

**Development Review Committee
Staff Report
August 5, 2015**



Case No:	15DEVPLAN1064
Request:	Revised Detailed District Development Plan and Binding Elements for multi-family residential
Project Name:	Jefferson Park Apartments
Location:	5161 & 5191 Jefferson Blvd.
Owner:	Jefferson Boulevard Office Condominiums, LLC
Applicant:	Mindel, Scott & Associates, Inc.
Representative:	Mindel, Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	David B. Wagner – Planner II

REQUEST

- Revised Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is a vacant parcel of 2.91 acres. It lies at the northeast corner of Jefferson Boulevard and Fern Valley Road and shares an access to Jefferson Boulevard with the adjoining office development to the north. Blue Spring Ditch is located along the south side of the lot just north of Fern Valley Road.

The applicant proposes to build a two and three story apartment building containing 40 dwelling units. There are also four proposed garage buildings with 20 parking spaces. Three of the garages will back up to the single family residences to the east with the remaining garage attached to the two story apartment building. The required open space will be provided at the southeast corner of the site and will include benches and a mulch path leading to the sidewalk along Fern Valley Road and pass by the existing compensation basin just north of Blue Spring Ditch. The previous approval planned for two office buildings to be built on this site instead of the currently proposed apartments.

Existing Zoning District: OR-1, Office/Residential
Proposed Zoning District: N/A
Form District: Neighborhood
Existing Use: Vacant
Proposed Use: Multi-Family Residential
Minimum Parking Spaces Required: 60
Maximum Parking Spaces Allowed: 120
Parking Spaces Proposed: 84

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	OR-1	N
Proposed	Multi-Family Residential	OR-1	N
<i>Surrounding Properties</i>			
North	Office	OR-1	N
South	Multi-Family Residential	R-6	SW
East	Single Family Residential	R-4	N
West	Vacant	CN	N

PREVIOUS CASES ON SITE

- 9-2-06: Rezoning from R-4 to OR-1 for an office development, General District Development Plan, Detailed District Development Plan, Binding Elements, Waiver, and Variances
- 15ZONE1011: Rezoning from OR-1 to C-2 with a CUP for a mini-warehouse development was never formally filed

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

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: The development will preserve the Blue Spring Ditch that runs along the southern side of the 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. Sidewalks and vehicular access have been provided along all street frontages. Cross connectivity and shared parking have been established through a recorded legal instrument.

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

STAFF: Appropriate open space has been provided for this development as required by LDC regulations. The required open space will be provided at the southeast corner of the site and will include benches and a mulch path leading to the sidewalk along Fern Valley Road and pass by the existing compensation basin just north of Blue Spring Ditch.

- 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 help 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. The site design is compatible with the existing office park development to the north. It is a less intense use than what was previously approved.

- 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. The site is located south of an office building and has residential uses on all other adjacent boundaries. It lies at the intersection of a major and minor arterial level roadway and provides the required LBA, screening, and plantings for the adjoining single family residences to the east. There is a growing Suburban Workplace Form District across Fern Valley Road and this residential development will help to locate future employees to be close to their places of work.

TECHNICAL REVIEW

- The proposal complies with the requirements of the LDC.
- MSD and Transportation Review have given preliminary approval for the plan.

STAFF CONCLUSIONS

Revised Detailed District Development Plan and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed RDDDP and Binding Elements are justified.

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 for granting an RDDDP and Binding Elements established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the Revised Detailed District Development Plan and Binding Elements listed in the staff report.

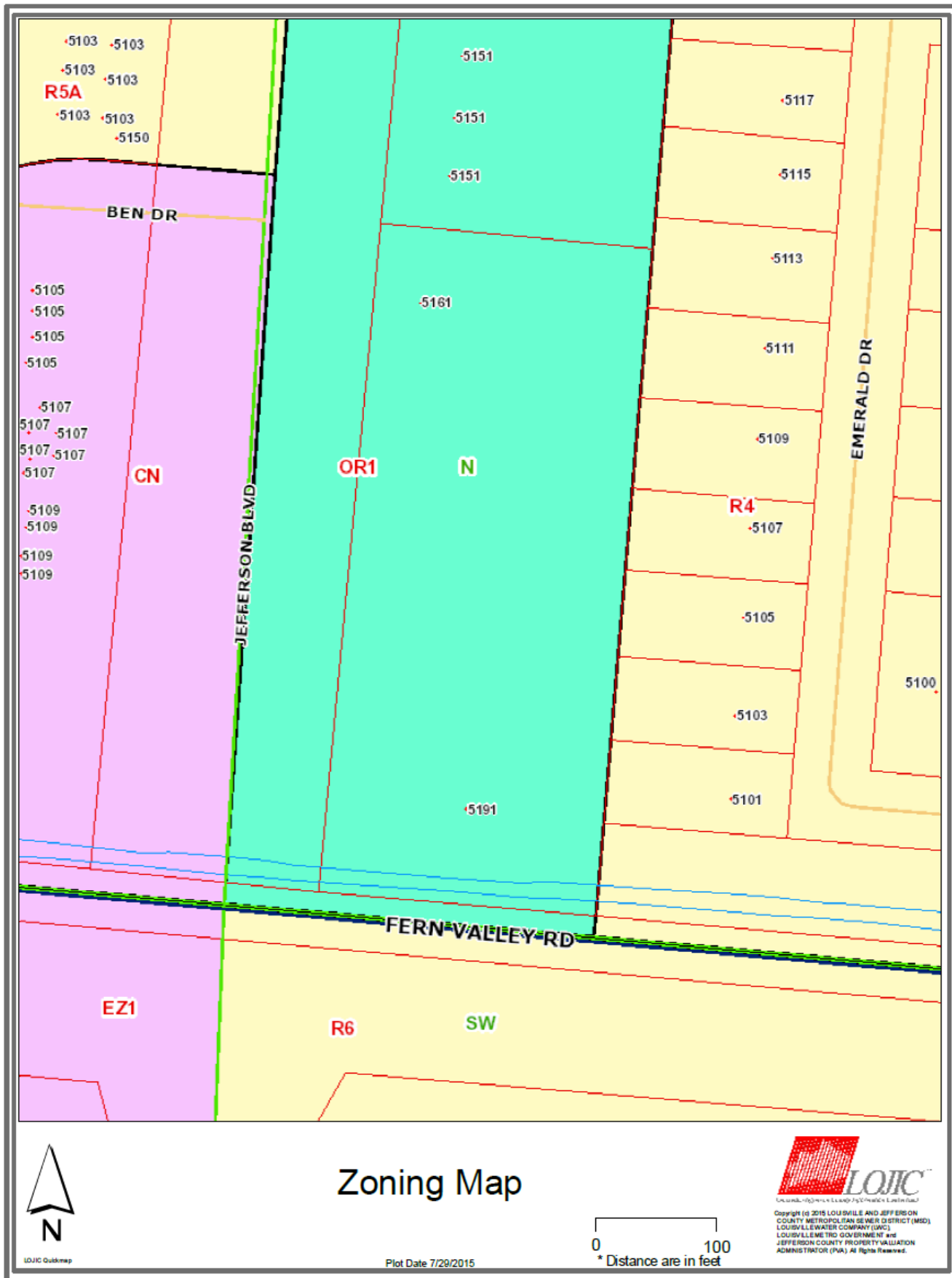
NOTIFICATION

Date	Purpose of Notice	Recipients
7/24/15	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 2 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map





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 total square footage of the overall Jefferson Boulevard Office Condominium project is: 80,472 square feet; with Lot 1 containing 23,400 sf of office, Lot 2 containing 16,836 sf of office; Lot 3 containing 16,836 sf of office, and Lot 4 containing 23,400 sf of office space.
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. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit **(NOTE: to be used for sites within an historic preservation district)**) 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.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property/lot owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
7. 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.
8. 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.
9. 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.

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering(s) as presented at the March 16, 2006 Planning Commission meeting.
12. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
13. 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. Lighting shall be maintained on the property in accordance with Chapter 4 of the land development code.
14. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
15. Landscaped areas shall be irrigated.
16. An area through the parking lot will be constructed as an extension of sidewalks connecting buildings from one side of the site to the other. Such parking lot walking areas shall be constructed of stamped concrete or pavers.

4. Proposed 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. Signs shall be in accordance with Chapter 8.
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 Develop Louisville and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

- 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.
- 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering(s) as presented at the August 5, 2015 DRC meeting.
- 8. Landscaped areas shall be irrigated.