

Development Review Committee

Staff Report

August 4th, 2021



Case No:	21-DDP-0036
Project Name:	Lower Hunters Trace Apartments
Location:	4610 & 4614 Kerrick Lane, 4704 & 4706 Goepper Road, 5416 Distler Lane.
Owner(s):	Ronald and Nancy Thomas
Applicant:	John Campbell – Heritage Engineering, LLC. Clifford Ashburner – Dinsmore & Shohl, LLP.
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Revised Detailed District Development plan with proposed binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a multi-family complex comprised of seven 3-story buildings that will house a total of 168 units. The site is zoned C-2 Commercial in the Neighborhood Form District with a small portion to the north that is zoned R-4 single family. The proposed complex has the same density as R-7 multi-family zoning. The applicant is proposing 36,760 SF of open space which will include a clubhouse, a pool, and a courtyard.

- **09-31-82:** A rezoning from R-4 to C-2 for two softball fields.
- **1-13-82:** A street closure to close a portion of Distler Lane. This street closure was associated with the rezoning to prevent patrons on the softball fields to access Distler Lane.

STAFF FINDING

Staff finds that the proposal meets the Standard of Review.

TECHNICAL REVIEW

All agency comments have been addressed.

If Distler Lane is dedicated to be public ROW, then sidewalks will need to be shown on the approved development plan for the site frontage along Distler Lane.

Staff Proposes the following binding element:

A major subdivision plat dedicating Distler Lane as public right of way as shown on the development plan shall be recorded prior to the issuance of any Certificate of Occupancy.

INTERESTED PARTY COMMENTS

Staff has received several interested party comments regarding environmental concerns, vehicular connection, traffic and landscaping buffers.

Grant funding through the Office of Advance Planning has been offered for Environmental Testing Phase II.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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 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 applicant is providing 36,442 SF of recreational open space that will include an outdoor pool, clubhouse and courtyard with a walking path. The square footage of recreational open space being provided is 3,318 more than what is required,

- 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.

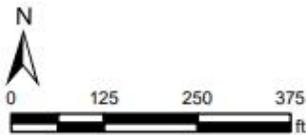
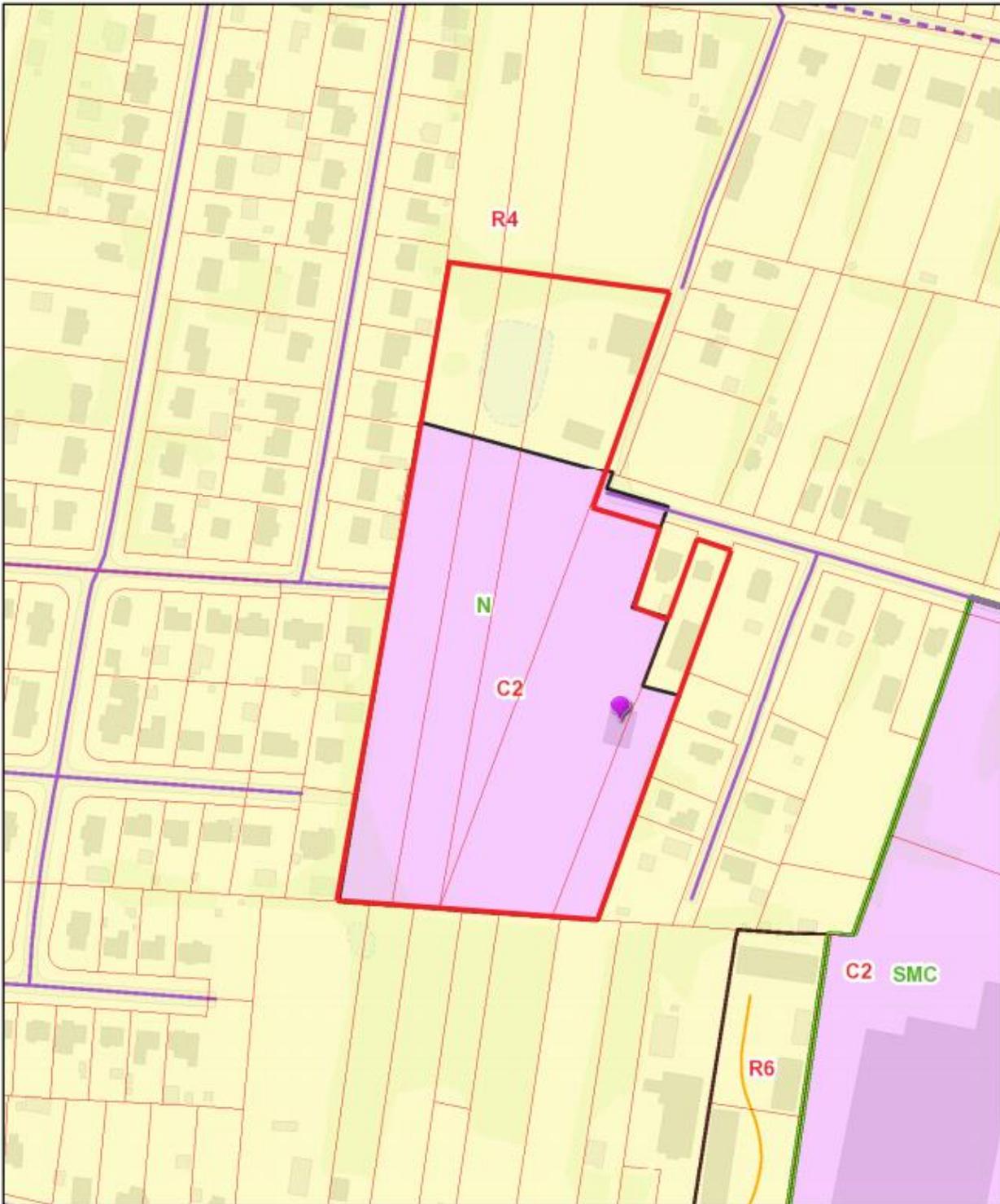
NOTIFICATION

Date	Purpose of Notice	Recipients
7-23-21	Hearing before 8/4/21	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 12

ATTACHMENTS

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

1. Zoning Map



Monday, July 26, 2021 | 11:44:39 AM



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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



0 125 250 375
ft

Monday, July 26, 2021 | 11:46:44 AM



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3. Existing Binding Elements

- ~~1. The development will be constructed in accordance with the approved district development plan. No further development will occur unless a district development plan is approved by the Planning Commission.~~
- ~~2. There will be no vehicular access to Distler Road or to Goeppers Road.~~
- ~~3. Before a Certificate of Occupancy is issued:
 - ~~a. The development plan must be reapproved by the Transportation Engineering, Water Management, and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.~~
 - ~~b. The size and location of any development identification sign must be approved by the Planning Commission.~~
 - ~~c. The developer must obtain approval of a plan for screening (buffering and landscaping) along the east property line. A six foot solid wooden fence will be erected as shown on the approved district development plan. The fence shall be continuous around the outfields of both ball diamonds. A gate may be installed for maintenance purposes.~~~~
- ~~4. The screening plan shall be implemented and maintained by the property owner.~~
- ~~5. No building permits shall be issued more than 1 year from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.~~
- ~~6. A Certificate of Occupancy must be received from the appropriate Code Enforcement Office prior to occupancy of the structure or land for the proposed use.~~
- ~~7. No public address system shall be installed or used on this site.~~
- ~~8. The portion of the property owner by Mr. Sydney Gagel and which is a part of this request shall be limited in use to off-street parking.~~
- ~~9. No games shall commence after 10:30 P.M.~~
- ~~10. The above binding elements may be amended as provided in the Zoning District Regulations.~~

5. 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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown etc) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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 is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 18th, 2021 DRC meeting. A copy of the approved rendering is 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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. As part of the approved Alternative Plan for Connectivity on the subject property, the owner/developer shall install an emergency gate along the connection to Goepper Road. The owner/developer shall construct and maintain such gate and comply with safety requirements for gated connections as determined by Louisville Metro Public Works and the relevant emergency authorities (police, fire, and EMS). Such approval shall be submitted into the record to Planning and Design Services.