

Development Review Committee

Staff Report

October 6, 2021



Case No:	21-DDP-0073
Project Name:	4819 Poplar Level Road
Location:	4819 Poplar Level Road
Owner(s):	M&C Rentals
Applicant:	Weber Group
Representative(s):	Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Joel P. Dock, AICP, Planning Coordinator

REQUEST(S)

- **Waiver** of Land Development Code (LDC), section 10.2.4.A to waive the 35' Landscape Buffer Area, including screening and planting requirements along the northwestern boundary
- **Revised Detailed District Development Plan**

CASE SUMMARY

The proposed revised plan will consolidate multiple proposed contractor spaces into a single structure for a countertop contractor. All loading and storage will be secured at the rear of the proposed building. Parking and detention will occur in front of the building. The requested waiver will increase the encroachment previously granted into the LBA and reduce the buffer from 10' to 5'.

Associated Cases

21-MCUP-0004/21-MVARIANCE-0003: Modified conditional use permit and variance to be heard by the Board of Zoning Adjustment on October 18, 2021

17DEVLAN1102: Revised plan approved by staff 7/19/17

17ZONE1000: Zoning change from R-4 to CM with conditional use permit for contractors' yard, variance, and waiver for contractor shop

STAFF FINDING

The waiver and revised plan appear to be adequately justified based on staff's analysis contained in the standard of review.

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 as the adjacent land is vacant and located within the Suburban Marketplace Corridor which calls for commercial redevelopment along the corridor.

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

STAFF: The waiver will not violate specific policies of Plan 2040 as buffers are to be used to mitigate incompatible uses and the adjacent land is vacant and intended for commercial use.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant has appropriately requested the waiver and all required tree canopy will be provided.

- (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 regulation would deprive the applicant of the reasonable use of the land as the site is a narrow lot and the requested waiver allows for the applicant's proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN

- 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: The proposed development does not appear to impact natural resources and tree canopy preservation will be provided for an existing tree mass at the rear of the property.

- 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 both within the development and the community has been provided. Sidewalk connections and public sidewalks will be provisioned.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development will be provided through tree canopy.

- 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 provisions 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 prior approvals and future development of the corridor.

- 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 the comprehensive plan and land development code, except where relief has been appropriately requested and justified.

REQUIRED ACTIONS

- **APPROVE or DENY the Waiver** of Land Development Code (LDC), section 10.2.4.A to waive the 35' Landscape Buffer Area, including screening and planting requirements along the northwestern boundary
- **APPROVE or DENY the Revised Detailed District Development Plan**

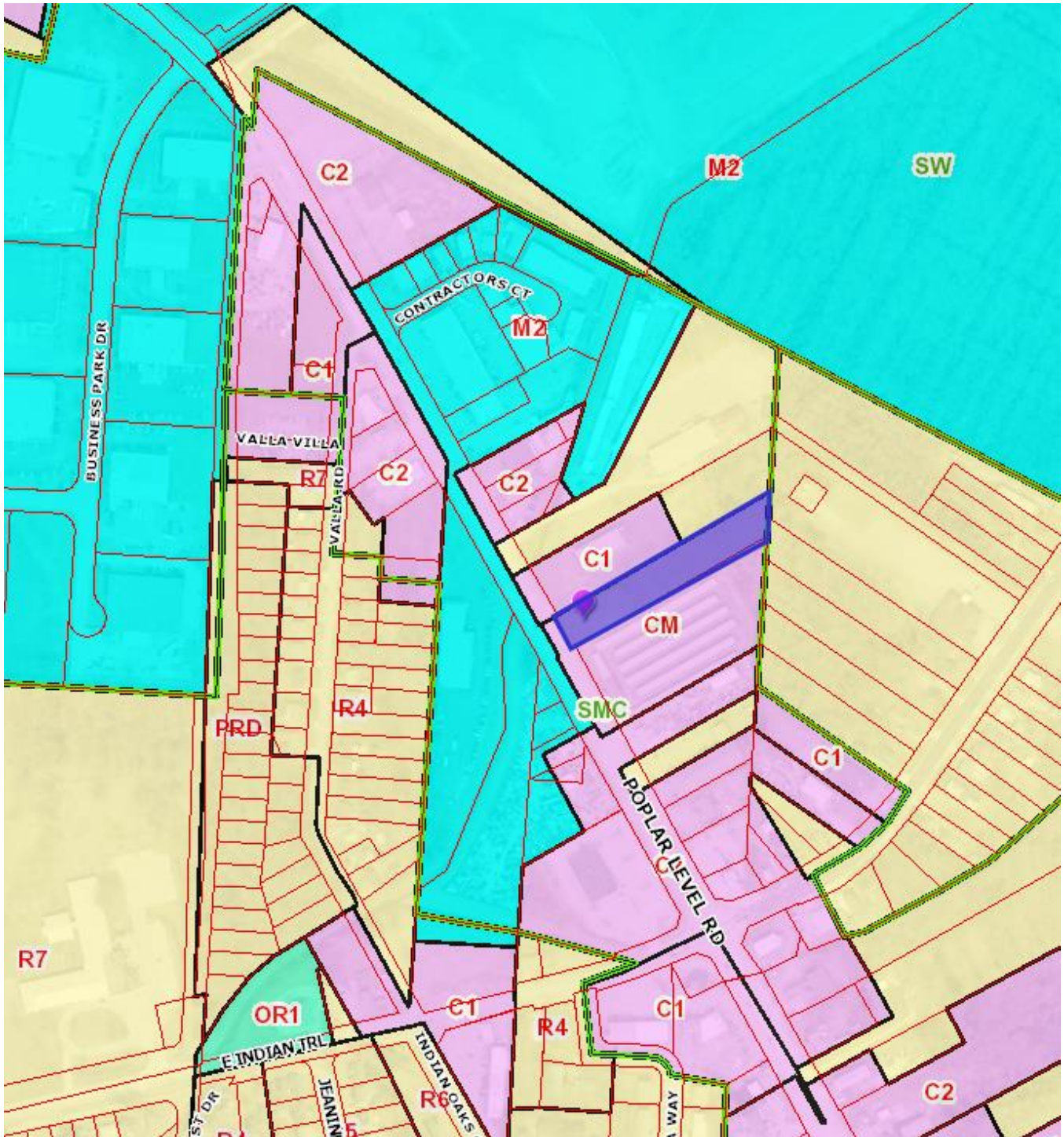
NOTIFICATION

Date	Purpose of Notice	Recipients
9/21/21	Hearing before LD&T	1 st tier adjoining property owners. Registered Neighborhood Groups in Council District 10

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 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. 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.
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.
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. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.
7. Elevations in compliance with applicable sections of the LDC shall be submitted to Planning and Design Services staff for review and approval prior to final transmittal of the plan.