

Development Review Committee Staff Report

November 17th, 2021



Case No:	21-DDP-0002
Project Name:	Swiss Village Proposed Garage
Location:	719 Lynn Street
Owner:	Swiss Village, LLC
Applicant:	John Campbell, Heritage Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Molly Clark, Planner I

REQUESTS

- Revised Detailed District Development Plan with Amendment to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to change a covered parking area into a 7 car garage that will be encroaching into the required rear yard setback. The site is zoned R-6 within the Traditional Neighborhood Form District. The proposed garage will not be located within the sight triangle for the existing alley and Lynn Street. The related rear yard variance under case number 20-VARIANCE-0173 is docketed for November 15th, 2021 Board of Zoning Adjustment meeting. This case is also related to a rezoning from R-5 to R-6 under case number 19ZONE1015.

STAFF FINDING

The Revised Detailed District Development Plan and waiver requests are adequately justified and meet the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval. There are no outstanding technical issues associated with this review.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

RELATED CASES

20-VARIANCE-0173 – A Variance to allow a proposed garage to encroach into the required rear yard setback.
19ZONE1015 – Change in Zoning from R-5 to R-6 for a multi-family development, a Major Subdivision and a variance for reduce the 15 ft setback along Lynn Street to 10 Ft (5 Ft Variance).

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- 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: There are no changes to the open space from when it was originally approved in 19ZONE1015.

- (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.

- (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 ACTION:

APPROVE or **DENY** the **REVISED DETAILED DISTRICT DEVELOPMENT PLAN** with **AMENDMENT TO BINDING ELEMENTS**.

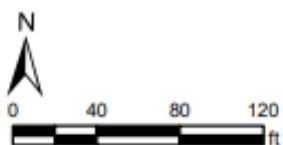
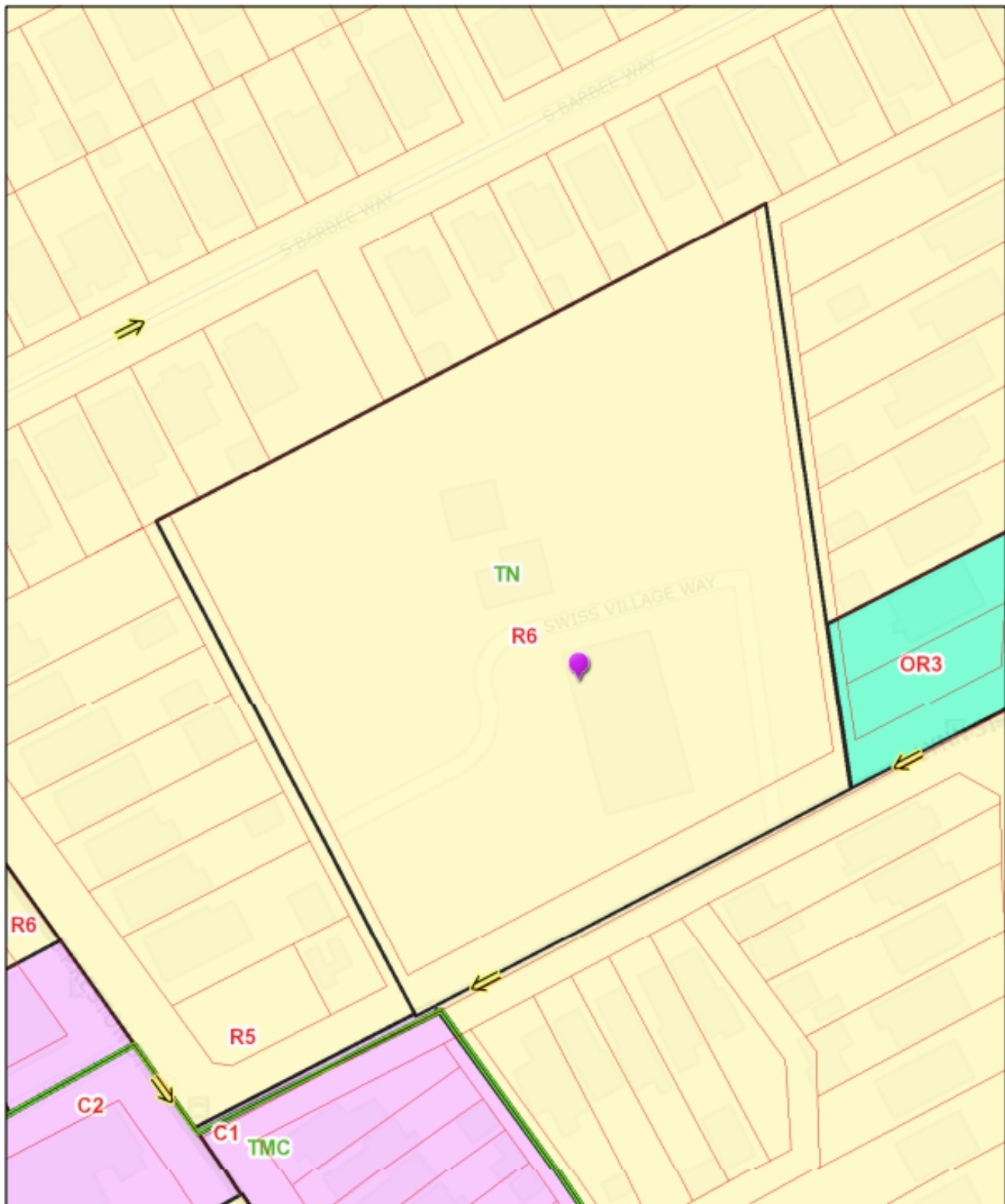
NOTIFICATION

Date	Purpose of Notice	Recipients
November 1st, 2021	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District #15

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements 19ZONE1015
4. Proposed Binding Elements
5. Condition of Approval

1. **Zoning Map**



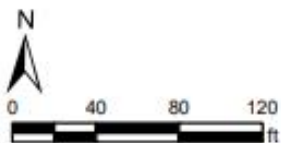
Thursday, November 4, 2021 | 7:39:20 PM



LOJIC © 2021

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

2. Aerial Photograph



Thursday, November 4, 2021 | 7:41:31 PM



LOJIC © 2021

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

3. Existing Binding Elements (19ZONE1015)

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agree 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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property lines. 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.
3. 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. 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 certificates of occupancy.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6th 2019 Planning Commission hearing. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
4. 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.
5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in the 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.

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 agree 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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property lines. 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.

3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - g. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - h. Encroachment Permits must be obtained from the Kentucky Transportation Cabinet.
 - i. 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.
 - j. 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 certificates of occupancy.
 - k. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - l. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 6th 2019 Planning Commission hearing. *The design of the proposed garage shall be substantially the same as depicted in the rendering as presented at the November 17th, 2021 Development Review Committee 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. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors, and other parties engaged in the 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.

5. **Condition(s) of Approval**

ON CONDITION that the rear yard **VARIANCE** under case number 20-VARIANCE-0173 is **APPROVED** at the November 15th, 2021 Board of Zoning Adjustment meeting.