

# Development Review Committee

## Staff Report

July 18, 2018



<b>Case No:</b>	18DEVPLAN1092
<b>Project Name:</b>	Floyds Fork Overlay Review and Waiver
<b>Location:</b>	8636 Turkey Run Pkwy
<b>Owner(s):</b>	The Future Fund Inc.
<b>Applicant:</b>	Kevin Beck – 21 <sup>st</sup> Century Parks
<b>Representative(s):</b>	Ashley Bartley – Qk4
<b>Project Area/Size:</b>	123.392 acres (5,374,868 sq. ft.)
<b>Zoning:</b>	RR
<b>Form District:</b>	Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Ross Allen – Planner I

### REQUEST(S)

- Review of the proposal as located within the Floyds Fork Overlay per guidelines of LDC Chapter 3 Part 1 (Floyds Fork Special District).
- Approval of a **Sidewalk Waiver** from LDC 5.8.1.B to not provide a sidewalk along the western parcel frontage of Turkey Run Road for an estimated 3,981 ft.

### CASE SUMMARY/BACKGROUND

The subject site is located in southeastern Jefferson County on a 123.39 acre parcel and is a portion of the 21<sup>st</sup> Century Parks Foundation, “The Parklands of Floyds Fork” as found in Turkey Run Park. The owner is proposing a parking expansion, category 2B Development Plan, near the Silo Center on Stout Road/Turkey Run Parkway as located within the Floyds fork Overlay.

The proposed parking expansion will include 99 parking spaces for overflow for the Silo Center during large events. The proposed overflow parking lot will have a 36,814 sq. ft. VUA and required 2,761 sq. ft. of ILA (7.5%) as shown on the development plan. The proposed parking will be located to the east of Turkey Run Parkway and/or Stout Rd. in a winding direction to the southeast in a mostly unwooded area and will have two rain gardens with a pedestrian access from the overflow parking area to the “East lot” as shown on the development plan.

**Related Cases: None**

### STAFF FINDING / RECOMMENDATION

- Review of the proposal as located within the Floyds Fork Overlay per guidelines of LDC Chapter 3 Part 1 (Floyds Fork Special District).
- **Sidewalk Waiver** from LDC 5.8.1.B to not provide a sidewalk along the western parcel frontage of Turkey Run Road for an estimated 3,981 ft.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Parks and Open Space – The Parklands at Floyds Fork	RR	Neighborhood
<b>Proposed</b>	Parks and Open Space – The Parklands at Floyds Fork	RR	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Vacant, Single-Family Residential,	RR	Neighborhood
<b>South</b>	Single Family Residential AND Vacant	RR and R-4	Neighborhood
<b>East</b>	Public and semi-public AND Parks and Open Space – The Parklands at Floyds Fork	R-4	Neighborhood
<b>West</b>	Parks and Open Space – The Parklands at Floyds Fork, Single Family Residential, and Farmland	RR	Neighborhood

**TECHNICAL REVIEW**

\*\*\*\* Transportation Planning and MSD have preliminarily stamped the development plan\*\*\*\* (Needs to be reviewed once all comments have been resolved by Transportation Planning and MSD).

Guidelines per LDC Chapter 3 Part 1

Development Review Overlay District

A.1.b The purpose of the district is to protect the quality of the natural environment. The district achieves these purposes by promoting compatible development of land and structures. The Development Review Overlay District is to protect the public and private property owners in the district:

iii. From significant damage or destruction of prominent hillsides or valleys caused by improper development.

Staff: The proposed parking lot as found on the western side of Stout Rd./Turkey Run Parkway has a grade, as beginning at the edge of pavement, decreasing by 8 ft. over a run/distance of 128 ft. with a 3/4 “ change in grade per one foot. Slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek.

iv. From significant damage to the economic value of existing properties and/or new developments.

Staff: Staff cannot determine if any significant damage to the economic value of existing properties and/or new development will result from the current proposal. Slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek.

v. From soil erosion and stream siltation.

Staff: Staff cannot determine if any soil erosion and or stream siltation will result from the current proposal.

vi. From the destruction of mature and/or valuable trees and other vegetation and wildlife habitat.

Staff: The current proposal as stated by Mrs. Bartley with Qk4 indicates 20,000 sq. ft. of vegetation is to be removed. The trees that are to be removed are not shown on the development plan so the applicant/representative will need to describe the proposed removal at greater depth during the DRC hearing.

vii. From loss of high quality visual character.

Staff: The portion of the parking lot as found along Stout Rd./Turkey Run Parkway has an approximate total frontage of 250 ft. as facing the roadway. Additionally, the applicant has shown a 15 ft. wide VUA LBA along that road frontage with the intent to provide screening for the proposed parking lot.

## A.2 Definitions

b. "Clearing of Forested Area" is removal or destruction of trees and other live woody vegetation exceeding a caliper of six inches (trunk diameter measured six inches above ground) to the extent that fewer than 20 trees that meet or exceed this dimension remain standing in each 20,000 sq. ft. area.

Staff: The current proposal as stated by Mrs. Bartley with Qk4 indicates 20,000 sq. ft. of vegetation is to be removed. The trees that are to be removed are not shown on the development plan so the applicant/representative will need to describe the proposed removal at greater depth during the DRC hearing.

B.2 Regulated Activities: Activities that may be detrimental to the natural, scenic and environmental characteristics as described herein are regulated by the provisions of this ordinance and subject to the review process set out in paragraph 3 below. Such activities include:

a. Clearing of forested area greater than 5,000 square feet for development purposes.

Staff: The current proposal as stated by Mrs. Bartley with Qk4 indicates 20,000 sq. ft. of vegetation is to be removed. The trees that are to be removed are not shown on the development plan so the applicant/representative will need to describe the proposed removal at greater depth during the DRC hearing.

b. Grading, excavation, construction of retaining walls, or alteration of the ground surface other than that attendant to agricultural uses.

Staff: The proposed VUA is approximately 36,814 sq. ft. in size, grading and alteration of the surface is occurring but impacts are unknown to staff. As stated previously slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek.

- f. Construction of any structure other than those exempted in Paragraph B.1.

Staff: the proposed parking lot is not an exempt activity and thus requires the DRC approval or denial of such construction within the Floyds Fork Overlay.

## Floyds Fork DRO Guidelines

The following section contains the Floyds Fork DRO Guidelines which were adopted in February 1993. Intent: The intent of the Floyds Fork Design Guidelines is to insure that new development within the Floyds Fork Corridor is designed to aid in restoring and maintaining excellent quality for land and water resources of the Floyds Fork Corridor. The design guidelines are also intended to complement the natural landscape in order to obtain an aesthetically pleasing, rural atmosphere.

Applicability: The following guidelines would apply to new development, including subdivisions, new construction, clearing and grading of land. Existing homes, farms and undeveloped property are not required to meet these standards. Before a building permit or subdivision is approved, the proposed plans would be reviewed for compliance with these standards. [Note: Environmental constraints referenced within these guidelines are shown in the Core Graphics Section of the Comprehensive Plan, copies of which are available at the Planning Commission].

### 1. Stream Corridors

- a. A buffer strip should be maintained a minimum of 100 feet wide on each side of Floyds Fork and a 50-foot wide strip on each side along tributaries shown on Map A. Steep slopes extending beyond the minimum buffer strip may necessitate a wider buffer. The buffer strip is to be measured from the ordinary high water mark. Riparian vegetation should be established, as necessary, and maintained along stream banks to stabilize the banks and protect water quality. Where a bank has been denuded of its vegetation through erosion, slope failure or similar occurrence, other vegetation such as KY-31 Fescue may be appropriate to quickly establish a vegetative cover. This should be considered however only as a temporary, interim solution. Selective removal of dying or diseased trees and shrubs within the buffer strip is permissible, provided that a live root system stays intact. Native plant material adequate for filtering surface drainage should be maintained within the buffer strip. [Note: Small lots within the buffer strip will not be prevented from developing.]

Staff: Slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek.

- b. Structures and impervious surfaces should be located at least 200 feet from each bank along Floyds Fork measured from the ordinary high water mark. In conjunction with the riparian vegetative buffer, this buffer protects the stream from adjacent development by filtering sediment, removing other pollution and reducing the force of runoff, In addition hazards from floods and erosion are reduced for development adjacent to the stream. [Note: Small lots within the buffer strip will not be prevented from developing.]

Staff: Trees in the general vicinity are to be retained excluding the 20,000 sq. ft. that are to be removed for the proposed parking lot. Slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek.

## 2. Trees and Vegetation

- a. Existing wooded areas, in addition to the riparian buffer strip, should be retained wherever possible. Hillside vegetation in particular should be preserved.

Staff: As stated previously trees/vegetation in the general vicinity are to be retained excluding the 20,000 sq. ft. that are to be removed for the proposed parking lot which is not delineated on the development plan. Slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek.

- b. Wooded areas shown on the development plan as being retained should be preserved and maintained in healthy condition. As trees die or are removed, replacements should be provided.

Staff: As stated previously trees/vegetation in the general vicinity are to be retained excluding the 20,000 sq. ft. that are to be removed for the proposed parking lot which is not delineated on the development plan.

- c. Grading and soil compaction by construction vehicles under the drip lines of trees and wooded areas intended to be retained should be minimized.

Staff: The aforementioned grading and soil compaction by construction vehicles under the drip line of trees and wooded areas intended to be retained would be a requirement applied and enforced during a construction level review phase of the overall development.

- d. Where grading within wooded areas is necessary, disturbed areas should be seeded to a shade tolerant plant species and mulched with straw.

Staff: The grading within wooded areas and disturbed areas requesting seeding to shade tolerant plant species and mulched with straw would be a consideration at the earliest during the submission of construction documents and at the latest during the construction/development of the proposal as found on site.

## 3. Drainage and Water Quality

- c. To avoid soil loss, property damage, pollution and cleanup costs, an erosion and sediment control plan should be submitted for major subdivisions and other developments with potentially significant water quality impacts. Guidelines found in the Soil Erosion and Sediment Control Practices Section of MSD's design manual currently in effect are to be used when preparing an erosion and sediment control plan. Additional information on this topic is available from Planning Commission staff.

Staff: MSD has preliminarily stamped the development plan.

- d. Runoff from impervious surfaces should be conveyed in a manner that minimizes erosion. Natural storm water channels are preferred over manmade materials such as conveyances constructed of concrete.

Staff: MSD has preliminarily stamped the development plan.

#### 4. Hillside

- b. Areas with slopes of 20% or greater generally should not be disturbed.

Staff: Slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek.

- d. Minimize cuts and fills. Necessary cuts, fills and ether earth modifications should be replanted with appropriate vegetation. Minimize the practice of terracing hillsides in order to provide additional building sites. Structural containment of slopes should be minimized; retaining walls exceeding six feet in height should be avoided.

Staff: Slopes at or greater than 20% are approximately 210 ft. at the closet point to the proposed parking lot. Floyds Fork is approximately 588 ft. at its closest point to Turkey Run Creek and approximately 645 ft. from the edge of bank of Floyds Fork Creek. The applicant and/or representative may discuss the replanting of appropriate vegetation at the hearing. Staff is unaware of planting other than retaining existing trees on site, excluding the 20,000 sq. ft. to be removed, and proposed screening along Stout Rd./Turkey Run Parkway.

#### Non-Residential Development

- g. Parking lots should be provided only at the side or rear of the buildings to reduce visual impact of the use while providing an appropriate level of visibility.

Staff: The applicant is proposing a 15 ft. wide VUA LBA along western frontage of Stout Rd./Turkey Run Parkway to screen the overflow parking lot.

- h. Buildings, parking lots, and other impervious surfaces should cover no more than 75 percent of each site. The remainder of the site should be planted and maintained with live vegetative cover so as to reduce visual impacts as well as drainage and run off problems.

Staff: The VUA as proposed encompasses approximately 36,814 sq. ft. on a parcel of approximately 123.9 acres.

#### All Development

- q. Parking areas, outbuildings, satellite dishes, and other less attractive aspects of a development should be screened from view. Where total screening is impractical, partial measures that lessen the full visual impact of development are recommended.

Staff: The applicant is providing screening along the western side of the Stout rd./Turkey Run Parkway. Additionally, the proposed parking area will be below the edge of road grade further limiting view of the proposed parking from the road.

#### **INTERESTED PARTY COMMENTS**

Staff has not received any comments from interested parties.

## **APPLICABLE PLANS AND POLICIES**

Land Development Code (LDC August 2017a)  
Comprehensive Plan (Cornerstone 2020)

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR A SIDEWALK WAIVER from LDC 5.8.1.B to not provide a sidewalk along the western parcel frontage of Turkey Run Road for an estimated 3,981 ft.**

- (a) How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

STAFF: The applicant states, "This site is part of the Parklands of Floyds Fork. Across the street from proposed parking lot is the Silo Center which serves as a trailhead and event space. The intent of the parking lot is to provide overflow parking to the trailhead facility and provides a safe pedestrian connection to the site from the parking lot."

- (b) Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The applicant states, "The parking lot is to provide overflow parking to the Parklands trailhead. Visitors are coming specifically to access trails or event space at Silo Center and likely not traveling along Turkey Run Parkway on foot to access the site. There is an extensive trail network east of Turkey Run Parkway for pedestrian access to various sites within the Parklands."

- (c) What impacts will granting of the waiver have on adjacent property owners?

STAFF: The applicant states, "Only two single family residential properties are adjacent to this parcel that would be able to directly access required sidewalk, so very minimal impact will occur by not providing sidewalks along Turkey Run Parkway."

- (d) Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

STAFF: The applicant states, "If sidewalks were to be installed, approximately 4,200 linear feet would be needed. The cost could be nearly \$85,000 and parts may be nearly un-constructible due to grades and ditches along the roadway."

**REQUIRED ACTIONS**

- **Approve/Deny** Review of the proposal as located within the Floyds Fork Overlay per guidelines of LDC Chapter 3 Part 1 (Floyds Fork Special District).
- **Approve/Deny Sidewalk Waiver** from LDC 5.8.1.B to not provide a sidewalk along the western parcel frontage of Turkey Run Road for an estimated 3,981 ft.

**NOTIFICATION**

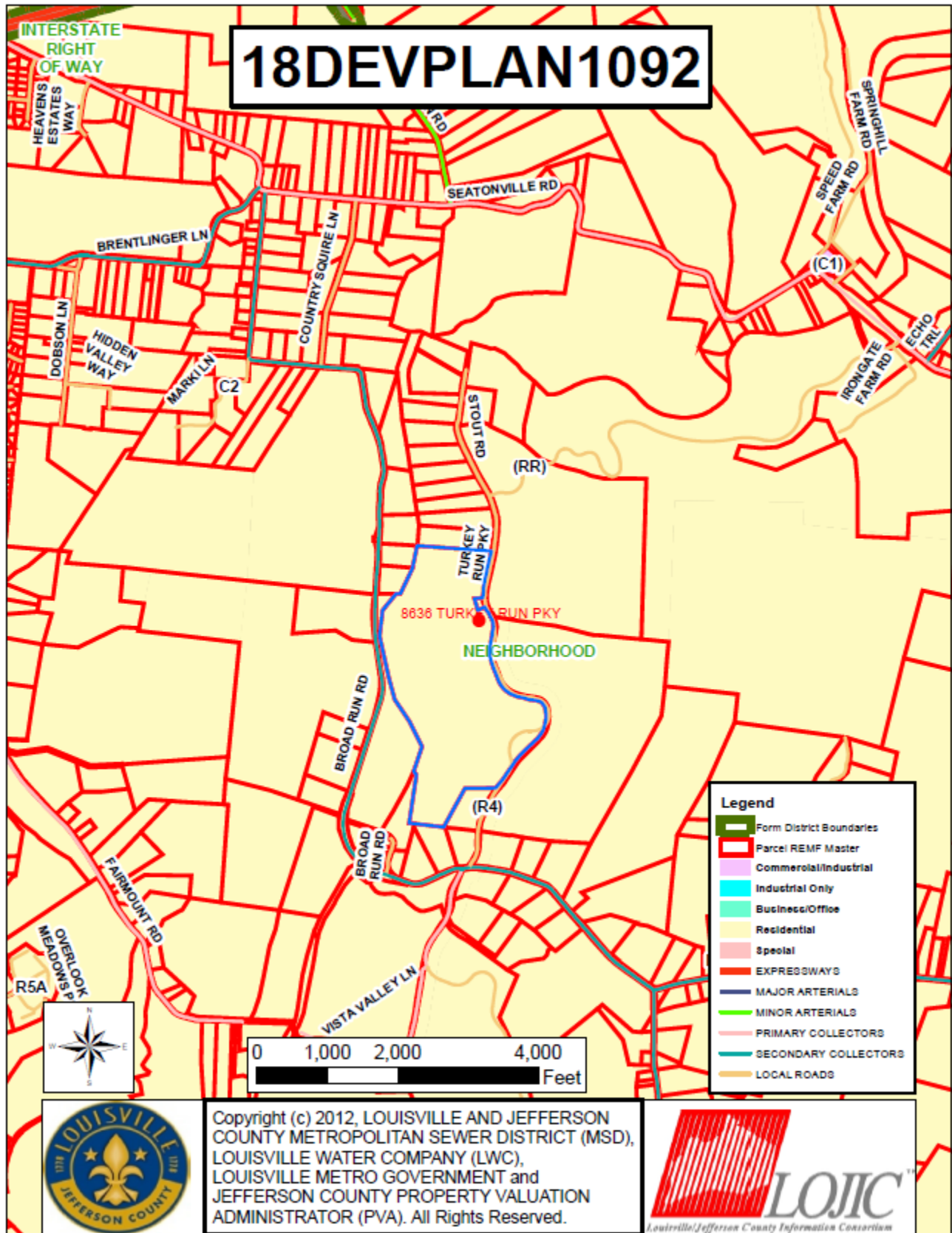
Date	Purpose of Notice	Recipients
July 18, 2018	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph



1. Zoning Map





2. Aerial Photograph

