

Development Review Committee

Staff Report

May 20, 2015



Case No:	15DEVPLAN1041
Project Name:	Moss Creek Condominiums
Location:	6110 Goalby Dr. and 6110 & 6800 Dewitt Dr.
Owners:	Moss Creek Enterprises, LLC
Applicant:	Moss Creek Enterprises, LLC
Representative:	Wyatt, Tarrant & Combs, LLP and Land Design & Development, Inc.
Project Area/Size:	6.2 ac.
Existing Zoning District:	R-5A, Multi-Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Matthew R. Doyle, Planner I

REQUESTS

- Revised Detailed District Development Plan (RDDDP)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This proposal revises the plan approved for this development in September of 2008 in Case 11628, which had a total of 171 units. The applicant would like to revise Tracts 7, 10, and 11 to change the type and layout of the units as well as the open space. The total number of units for the development would increase to 195 and the open space would change from a playground and gazebo to a dog park. With the exception of buildings 42-51, the proposed buildings on Tracts 7 and 11 change from detached single family units to a combination of 2-, 4-, and 5-unit buildings. The proposed materials also change from primarily all brick facades approved in Docket 9-33-05 to a 50/50 mix of brick and vinyl. Lastly, the layout of Tract 11 has removed the individual driveways from the roadway and added an alley and parking in the rear of the buildings.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-5A	N
Proposed	Condominiums	R-5A	N
Surrounding Properties			
North	Condominiums	R-5A	N
South	Single family residential	R-4	N
East	Single family residential	R-4	N
West	Single family residential	R-4	N

PREVIOUS CASES ON SITE

- 9-33-05: Approval of a change in zoning from R-4 to R-5A and a Detailed District Development Plan for condominiums.
- 11628: Staff approval of a RDDDP to change buildings 42-51 to single family detached residences instead of the attached units originally approved.

INTERESTED PARTY COMMENTS

Planning Commission staff has not received any comments about this case.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A REVISED DETAILED DISTRICT DEVELOPMENT PLAN 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. 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 will be provided.

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

STAFF: Provisions of sufficient open space will be provided.

- 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 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

N/A

STAFF CONCLUSIONS

- The proposed RDDDP appears to be adequately justified based on staff analysis in the staff report.

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 RDDDP.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the RDDDP and amendments to binding elements.

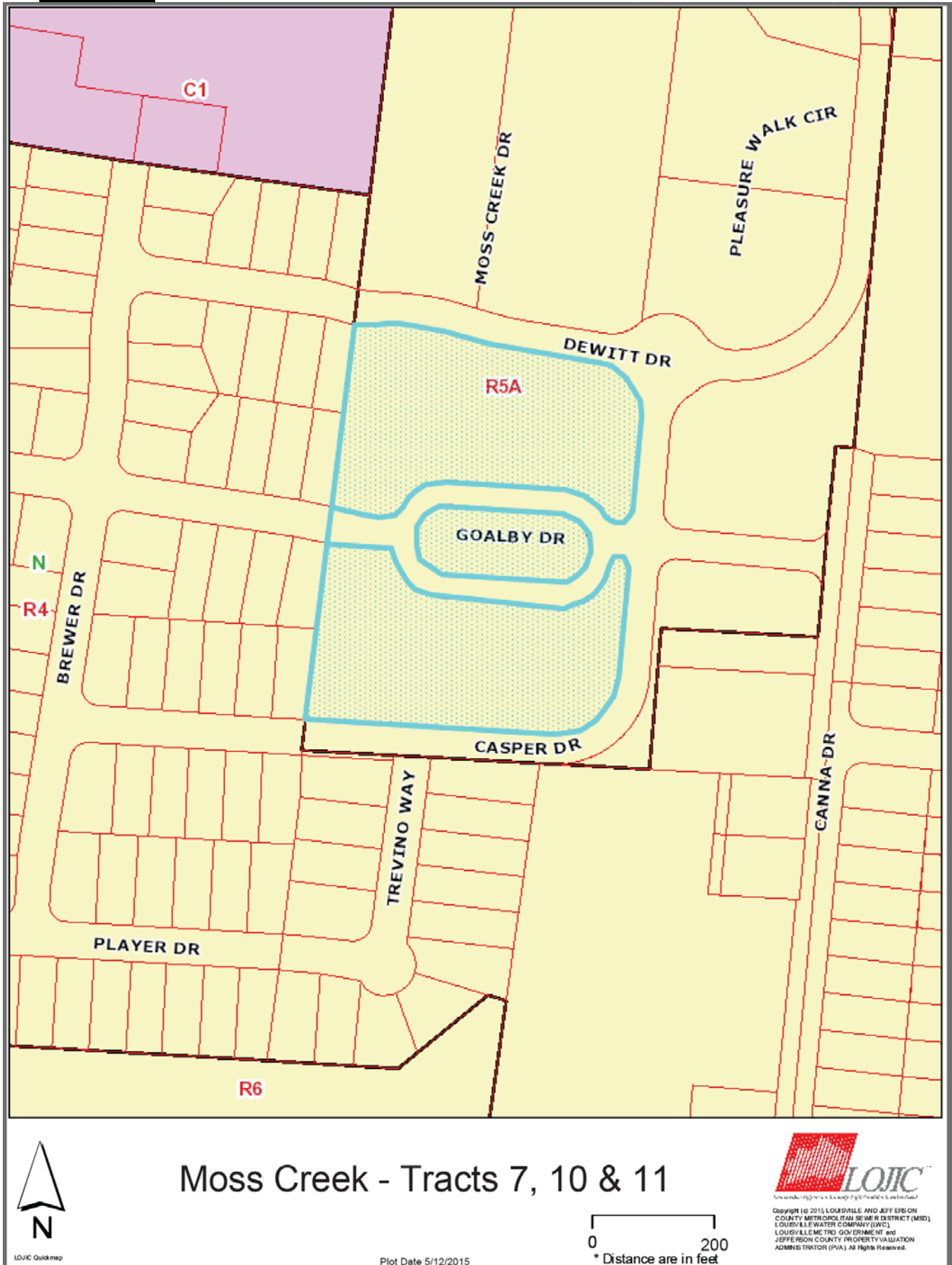
NOTIFICATION

Date	Purpose of Notice	Recipients
5/6/2015	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial



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 6.2 dwelling units per acre (172 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 public hearing. All condominium structures shall be principally faced on all four sides with brick but may also feature accent treatments, gable details, cornices and so forth of other possible building materials such as vinyl.

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 Changes to Existing Binding Elements**
2. The density of the development shall not exceed ~~6.2~~ **7.0** dwelling units per acre (~~172~~ **195** 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. ~~All condominium structures shall be principally faced on all four sides with brick but may also feature accent treatments, gable details, cornices and so forth of other possible building materials such as vinyl.~~