

KY. 22

## Condos OK'd near county line

The Oldham County Planning and Zoning Commission approved a revised plan last week for a subdivision along the Oldham/Jefferson county line.

The commission voted unanimously to approve 49 condominiums in the development, known as Summit Creek. The com-

mission had previously approved 74 condos there. Fewer than 20 condos are also planned on adjacent property in Jefferson County.

Under the revised plan, Summit Creek will have more open space, a gazebo and a walking trail. It will be built on Ballardsville Road, not far from The

Summit shopping center in Louisville.

The plan as of last week still needed to be approved by staff in the Louisville Metro planning department, according to Oldham officials.

There were no requests for waivers or variances.

— Andrea Uhde



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NEIGHBORHOODS | courier-journal.com/post

HAUNZ LANE

## Work soon to begin on new condo complex

By Andrea Uhde  
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The Courier-Journal

Across the nation and in the Louisville area, condominiums are popular among young homeowners as well as empty-nesters.

In Oldham County, builders soon will begin work on a 74-unit condominium complex called Summit Creek.

The development will be off Haunz Lane, near the Jefferson County line. It also will be close to the city of Orchard Grass Hills, where a number of new homes have been built.

Fiscal Court approved a rezoning for the 16-acre development last week after a public hearing. No residents spoke against the plan.

The developer, French & Conder Classic Homes, also wants to build 20 condominiums on adjacent property in Jefferson County. The Louisville Metro Planning Commission recommended approval of that 5-acre plan this summer; the Metro Council is scheduled to consider the plans tomorrow, said Bill Bardenwerper, attorney for the



developer. In the past two years, multi-family units have become more popular in Oldham County. Last year, 366 units were approved, compared to 48 in 2004.

The Orchard Grass Hills area in particular is getting more multi-family units. Last year, the Oldham planning commission approved preliminary plans for a 142-unit condominium development with buildings up to four stories tall in the city of Orchard Grass Hills.

The commission recommended the zoning change

for Summit Creek in July after the developer made a number of promises.

The developer will plant 400 trees, plus two trees for every tree moved during construction. Also, it will give the county \$7,500 toward future improvements to Haunz Lane.

The roads also have been revised so that school buses and fire trucks can travel the development without having to back out.

There will be a small club house with benches and walking trails outside.

"It's a community gathering area," said David Minde of the engineering firm Minde, Scott & Associates.

He said traffic will not be greatly affected, and the peak driving hour in the morning will have 51 vehicles coming and going from the development.

"We do think this is a good project for this area," Bill Bardenwerper said. "It's large for empty-nesters, people in their 50s, 60s and so on. It is popular style of housing."

Reporter Andrea Uhde can be reached at (502) 582-4643.

BALLARDSVILLE ROAD

# Double trouble

## Condos on county line face additional red tape

By Bill Pike  
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The Courier-Journal

A proposal for 94 condominiums that straddle the Jefferson-Oldham County line has been waiting nearly six months for planning officials in both counties to decide whether to endorse it.

The project could wait another two months or longer for those endorsements — and longer yet for final approval.

Dealing with planning officials in two counties has added to the red tape that developers Jim French and Mike Conder face. It's unusual, but not unheard of, for a project to be in two counties or two cities, meaning the developers must deal with two sets of officials, said Bill Bardenwerper, the developers' lawyer.

French & Conder Classic Homes wants zoning changes on 21 acres at 11601 Ballardsville Road for the project, to be called Summit Creek. The proposal would have patio-house-style condos with three bedrooms and two bathrooms each. Prices likely would be from the low to mid-\$200,000s.

French and Conder hope to begin construction this year, but that would depend first on decisions by the Oldham County Planning and Zoning Commission and the Louisville Metro Planning Commission.

The Oldham commission



### WHAT'S NEXT

**What:** Metro Louisville and Oldham County have scheduled hearings on the proposed Summit Creek condominiums, 11601 Ballardsville Road.

**Jefferson:** Louisville Metro Planning Commission, 1 p.m. Aug. 2, Old Ball, 514 W. Liberty St.

**Oldham:** Oldham County Planning & Zoning Commission, 9 a.m. July 24, Fiscal Court building, 100 W. Main St., La Grange.

will decide whether to recommend a zoning change from low-density residential to high-density residential on the Oldham portion of Summit Creek. The Louisville commission will decide whether to endorse a zoning

change from single-family residential to multifamily on the Jefferson portion.

The Louisville commission wants Oldham to act first because 16 acres of the site are in Oldham County, while only 5 are in Jefferson.

Hearings that the Oldham commission scheduled in February and April were postponed for various reasons. During a hearing last month, the commission raised questions about the project's effect on drainage and traffic and told the developers to return to a hearing next month with information addressing those concerns.

In particular, Oldham officials wanted to know accident statistics for the Ballardsville Road-Haunz intersection, which would be just south of Summit Creek.

Waiting for Oldham officials to act first, the Jefferson commission postponed two hearings in May on Summit Creek and scheduled a hearing in August, shortly after the Oldham hearing.

After the hearings, the commissions will make recommendations to the legislative bodies with final say — Oldham Fiscal Court and the Louisville Metro Council. Their decisions might not come until fall.

Reporter Bill Pike can be reached at (502) 582-4343.



**RESOLVED**, That the Louisville Metro Planning Commission does hereby **APPROVE** the Detailed District Development Plan for Docket No. 9-68-06, subject to the following binding elements:

**Proposed Binding Elements**

1. The development shall be in accordance with the approved District Development and Preliminary Subdivision Plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. 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 applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  4. Location of construction fencing for each tree/tree mass designated to be preserved.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
  - b. 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.
  - 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. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning & Design Services.
4. 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."
5. 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.

6. 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.
7. All plans setting out Tree Canopy Protection Areas (TCPAs) must contain the following notes:
  - a. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
  - b. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  - c. Tree protection fencing shall be erected around all TCPAs prior to site disturbance to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed, the fence shall be relocated to protect all remaining trees within that TCPA.
  - d. No parking, material storage, or construction activities are permitted within the TCPAs beyond that allowed for preliminary site investigation work.
  - e. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.
8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  - a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
  - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas, open space, TCPAs, WPAs.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. 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