

Development Review Committee Staff Report

March 1, 2017



Case No:	15devplan1147
Request:	Revised Detailed District Development Plan with a waiver and amendments to the General Plan binding elements
Project Name:	Covington by the Lake
Location:	7321 Jefferson Blvd.
Owner:	Jefferson Fringe Land LP
Applicant:	Highgates
Representative:	Mindel Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	24-Madonna Flood
Case Manager:	Julia Williams, RLA, AICP, Planning

REQUEST

- Waiver from 10.2.4 to allow for over 50% overlap of an easement into an LBA along the northeastern perimeter as shown on the development plan.
- Amendments to the General Plan binding elements
- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for 264 dwelling units within 11 proposed buildings. 534 parking spaces are proposed around the site. An existing pond is located in the northeast corner of the property. Access to the site is from existing access easements from the adjacent properties as well as from Woodhill Lane.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-2	RC
Proposed	Multi-Family Residential	C-2	RC
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4	N
South	Commercial	C-2	RC
East	Single Family Residential	R-4	N
West	Commercial	C-2	RC

PREVIOUS CASES ON SITE

9-41-88, Change in zoning from R-4 to C-2 for a commercial center.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and Amendments to the General Plan 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 do not appear to be any environmental constraints or historic resources on the subject site being disturbed by the proposal. 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, 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: Open space requirements are being met on the site.

- 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 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.

- 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. Buildings and parking lots will meet all required setbacks.

- 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the landscape requirements will still be met on the site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The landscape requirements will still be met on the site.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the landscape requirements will still be met on the site.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant since the landscape requirements will still be met on the site.

TECHNICAL REVIEW

- Technical review comments have been addressed.

STAFF CONCLUSIONS

The proposal meets the requirements of the Land Development Code.

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 a Revised Detailed District Development Plan, Landscape Waiver, and Amendment to the General Plan binding elements established in the Land Development Code.

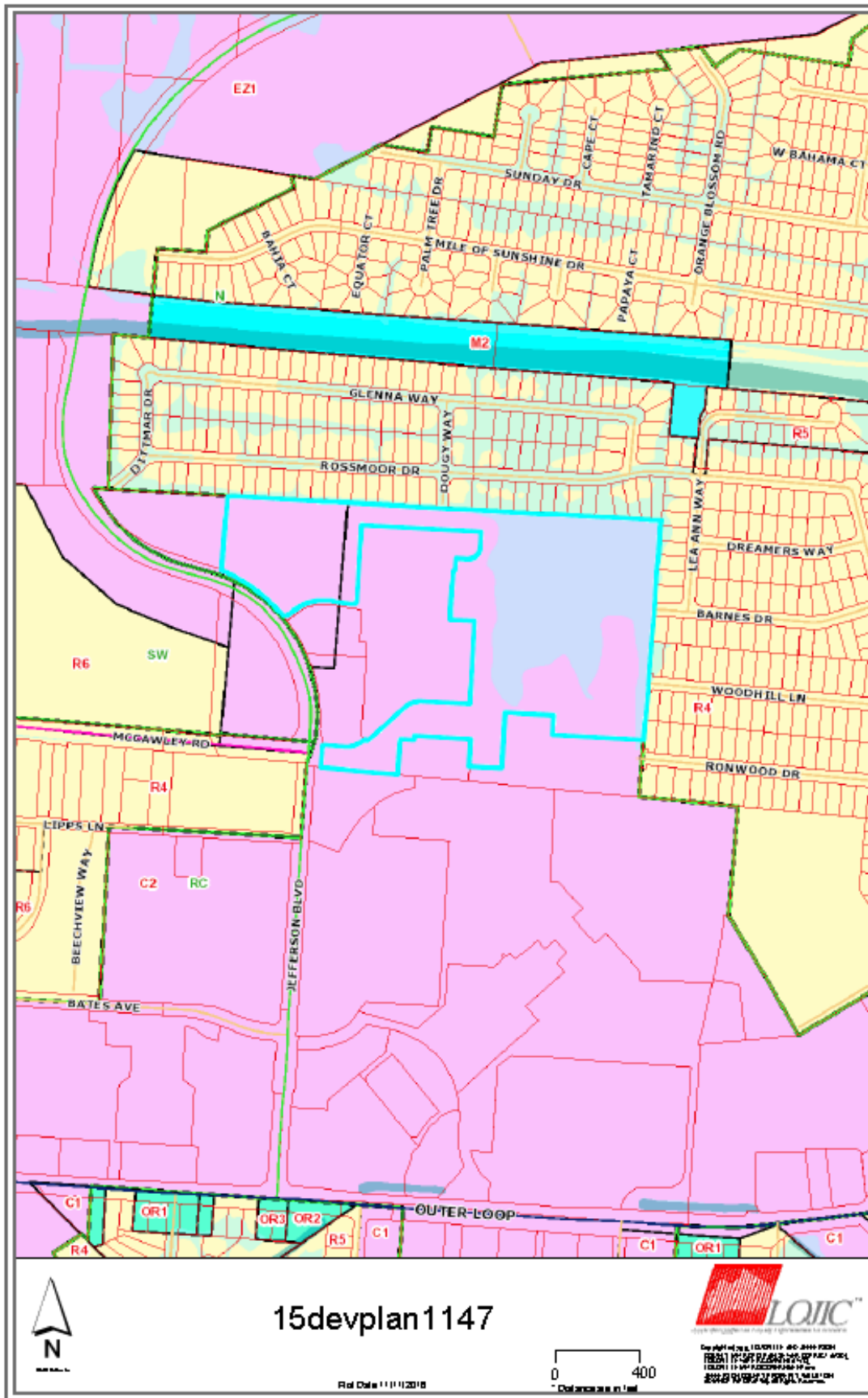
NOTIFICATION

Date	Purpose of Notice	Recipients
11/4/16	Hearing before DRC on 11/16/16	1 st and 2 nd tier adjoining property owners Subscribers of Council District 24 Notification of Development Proposals
2/16/17	Hearing before DRC on March 1, 2017	1 st and 2 nd tier adjoining property owners Subscribers of Council District 24 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements with proposed change
4. Proposed Binding Elements for Subject site only

1. **Zoning Map**



2. Aerial Photograph



3. Existing General Plan Binding Elements with proposed change

1. The development plan will be in accordance with the approved District Development Plan. No further development will occur until approved by the Planning Commission.
2. The expansion shall not exceed 435,090 square feet of gross leasable area.
3. Before a building permit is requested:
 - a) The Development Plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b) The property owner/developer shall obtain approval of the detailed plan for screening (buffering/ landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy maintained thereafter.
4. When funds are committed for the extension of Jefferson Boulevard to Fern Valley Road, the developer will dedicate and construct Jefferson Boulevard on its property. The location of the proposed 100' right-of-way will be immediately located and marked. It shall be reserved by the owner, free of structures or any obstruction, until needed for road construction.
5. There shall be no small freestanding (temporary) signs permitted on any lot within the development.
6. If a 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.
7. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land before the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
8. Storm drainage retention facilities shown on the District Development Plan shall be built during the initial phase of the mall expansion. Developer shall facilitate drainage with its project design and construction process and will meet all requirements of the MSD.
9. Ronwood Lane, ~~Woodhill Lane~~, Barnes Drive and Dougy Lane will not be connected to the development.
10. The developer will construct a 7-foot high continuous solid wood fence along the south property line of residences on Ronwood Lane that are adjacent to the existing Jefferson Mall. This fence will also be constructed along the property line of the mall extension site where it borders developed residential tracts.
11. Landscaping will be distributed uniformly throughout the proposed and existing Jefferson Mall development to create a uniform design as a substitute for the literal terms of Article 12.10 requiring a maximum 120 foot separation between interior landscaping.
12. Before the opening for business of retail space in the expanded development, the developer will modify the existing south central entrance (opposite Brown- field Square) to include a traffic signal, and to include interconnects and controller modifications for signals at the

intersections of Outer Loop and Jefferson Boulevard and Outer Loop and Judge Boulevard. Sharing of costs with other developers and governmental agencies will be as documented in the records of the County Director of Works and Transportation.

13. The developer will provide improvements for widening McCawley Road at Preston Highway after the appropriate governmental authority has provided the required right-of-way. The maximum construction cost to the developer for these improvements shall be \$50,000.00. The developer will fund the design of the improvement (which will be approved by the Jefferson County Department of Public Works and Transportation).
14. There may be some overlap in the number of parking spaces required in the case of a regional shopping mall. Therefore, the initial requirement of parking spaces shall be 1921. Land shall be reserved to add up to 798 parking spaces when needed by the Developer or when required by the Jefferson County Director of Works and Transportation.
15. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Elements for Subject site only

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. 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.
 - 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and

recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.

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 as presented at the March 1, 2017 Development Review Committee meeting.
8. Continuous access to and from Woodhill Drive into the site shall be permitted and unobstructed as long as the site is used residentially.