

# Development Review Committee

## Staff Report

October 4, 2023



<b>Case No:</b>	23-DDP-0033
<b>Project Name:</b>	Derby Park RV Resort
<b>Location:</b>	2900 S 7 <sup>th</sup> Street Road
<b>Owner(s):</b>	Louisville 2900, LLC
<b>Applicant:</b>	Frost Brown and Todd, LLP Bowman Consulting Group, LTD
<b>Jurisdiction:</b>	City of Shively
<b>Council District:</b>	3 – Kumar Rashad
<b>Case Manager:</b>	Molly Clark, Planner II

### REQUEST(S)

- Revised Detailed District Development Plan with proposed binding elements

### CASE SUMMARY

The subject site is zoned EZ1 in the Traditional Workplace Form District and located in the City of Shively. The overall subject site contains 58.044 acres. The applicant will only be developing a portion of the site for a proposed recreational vehicle (RV) park. The portion of the site being used for the RV park has areas that are paved and areas that are gravel as shown on the proposed development plan. The site contains existing buildings along the northeastern property line that are used as an outdoor flea market. The property appears to have been used for camping and RV parking in the past. This site is related to a previously approved rezoning under case 09-03-86.

### STAFF FINDING

The RDDDP is adequately justified and meet the standards of review.

### TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning and Louisville MSD.
- The development plan has an associated Conditional Use Permit for the proposed RV Park under 23-CUP-0143 which was approved by the Board of Zoning Adjustment on September 11, 2023.

## **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 historic resources 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 pedestrian connection within and around the development and the community has been provided. Transportation Planning has preliminarily approved the 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 pertinent to 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 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 roadways. Buildings and parking lots will meet all required setbacks.

- 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:**

- **RECOMMEND APPROVAL** or **DENIAL** of the **Revised Detailed District Development Plan with proposed binding elements** to the City of Shively.

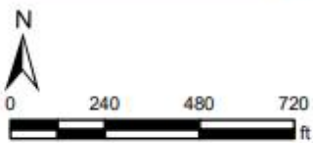
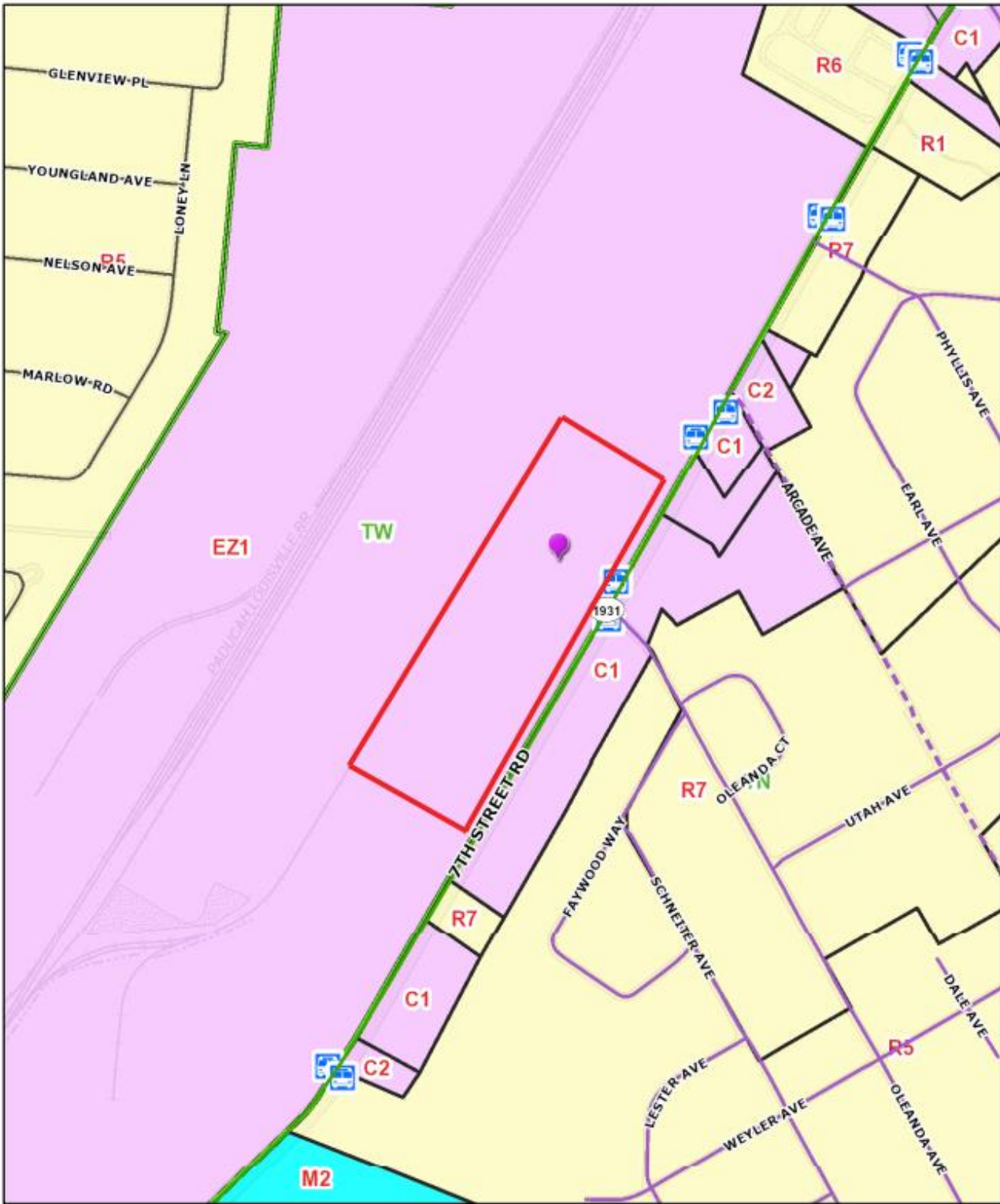
**NOTIFICATION**

Date	Purpose of Notice	Recipients
09/18/23	Hearing before DRC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and residents Registered Neighborhood Groups in Council District 3

**ATTACHMENTS**

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

1. **Zoning Map**



Thursday, September 21, 2023 | 3:26:38 PM

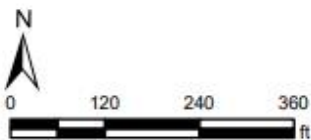


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2. Aerial Photograph



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### 3. Existing Binding Elements

1. ~~The development will be in accordance with the approved district development plan. No further development will occur.~~
2. ~~Before a certificate of occupancy/building permit is issued:~~
  - a. ~~The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation.~~
  - b. ~~The property owner must obtain approval from the Land Development and Transportation committee of a plan for screening (buffering/landscaping) along the front (Seventh Street Road) property line. The plan shall include a solid evergreen planting a minimum of 3 feet in height at planting. Such plan shall be implemented prior to occupancy and maintained thereafter.~~
  - c. ~~Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
  - d. ~~The appropriate conditional use permit must be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.~~
  - e. ~~A minor plat or other legal instrument shall be recorded consolidating the lots to be rezoned. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.~~
3. ~~The only permitted signs shall be located as shown on the approved district development plan. The sign shall not exceed 113 square feet in area nor 27 feet in height.~~
4. ~~Any Public address system(s) shall be directed away from Seventh Street Road. The hours of operation shall be regulated by the City of Shively noise ordinance.~~
5. ~~If a building permit/certificate of occupancy is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~
6. ~~A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.~~
7. ~~The above binding elements may be amended as provided for in the Zoning District Regulations.~~

#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Shively 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 Shively) 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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. The appropriate conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - d. 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.
4. 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.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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. This 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 the Board of Zoning Adjustment.
8. The conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Boards vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a Camping and Recreational Vehicle (RV) park until further review and approval by the Board of Zoning Adjustment.
9. No property, camp, or individual camp site shall be leased for a period greater than 30 days.

10. Travel lanes shall be maintained as stated in the standards of the conditional use permit
  1. one-way travel lane – 18 feet
  2. Two-way Travel Lane – 24 feet
  3. Cul-de-sac Diameter – 80 feet
11. The applicant is permitted to allow camping and RV parking in the grassy areas within the development site during the period of April 24th to May 24th and September 1st to September 30th annually. Should any damage to the grounds occur in these areas, the ground shall be reseeded within 2 weeks and brought back to its original condition, unless otherwise approved by the Board of Zoning Adjustment.
12. The number of campsites permitted on the Property will be limited to 250 campsites.
13. Trees and landscaping shall be provided as presented by the applicant at the Board of Zoning Adjustment public hearing on September 11, 2023