

# Development Review Committee

## Staff Report

July 16, 2014



<b>Case No:</b>	14DEVPLAN1068
<b>Project Name:</b>	Honest-1 Autocare
<b>Location:</b>	2801 N Hurstbourne Pkwy
<b>Owner(s):</b>	S&L Ventures, LLC
<b>Applicant:</b>	S&L Ventures, LLC
<b>Representative(s):</b>	Mindel, Scott & Associates, Inc.
<b>Project Area/Size:</b>	1.43 Acres
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Joseph Reverman, AICP, Planning Supervisor

### REQUEST

- Revised Detailed District Development Plan
- Landscape Waiver of section 10.3.5 of the Land Development Code to reduce the 30 ft parkway buffer along N Hurstbourne Pkwy to 11 feet.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located on the east side of N Hurstbourne Pkwy, approximately 775 feet south of Westport Rd. The site is adjacent to E.P. Tom Sawyer Park to the south, a commercial development to the north, and a church to the east.

Existing Zoning District: C-2, Commercial  
Existing Form District: N, Neighborhood  
Existing Use: Vacant  
Proposed Use: Auto Repair, Day Care  
Minimum Parking Spaces Required: 54  
Maximum Parking Spaces Allowed: 96  
Parking Spaces Proposed: 61

The site was subject of a change in zoning under case number 13ZONE1013, which was approved by Louisville Metro Council on March 13, 2014. The Planning Commission public hearing was held on February 6, 2014.

The proposed changes on this plan include an increase of 185 sf to the auto service station, and the addition of 8 parking spaces in front of the auto service station. The proposed 8 additional spaces encroach into the 30 ft parkway buffer along N Hurstbourne Pkwy. A waiver has been requested for this encroachment, and requires approval by the Committee.

**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>	Vacant	R-4	Neighborhood
<b>Proposed</b>	Auto Repair Shop, Day Care	C-2	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-1	Suburban Marketplace Corridor
<b>South</b>	E.P Tom Sawyer Park	R-4	Campus
<b>East</b>	Church	R-4	Neighborhood
<b>West</b>	Single Family Residential	R-5	Neighborhood

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

Hurstbourne Parkway Corridor Study, June, 1992

This study was conducted prior to the construction of Hurstbourne Pkwy adjacent to the subject site. The study identified the lots north of E.P. Tom Sawyer Park to Westport Rd and recommended them for redevelopment since construction of the parkway would substantially alter the character of those lots. It was recommended that these lots be developed with a unified plan with neighborhood commercial, low rise offices, or medium to high density residential.

**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 does 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: The proposal provides for safe and efficient vehicular and pedestrian transportation within and around the development and the community, which is unchanged from the previously approved plan.

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

STAFF: There are no open space requirements with the current proposal.

- 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 proposal is compatible with the existing commercial development to the north, the existing church to the east, and with the public park to the south, all of which can be expected to remain for the foreseeable future.

- 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 proposal conforms to the Comprehensive Plan based on the compliance statement used in the change in zoning under case number 13ZONE1013. The plan is largely the same as proposed with that change in zoning request.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the required screening will be provided, since the adjacent property to the south is an undeveloped part of a public park, and since the proposed parking spaces are approximately 70 feet from the edge of pavement of N Hurstbourne Pkwy.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to 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. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The waiver will not violate guidelines and policies of Cornerstone 2020 since the required screening will be provided, and since the proposed parking spaces are approximately 70 feet from the edge of pavement of N Hurstbourne Pkwy, which will maintain the visual quality of the parkway.

- (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 the required screening will be provided, and since the proposed parking spaces are approximately 70 feet from the edge of pavement of N Hurstbourne Pkwy, which will maintain the visual quality of the parkway.

(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 applicant should demonstrate that additional design measures have been provided that exceed the minimums to compensate for non-compliance.

### TECHNICAL REVIEW

The development plan has received preliminary approval from Metro Transportation Planning and the Metropolitan Sewer District.

#### Freestanding Signs

On premises sign regulations for non-residential uses

N Hurstbourne Pkwy adjacent to the subject site is a designated parkway with the following restrictions for freestanding signs.

Table 8.3.3 Freestanding Signs on Designated Parkways		
Land Use	Street Frontage	Area(S.F.)/Height(ft.)
Institutional, Office, Commercial and Industrial	<450 ft.	60/6
	>450 ft.	72/9
	>600 ft.	81/12
Multi-family Residential	NA	6/6

Internally illuminated business signs within the Neighborhood, Traditional Neighborhood and Village Form Districts, and within transition zones adjacent to the aforementioned form districts where signs are visible from these form districts shall have opaque backgrounds with translucent letters, symbols and logos. Reader Boards/Changeable Copy Signs, Temporary On-premises Signs are exempt from the previous restriction. Opaque means that the material must not transmit light from an internal illumination source. Outdoor exterior illuminated on-premises signs shall be lighted in accordance with Chapter 4, Part 1, Lighting. Sign lighting shall be subject to the light trespass standards as outlined under Chapter 4, Part 1, Lighting. Changing image signs are subject to the provisions of chapter 8.2.1.D ,E & F of the Land Development Code.

#### Property Perimeter Landscape Buffer Areas – Chapter 10.2.4 of the LDC

- C-1 (Class 4) to R-4 (Church) - Private schools and churches are to be considered the same as Intensity Class 3 for the purposes of screening in accordance with this part.

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
B.4	10 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	15 ft	1.5	
	20 ft	1	

- C-2 (Class 4) to R-4 (Class 1)

LBA Type	Width (feet)	Planting Density Multiplier <sup>2</sup>	Planting Density Requirement (per 100 linear feet)
C.4	15 <sup>1</sup> ft	1.5	3 Large or Medium trees Plus 8 foot screen
	25 ft	1.5	
	35 ft	1	

<sup>1</sup> This option is only available in the Traditional Neighborhood, Traditional Workplace and Traditional Marketplace Corridor Form Districts.

<sup>2</sup> The Planting Density Multiplier allows for a reduction in the size of Landscape Buffer Areas with a provision of an increased number of trees to offset the reduction in buffer width. (A “2” multiplier requires twice the number of trees to be planted as required in Table 10.2.4.)

Screens specified in Table 10.2.4 shall consist of shrubs, fences, berms or walls, individually or in combination, that meet the requirements outlined in Part 4, Implementation Standards. Evergreen tree plantings can be substituted for landscape material specified in Table 10.2.4, placement and species to be approved by Planning Commission staff to ensure an effective screen. The planting density multiplier (Table 10.2.3) does not apply to the minimum screen height established in Table 10.2.4.

### STAFF CONCLUSIONS

#### Revised Detailed District Development Plan

Staff analysis shows that the requested Detailed District Development Plan complies with all standards established in the Land Development Code.

#### Landscape Waiver

The landscape waiver appears to comply with the standards for granting a waiver if the applicant can show that additional design measures have been provided that compensate for the non-compliance being requested.

The parkway buffer does not appear to deprive the applicant of the reasonable use of the land or create an unnecessary hardship.

#### Required Actions

- **APPROVE** or **DENY** the **Landscape Waiver** of section 10.3.5 of the Land Development Code to reduce the 30 ft parkway buffer along N Hurstbourne Pkwy to 11 feet.
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

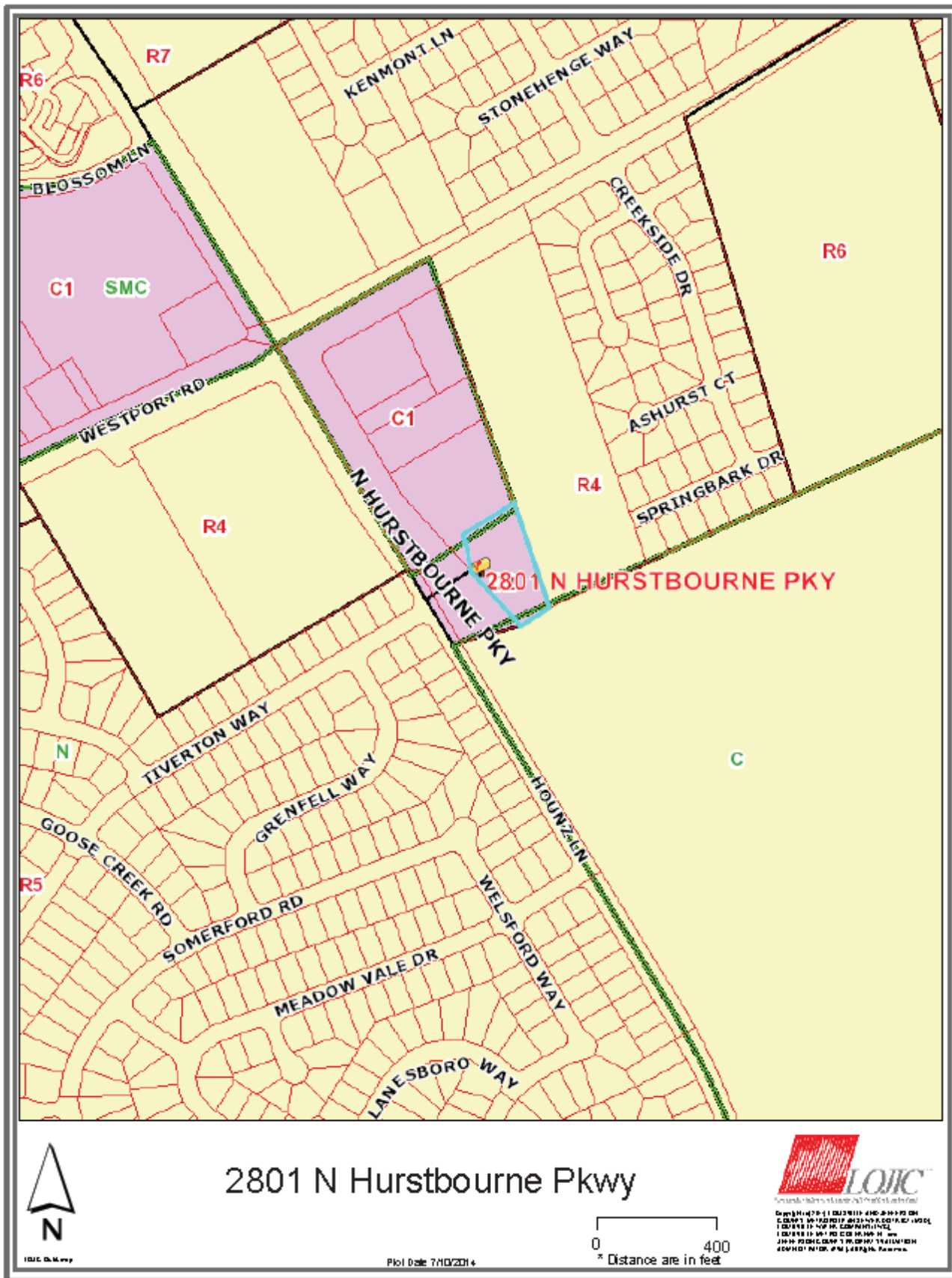
### NOTIFICATION OF DRC MEETING

Date	Purpose of Notice	Recipients
6/25/14	Hearing before DRC	Mailing to 1 <sup>st</sup> tier adjoining property owners, and Mailing to speakers at Planning Commission public hearing
6/26/14	Hearing before DRC	Email to subscribers of Council District 17 Notification of Development Proposals

### ATTACHMENTS

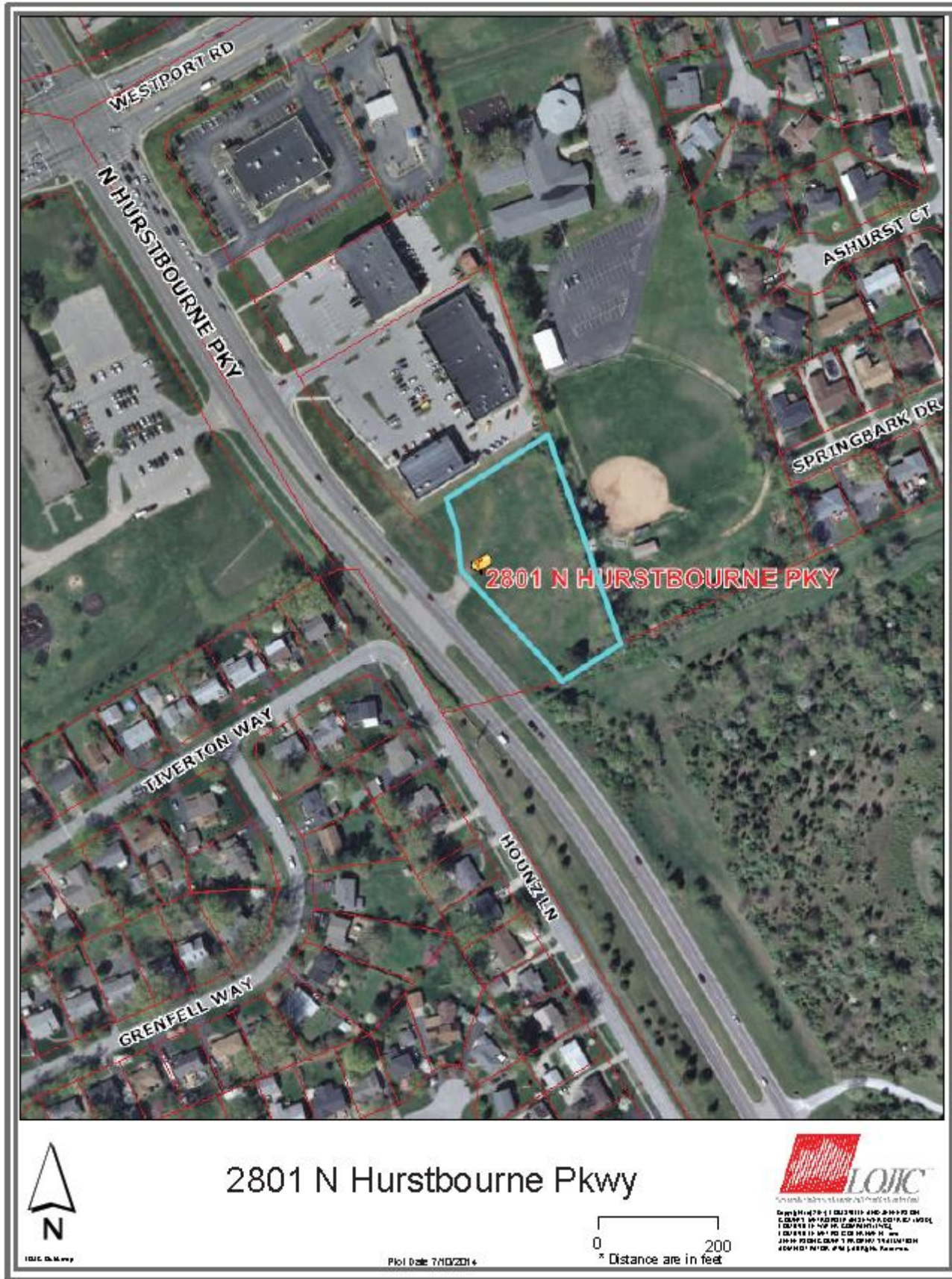
1. Zoning Map
2. Aerial Photograph
4. Existing Binding Elements

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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown) 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 and site disturbance) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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.
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, 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 6, 2014 Planning Commission meeting.
8. C-2 uses of the property shall be limited to C-1 uses plus automotive repair except as may otherwise be approved by a committee of the Planning Commission taking into account the impact mitigation Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.
9. Vehicular and pedestrian connection to the adjacent property to the north shall be provided as a condition of the construction approval on the subject site at the location as shown on the development plan. If connection is not practical due to the site constraints and/or grade or topography, as determined by Metro Transportation Planning, future connections shall be made upon redevelopment of the abutting property to the north.