

Development Review Committee

Staff Report

June 1, 2016



Case No:	16MOD1001
Project Name:	Glenmary Springs
Location:	10601 Glenmary Springs Drive
Owners:	GSD 2010 LLC (CUB)
Applicant:	James D. Long
Representative:	James D. Long
Zoning/Form District:	PRD/Neighborhood
Jurisdiction:	Louisville Metro
Council District:	22-Robin Engel
Case Manager:	Laura Mattinly, Planner I

REQUEST

- Amendment to Binding Element

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is plan certain under Docket 9-66-04 which was approved by the Planning Commission on February 17, 2005.

The applicant requests omit the following binding element:

19. The developer will provide a pedestrian and bikeway connection to the north between Buildings 4 and 5.

The site has been subdivided for patio homes and all of the buildings have been built and sold. The applicant is requesting the removal of binding element #19 due to concerns from residents of both Glenmary Springs and the development to the north, Glenmary Woods, with which the pathway would connect.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Patio Homes	PRD	N
Proposed	Single Family Patio Homes	PRD	N
Surrounding Properties			
North	Single Family Residential	R-4	N
South	Single Family Residential	R-4	N
East	Single Family Residential	R-6	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

- 9-66-04: Planning Commission approved a zoning map amendment from R-4 to R-5A for a multi-family development.
- 13855: Planning Commission approved a change in zoning from R-5A to PRD (Planned Residential Development) for 52 proposed patio home units. A variance was also granted for encroachment into required front yards.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AN 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 site has common open space with tree canopy that has been preserved. The omission of this binding element would prevent some trees being taken down in the development to the north to build the pathway.

- 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 continue to be provided.

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

STAFF: Open space requirements have been met and the applicant has stated that the homeowners of both developments involved support the omission.

- 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 continue to 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. These homes were built to be compatible in design with the development to the north.

- 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 amendment 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 Amendment to Binding Elements.

REQUIRED ACTION

- APPROVE** or **DENY** the Amendment to Binding Elements.

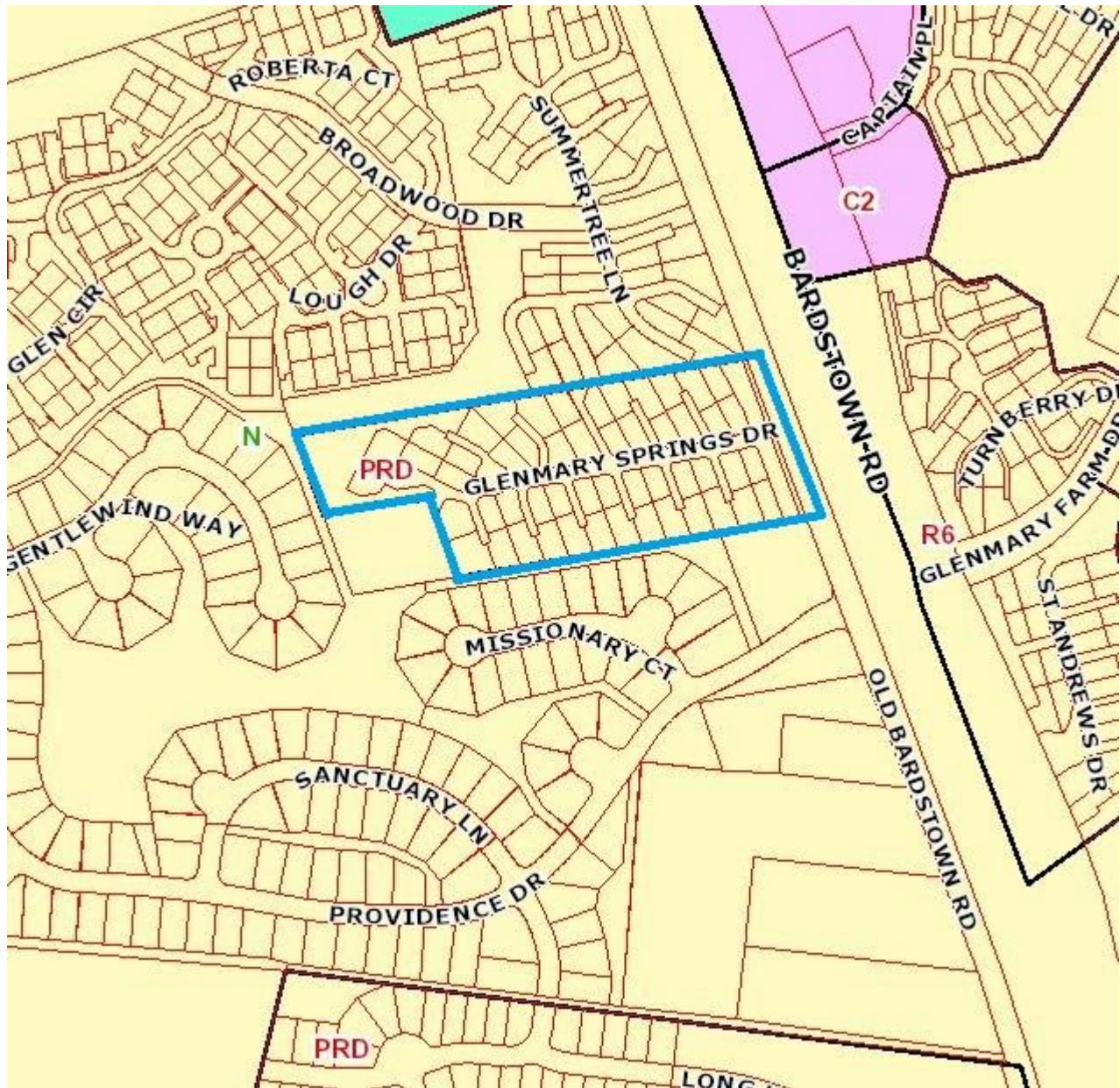
NOTIFICATION

Date	Purpose of Notice	Recipients
5/16/16	Hearing before DRC	Registered neighborhood groups for District 22
5/17/16	Hearing before DRC	1 st Tier adjoining property owners, others who provided testimony on past zoning cases.

ATTACHMENTS

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

1. Zoning Map



2. Aerial



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to patio homes. There shall be no other use of the property unless prior approval is obtained from LD&T or the Planning Commission. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
3. The density of the development shall not exceed 6.01 dwelling units per acre (52 units on 8.65 acres).
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. Outdoor lighting (for street and parking illumination and security) shall be residential style appropriate for patio home community and single family subdivisions. To the extent required by LDC, the applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
6. 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.
7. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
8. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Public Works, and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. A minor plat or legal instrument shall be recorded creating the boundary of the proposed development. A copy of the recorded instrument shall be submitted to the Division of Planning & Design Services.
 - d. 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.
10. If a certificate of occupancy (building permit) is not issued within 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.
 11. 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.
 12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
 14. 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.
 15. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
 16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2010 Planning Commission meeting.
 17. Multi-family development of the property shall be limited to development under a horizontal property regime.
 18. Trees on the internal roads shall be minimum 50-feet apart. The developers shall plant double the number of trees required by the Land Development Code Tree Canopy Standards (Chapter 10, Part 2). The number of trees to be planted will be determined based upon the amount of trees to be preserved.

19. The developer will provide a pedestrian and bikeway connection to the north between Buildings 4 and 5.
20. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
21. The approved landscaping plan shall provide for landscaping materials (3 Type A/B trees per 100 linear feet) within the 15' buffer area (as shown on the approved preliminary subdivision plan).
22. Covenants, Conditions and Restrictions ("CCRs") /a Declaration of Horizontal Property Regime shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision's Record Plat /Condominium Master Deed , for consistency with any binding elements that mandate inclusion in the CCRs /Master Deed, as well as the inclusion of the following requirements:
 - (a)** All road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA") /Condominium Association;
 - (b)** Any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA /Condo Association;
 - (c)** Any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and
 - (d)** Where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.

4. Proposed Changes to Binding Elements

- ~~19. The developer will provide a pedestrian and bikeway connection to the north between Buildings 4 and 5.~~