

Planning Commission

Staff Report

September 7, 2017



Case No:	17DEVPLAN1140
Project Name:	Primrose School
Location:	14801 Bush Farm Road
Owner(s):	Papa Oreo DS, LLC
Applicant:	Primrose School Franchising, Co.
Representative(s):	Land Design & Development, Inc.
Project Area/Size:	1.9 acres
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Revised Detailed District Development Plan** for 12,300 square foot daycare center
- **Amendment to Binding Element** of the district development plan to eliminate binding element #2 related to maximum square footage
- **Landscape Plan** per binding elements

CASE SUMMARY

The proposed revised development plan increases the square footage of the building to 12,300 square feet and decreases the number of parking spaces to forty from the previously approved development plan of case 16ZONE1042. In accordance with the approved binding elements, the aforementioned requests are being brought before the full body of the Planning Commission for review and approval. The requested deletion of binding element #2 will allow future deviations from the maximum square footage without review by the full body of the Planning Commission, similarly to standard revised development plan procedures.

Previous Cases

- 16ZONE1042: Change in zoning from R-4 to C-N (approved 1/19/17)

STAFF FINDING

The revised detailed district development plan and amendment to binding element #2 of the district development plan appear to be adequately justified based on the standard of review and staff analysis beginning on page 2 of this staff report. Planning and Design Services landscape architect has reviewed the landscape plan and finds that it meets or exceeds the minimum requirements of chapter 10 of the Land Development Code and is compliant with binding elements 9 & 10.

TECHNICAL REVIEW

The landscape plan has been reviewed by staff and it has been found to be in compliance with applicable regulations and binding elements.

A variance to exceed the maximum setback along Hamilton Springs Drive will be heard by the Board of Zoning Adjustment on September 11, 2017.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 natural resources or significant historic features on the 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 have been provided as shared access is being created to Bush Farm Road, sidewalks and pedestrians connections will be 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: While there are no open space requirements for the proposal, the plan indicates outdoor recreation for students and undisturbed land beyond that which is required to meet the minimum landscape buffers along Hamilton Springs Drive.

- 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 the existing and future development of the area.

- 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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 natural resources or significant historic features on the 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 have been provided as shared access is being created to Bush Farm Road, sidewalks and pedestrians connections will be 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: While there are no open space requirements for the proposal, the plan indicates outdoor recreation for students and undisturbed land beyond that which is required to meet the minimum landscape buffers along Hamilton Springs Drive.

- 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 the existing and future development of the area. The deletion of this binding element allows for deviations from the maximum square footage indicated in the binding element without full review by the Planning Commission. This is consistent with review and approval of nearby Plan Certain development and with the policies and procedures of the Land Development Code and the Planning Commission, with the exception that staff level approval will still be prohibited in accordance with binding element #8.

- 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. The deletion of this binding element will not allow for a circumvention of any zoning regulation or policy, and will require compliance and review in accordance with approved policies against the Land Development Code upon future revisions to the sites as shown on the district development plan.

REQUIRED ACTIONS

- **APPROVE or DENY** the **Revised Detailed District Development Plan** for 12,300 square foot daycare center
- **APPROVE or DENY** the **Amendment to Binding Element** of the district development plan to eliminate binding element #2 related to maximum square footage
- **APPROVE or DENY** the **Landscape Plan** per binding elements

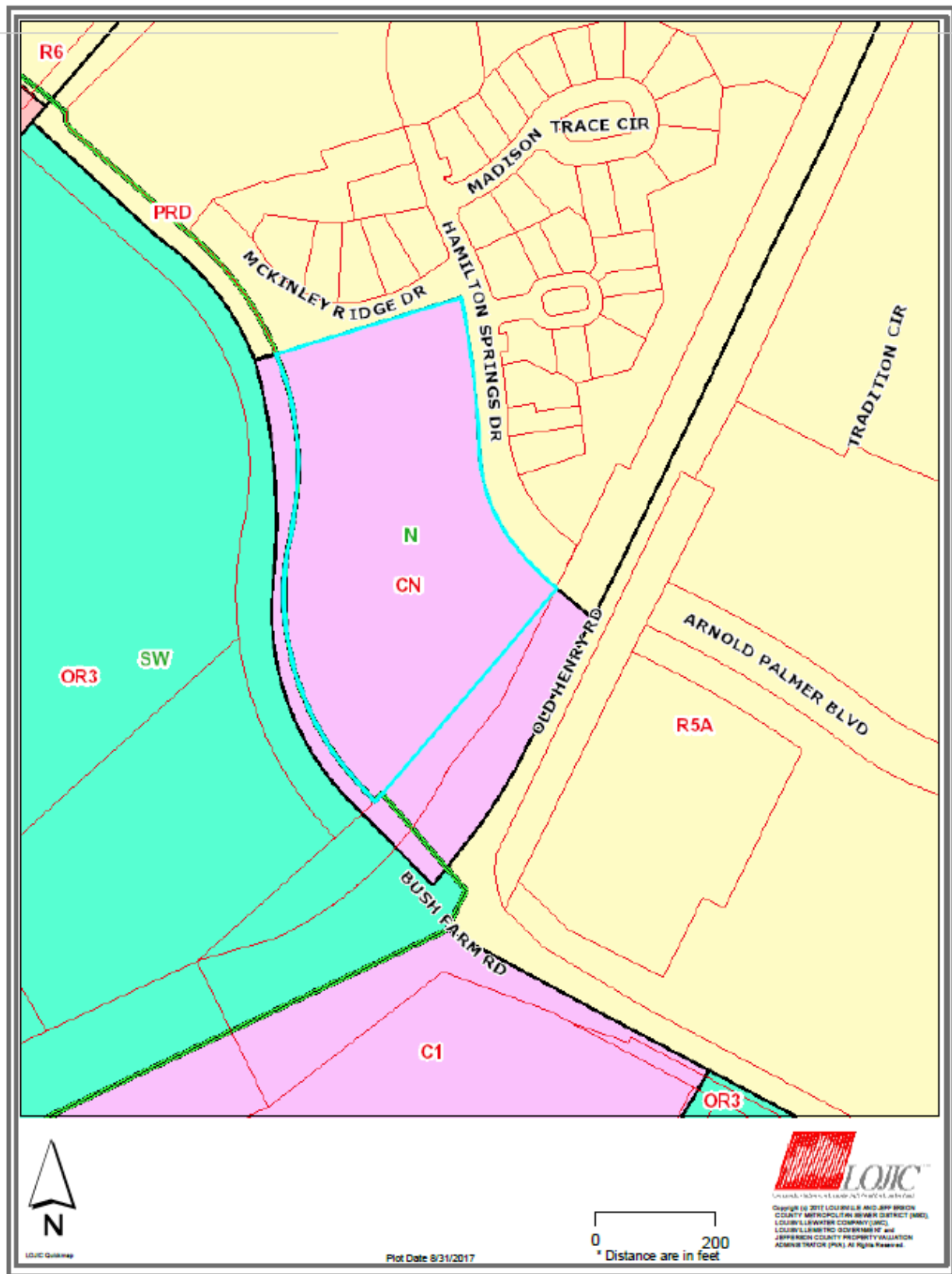
NOTIFICATION

Date	Purpose of Notice	Recipients
8/25/17	Hearing before PC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 19

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing 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. The development shall not exceed 20,600 square feet on Tract A and 11,000 square feet on Tract B.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor plat shall be recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 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.

8. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by a committee of the Planning Commission.
9. An 8-foot tall wood wall shall be built along the top of the berm along the side of the property adjoining Hamilton Springs Drive and McKinley Ridge Drive and extending all the way to Bush Farm Road. The wall and landscape plans shall be submitted to Development Review Committee or Land Development & Transportation Committee for review and approval.
10. Enhanced perimeter landscaping beyond normal LDC requirements shall be planted on the side of the wall facing Hamilton Springs Drive and McKinley Ridge Drive.
11. Operating hours for any building, excluding the proposed daycare on Tract B, shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
12. No deliveries, garbage collection, exterior site work or construction, or parking lot cleaning (except for ice or snow) shall occur between the hours of 9:00 p.m. and 7:00 a.m.
13. No changes to any binding elements in this case shall be made unless approved by the full Planning Commission after a public hearing.
14. Improvements on the proposed Tract B shall be restricted to one story.
15. The materials and design of proposed structures shall be substantially the same as depicted in renderings presented at the time of detailed district development plan approval for each parcel. The building materials (excluding glass for windows) for the exterior structures shall be predominantly (at least 75%) composed of brick, stone, stucco or wood.
16. All exterior lighting, whether freestanding or attached, including accent lighting, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. Pole lighting for the parking areas on the proposed C-N lots shall be limited to 12 feet in height from ground level.

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 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.
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 - b. 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.
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7. 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 parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by a committee of the Planning Commission.
9. An 8-foot tall wood wall shall be built along the top of the berm along the side of the property adjoining Hamilton Springs Drive and McKinley Ridge Drive and extending all the way to Bush Farm Road. The wall and landscape plans shall be submitted to Development Review Committee or Land Development & Transportation Committee for review and approval.
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