevations do not comply with LDC 5.6.3 (Multi-Family Residential Site Design Standards). If new elevations are not received prior to hearing date, staff proposes a binding element be added that new elevations in compliance are submitted to Planning and Design Services staff prior to building permit issuance.

**STAFF CONCLUSIONS**

Staff has determined that the Revised Detailed Development Plan and Binding Element Modification are adequately justified and meet the standard of review.

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 granting approval of the proposed RDDDP and Binding Element Modification established in the Land Development Code.

**REQUIRED ACTION**

- **APPROVE** or **DENY** the requested Revised Detailed District Development Plan and Binding Element Modification.

**NOTIFICATION**

Date	Purpose of Notice	Recipients
04/06/2017	Public Hearing - DRC	Neighborhood notification recipients
04/06/2017	Public Hearing - DRC	1 <sup>st</sup> tier adjoining property owners

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed 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 7.0 dwelling units per acre (195 units on 27.9 acres).
3. Except for for-sale/development advertisement and signature entrance signs permitted by the Land Development Code, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site, except a signature entrance.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance 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.
6. If a clearing, grading or site construction 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.
9. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.
10. The property shall be developed under a Horizontal Property Regime.
11. The structures shall appear substantially similar to the renderings submitted at the July 21, 2005 and May 20, 2015 public hearing.

12. The address number shall be displayed on all structures prior to requesting a certificate of occupancy for that structure. Street signs shall also be installed prior to the issuance of a certificate of occupancy.
13. In addition to the signature entrance sign off Greenwood Road, the developer shall place small "signature" entrances at all other public street connections with this condominium development in order to present to automobiles using these cut-through connections that the development they are passing through is a private residential condominium community.
14. Any connections eliminated or added by the Planning Commission at public hearing shall be submitted via a revised detailed district development plan (RDDDP) which RDDDP may be revised and approved by DPDS staff for compliance herewith.
15. Street trees and screening along the development's perimeter shall be as depicted on the colored site plan and other landscape elevations presented at the July 21, 2005 public hearing.
16. There shall be no construction entrance other than at Greenwood Road.
17. The applicant shall set aside \$25,000 to install traffic control devices if same are determined to be advisable by the Metro Works Department. The \$25,000 shall remain available for this purpose until bond release on internal condominium community streets. After that point in time, if no traffic control device has been required, or with less spent for this purpose than necessary, the remaining funds shall be released back to the developer with no further obligation in this regard on its part.
18. A revised development plan shall also show elimination of the cul-de-sac at the end of Canna Drive which Metro Works had originally determined would be required to be constructed by this applicant/developer.

**4. Proposed Binding Elements**

2. The density of the development shall not exceed ~~7.0~~ **10.1** dwelling units per acre (~~195~~ **233** units on 27.9 acres).
11. The structures shall appear substantially similar to the renderings submitted at the July 21, 2005 and May 20, 2015 public hearing. **The townhomes on Tract 11 shall appear substantially similar to the renderings submitted at the April 19, 2017 public meeting.**