

# Development Review Committee

## Staff Report

October 2, 2019



<b>Case No:</b>	19-DDP-0040
<b>Project Name:</b>	Kenlie Place
<b>Location:</b>	4229 Taylorsville Rd
<b>Owner(s):</b>	Steve H. Scott, 4229 SMS, LLC
<b>Applicant:</b>	Steve H. Scott, 4229 SMS, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

### **REQUEST:**

#### **1. Revised Development Plan with Binding Element Amendments**

### **CASE SUMMARY/BACKGROUND**

The subject site is zoned PRD Planned Residential Development and OR-2 Office/Residential in the Neighborhood form district. It is located on the north side of Taylorsville Road equidistant between the intersections with Lowe Road and McMahan Boulevard. The subject site is surrounded on all sides by R-4 Residential Single Family parcels.

The subject site is currently developed with a single family residence, which the applicant is proposing to relocate and reuse as the office building portion of the development. The applicant is proposing to construct 28, 3 bedroom patio homes, plus the relocated 2,025 square foot two-story office building. The previously approved plan, 18ZONE1068, proposed a total of 34 buildable residential lots, one office building lot and two open space lots, whereas the current plan proposes 28 buildable residential lots, one office lot and two open space lots. The reduction in units is due to the increased unit size, from 2 bedroom to 3 bedroom patio homes.

A related case, 19-MVARIANCE-0002, to allow parking to encroach into the front and rear yards will be heard before the Board of Zoning Adjustment on November 4, 2019. The Development Review Committee does not act on this case.

Previous cases:

- 18ZONE1068: Change in zoning from R-4 Residential and OR-2 Office/Residential to PRD Planned Residential Development and OR-2 for 36 single family attached homes on 4.67 acres; a variance to allow for pavement and parking to encroach into the 15 foot front yard; a waiver to eliminate the 20 foot LBA and planting requirements where the OR-2 zoning is adjacent to the PRD zoning.

Since the OR-2 lot is not changing with the currently proposed plan, the waiver still applies.

Since the layout of other lots changed with the currently proposed plan, a modified variance is required for the lots where the layout has changed (specifically, lots 11-18 on the currently proposed plan).

TARC is recommending the addition of a binding element, which the applicant has agreed to, as follows:

- The Developer / Property Owner shall install a concrete boarding pad (5X10), with a 5' wide connector to a bench pad (3X12) and then notify TARC when the construction is complete. TARC will then install a standard bench. In addition, the Developer / Property Owner shall clean the stop as needed.

Staff is recommending the addition of the following binding element, referring to the treatment and activation of the open space lot on the east side of the development:

- The open space lot (Lot 31) shall be in accordance with the landscape exhibit titled "Conceptual Retention Basin Landscape Exhibit" as presented at the Development Review Committee meeting on 10/2/19.

### **STAFF FINDINGS**

The plan is adequately justified and meets the standard of review.

### **TECHNICAL REVIEW**

Public Works and MSD have provided preliminary approval.

### **INTERESTED PARTY COMMENTS**

Staff has no comments from interested parties regarding this case.

### **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 do 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 has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have 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 meets Land Development Code requirements for open space. Staff has requested and received a landscape exhibit showing the treatment and activation of the required open space (Lot 31), to which the proposed binding element refers.

- (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.

#### **REQUIRED ACTIONS:**

- **APPROVE or DENY the Revised Development Plan and Binding Element Amendments**

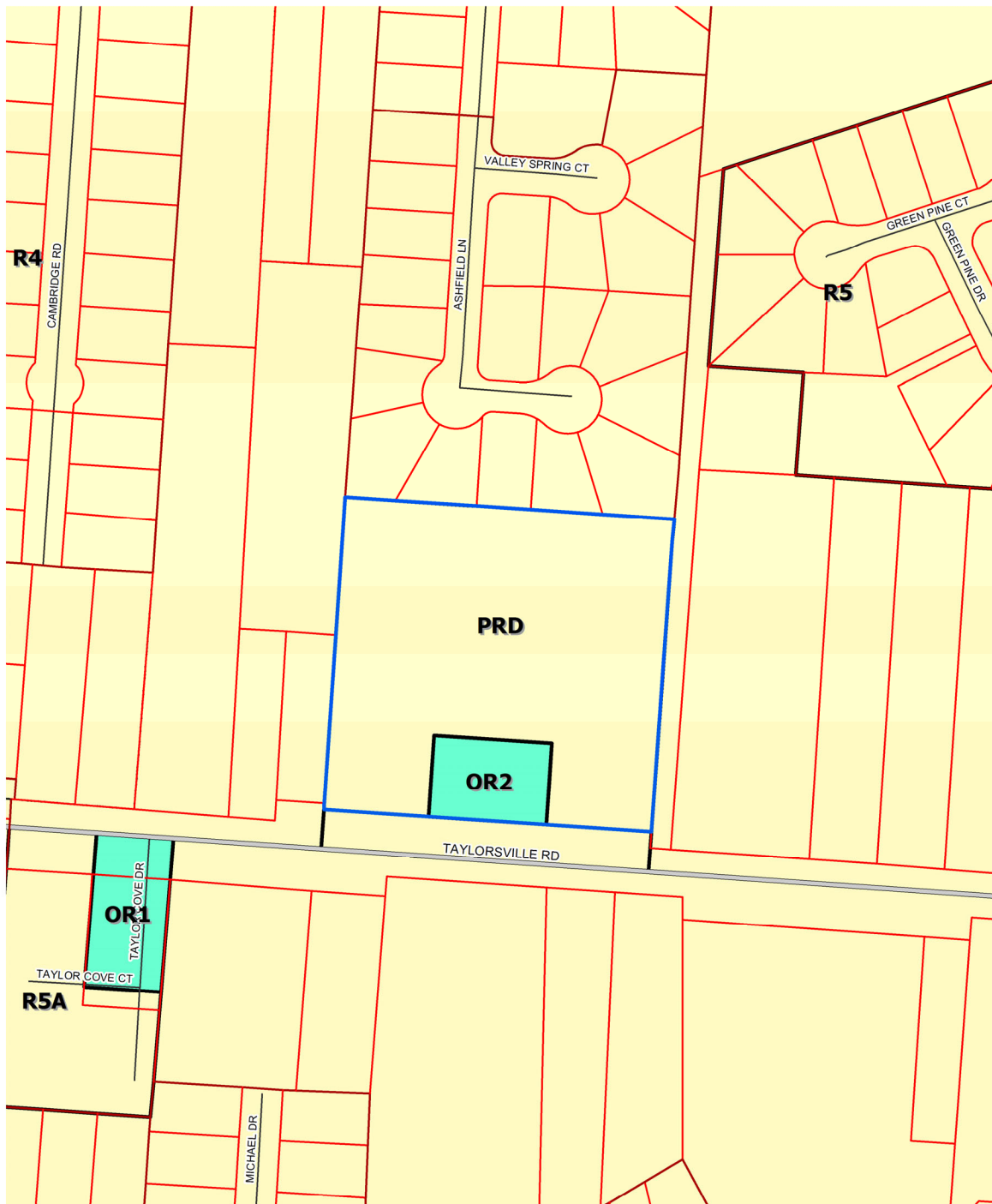
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10-2-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 18

#### **ATTACHMENTS**

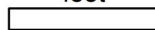
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**



4229 TAYLORSVILLE ROAD

feet



190

Map Created: 8/19/2019



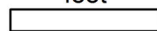
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LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



4229 TAYLORSVILLE ROAD

feet



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Map Created: 8/19/2019



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### **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 development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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 major 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 blanket crossover/shared access easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded in the deed restrictions for the site or recorded prior to certificate of occupancy.
  - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. 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.

~~8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 10, 2019 Planning Commission meeting.~~

9. The existing house on Lot 35 shall not be demolished. Future exterior renovations of the existing residence shall be reviewed in consultation with the staff of the Metro Landmark Commission.

10. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities – preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."

11. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.

12. 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.

13. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.

14. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

15. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

1. Articles of Incorporation in a form approved by the Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
3. Bylaws of the Homeowners Association in a form approved by Counsel for the Planning Commission.

16. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

#### **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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
- b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
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- d. A major 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 blanket crossover/shared access easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded in the deed restrictions for the site or recorded prior to certificate of occupancy.
- f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
- g. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

6. 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.

7. 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.

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