

# Development Review Committee

## Staff Report

January 18, 2023



<b>Case No:</b>	22-DDP-0130
<b>Project Name:</b>	Hampton Inn
<b>Location:</b>	400 Bullitt Lane
<b>Owner(s):</b>	RB Properties IV, LLC
<b>Applicant:</b>	Musselman Hotels, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	7 – Paula McCraney
<b>Case Manager:</b>	John Michael Lawler, Planner I

### REQUEST(S)

- Waiver from 10.2.4 to allow utility easements to encroach more than 50% into the required landscape buffer area along the west property line (22-WAIVER-237).
- Revised Detailed District Development plan.

### CASE SUMMARY/BACKGROUND

The applicant is proposing the construction of a 65,914 sq. ft, 111 room Hampton Inn Hotel on 4.85 acres of vacant land. Access to the site is provided by two separate access points along Bullitt Lane. The northern part of the subject site is a grassy field that abuts another vacant lot, while the southern part of the site is predominantly covered with tree canopy that fronts along the right-of-way for the proposed Bunsen Pky. Watterson Expressway (I-264) frames the western property line. A Residence Inn is across Bullitt Lane from the subject site to the east. A 20' landscape buffer area required along the western property line 100% overlaps a 30' utility easement, for which a waiver was submitted. Previously, there was a change in zoning on the site from R-4 to C-2 under Docket # 17ZONE1048.

### STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code. Hotels are a permitted use in C-2 and fit the development pattern of the Campus form district. The proposal is compatible with the existing uses in the surrounding area.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

### INTERESTED PARTY COMMENTS

None received.

## 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 all buffering, screening, and plantings will still be provided along the easement.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners. The plan is in compliance with Plan 2040 because all buffering, screening, and plantings will still be provided along the easement.

- (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 all setbacks, buffering, screening, and plantings will still be provided along the easement.

- (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, as the applicant is still providing all setbacks, buffering, screening, and plantings required by the code.

**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 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 for the site will meet Land Development Code requirements.

- 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 ACTIONS:**

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Detailed District Development Plan**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan.

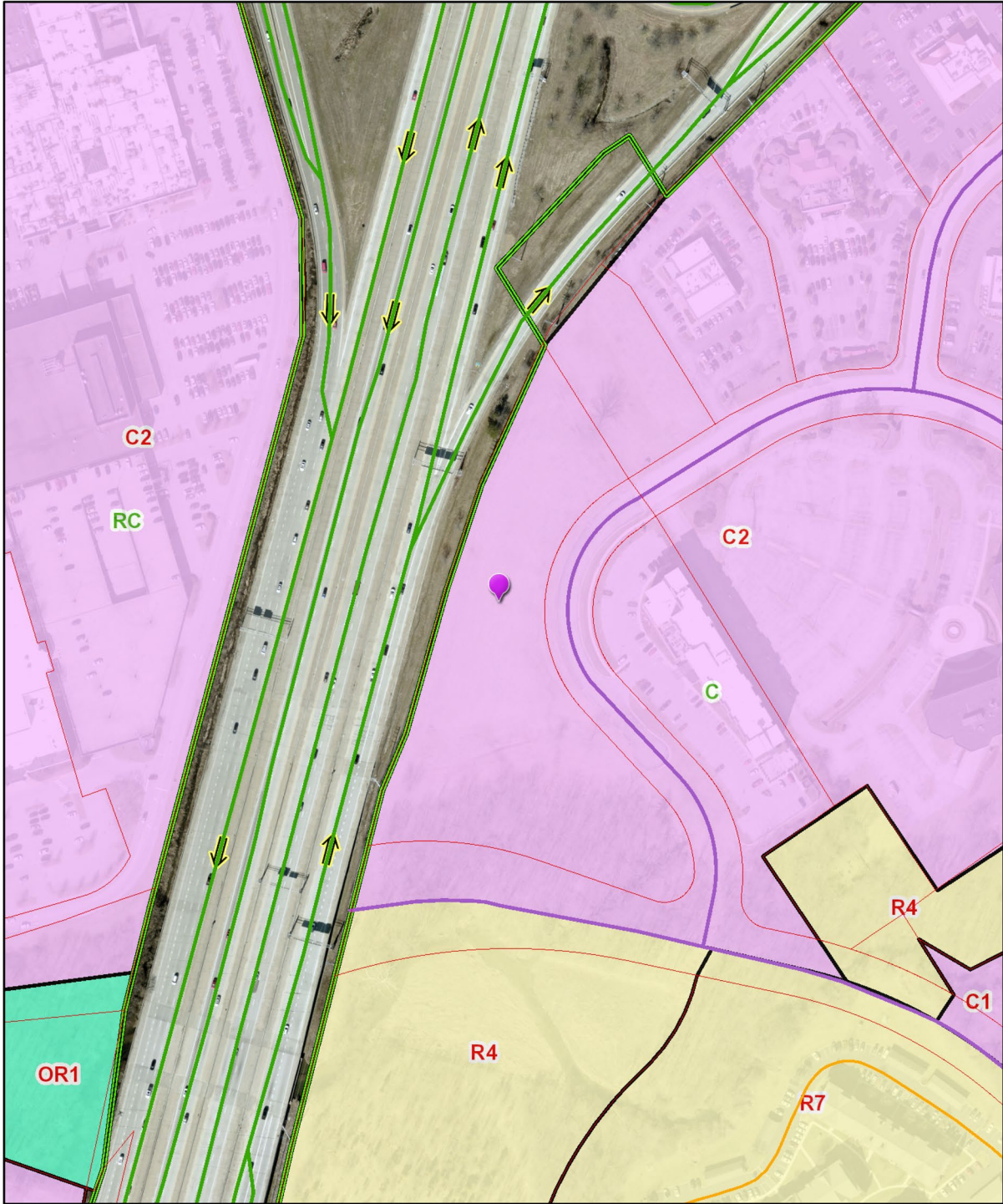
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>1/6/2023</b>	Hearing before DRC on 1/18/2023	1 <sup>st</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 7

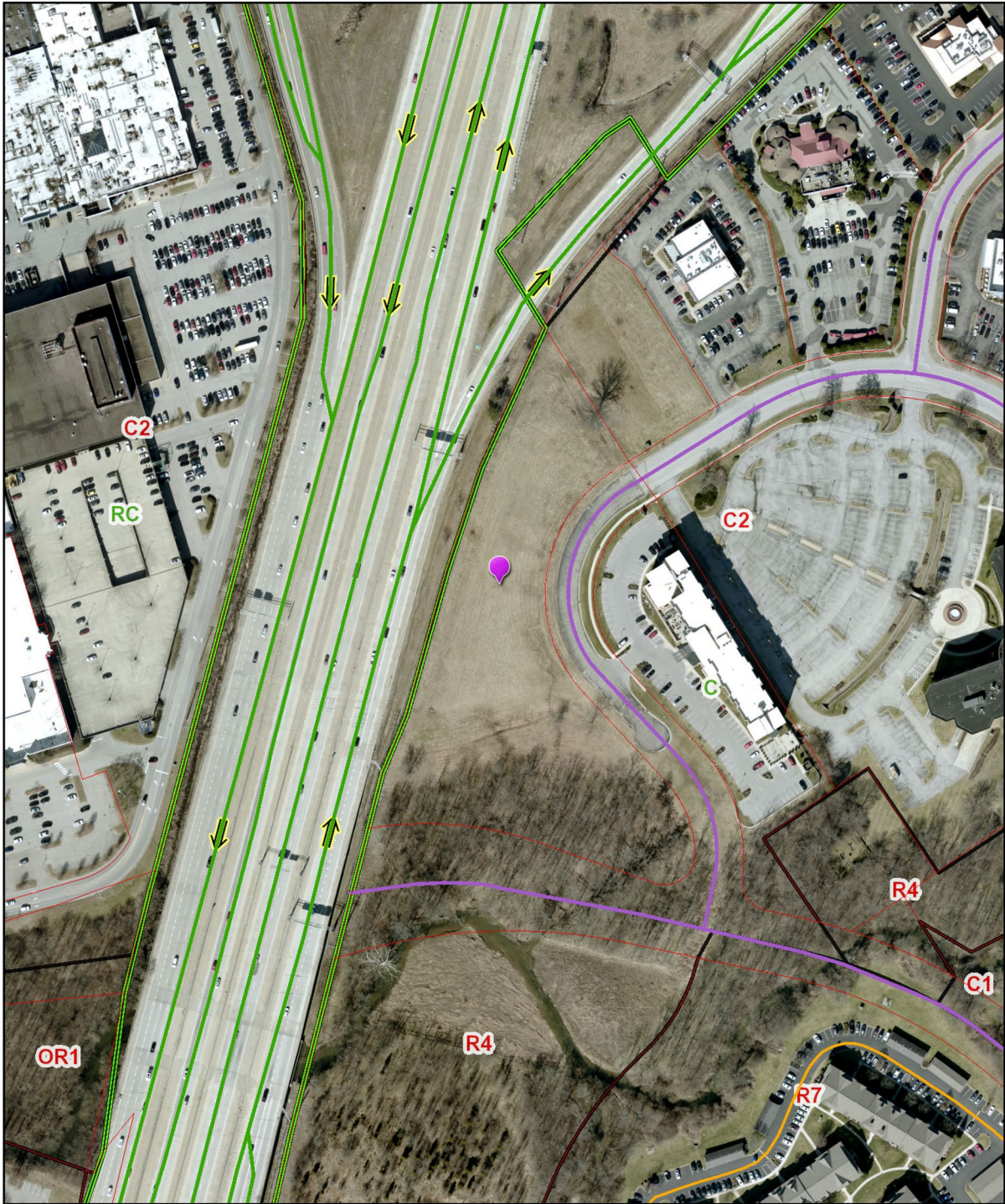
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements w/ Proposed Changes

1. Zoning Map



2. Aerial Photograph



### 3. Existing Binding Elements w/ Proposed Changes

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. Construction Fencing shall also be provided along the Limits of Disturbance as shown on the approved district development plan.
4. 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
  - 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. **The design and appearance of the proposed structures shall be substantially the same as depicted at the January 18, 2023 Development Review Committee meeting.**
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 shall work with Urban Design/Historic Preservation Staff and the Kentucky heritage Council to determine if a qualified professional archaeologist is to be hired to examine the project area and make recommendations regarding the need for any additional investigations prior to site/ground disturbance.
7. Construction of sidewalks along the property frontage up to Bunsen Pkwy shall be triggered at such time that Bullitt Lane is extended to Bunsen Pkwy. The owner shall construct the sidewalk

or pay a contribution in the amount equal to said construction as determined by the Director of Public Works.

8. The property owner is responsible for funding \$79,000 toward improvements to Bullitt Lane. The funding shall be provided to Metro Public Works when funding is approved for Bunsen Parkway within "The Park at Oxmoor", as recorded in Plat Book page 44, Page 5 in the office of the County Clerk's Office of Jefferson County. A signed contract/agreement, approved by the County Attorney's office, shall be provided to Metro Planning & Design Services and Metro Public Works.
- ~~9. The design and appearance of the proposed structures shall be substantially the same as depicted at the June 7, 2018 Planning Commission public hearing.~~