

Land, Development, and Transportation Committee Staff Report

Feb. 23, 2017



Case No:	16DEVPLAN1230
Request:	CFR for the I-64 and Grinstead CSO Basin
Project Name:	I-64 and Grinstead CSO Basin
Location:	2301 and 2141 Lexington Road
Area:	14.22 acres
Zoning:	R-1, R-2, C-1, C-2
Form District:	Traditional Neighborhood
Owner:	Louisville/Jefferson County MSD/Commonwealth of KY
Applicant:	Brandon Flaherty – Louisville MSD
Representative:	Ashley Bartley – Qk4
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Ross Allen, Planner I

REQUEST

- Community Facility Review (CFR)

Pursuant to KRS 100.324(4), Any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carriers by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the date of its receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. No permit required for construction or occupancy of such public facilities shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its report, whichever occurs first.

CASE SUMMARY

Metropolitan Sewer District (MSD) has submitted a Community Facility Review per LDC section 4.10.1.4. The Community Facility Review (CFR) is for the construction of the I-64 & Grinstead CSO Basin, approximately 225 feet north of Lexington Road off of Beargrass Ave., and located at 2301 and 2141 Lexington Road. MSD is planning to construct a 8.5 million gallon buried combined sewer overflow (CSO) offline storage basin, pump station/control building, flushing gate control building, 22 space parking lot (previously a parking lot for access to the Beargrass Creek Trail/Trailhead), and a redesign of the Beargrass Creek Trail. The CSO storage basin project was determined by MSD in their MSD CSO Long Term Control Plan (LTCP) to reduce overflows from CSO Basins 125, 127, and 166. The project will intercept and convey overflows from three existing CSO Basins to the proposed 8.5 million gallon off-line storage basin, located at 2141 Grinstead Road.

Access to the CSO Basin site (Pump Station/Control Room Building) will be from Lexington Road via Beargrass Ave. having an approximate linear distance of 287 feet north of Lexington Road. Parking for the CSO Basin will be located to the front (southeast) of the Pump Station/Control Room Building and have 22 spaces. The Beargrass Creek Trail will be redesigned to circumvent pedestrian and bicycle access around and away from the MSD Pump Station/Control Room Building and parking area. The trail will begin to the East of the subject site and continue towards the northwest and reconnect to the existing Bear Grass Creek Trail

along the south bank of the Middle Fork Beargrass Creek. A rain garden is proposed to the interior of the southwestern portion of the Beargrass Creek Trail and water will flow south into a “Rock Ditch Check” located north of existing commercial properties along Lexington Road and continuing north towards Beargrass Creek. The total area of impervious surface will be increased to 80,569 sf.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial/Parks and Open Space	R-1	Traditional Neighborhood
Proposed	Institutional – CSO Basin/Parks and Open Space	R-1	Traditional Neighborhood
Surrounding Properties			
North	Parks and Open Space	R-1	Traditional Neighborhood
South	Commercial/Residential Multi-Family	C-1, C-2, and R-6	Traditional Neighborhood
East	Parks and Open Space/Interstate ROW	R-1	Traditional Neighborhood
West	Residential Multi-Family and Commercial	R-6, C-2	Traditional Neighborhood

PREVIOUS CASES ON SITE

- None

INTERESTED PARTY COMMENTS

- No comments received from concerned citizens.

APPLICABLE PLANS AND POLICIES

- Land Development Code
- Cornerstone 2020

TECHNICAL REVIEW

The following public meetings were held regarding the I-64 & Grinstead CSO Basin Project:

- 9/16/2016 – MSD IOAP Project Meeting: Louisville Collegiate School 2427 Glenmary Ave. Louisville, KY 40204 (see attachment: IOAP Flyer_Sept162014)
- 3/10/2016 – Conceptual Design Meeting held at the Girl Scouts of Kentuckiana Building 2115 Lexington Rd., Louisville, KY 40206
- 11/15/2016 – Advanced Design Meeting held at the Girl Scouts of Kentuckiana Building 2115 Lexington Rd., Louisville, KY 40206 at 6:30 p.m.

STAFF CONCLUSIONS

In order to determine compliance with the applicable sections of the comprehensive plan guidelines required for a proposed non-residential use expansion in a Neighborhood Form District. Additional information regarding compliance with the Comprehensive Plan may be viewed in the Comprehensive Plan Checklist as shown on pages 6-12 of the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the Community Facility Review meets the applicable guidelines of the Comprehensive Plan, and make any recommendations deemed appropriate to bring it into conformance.

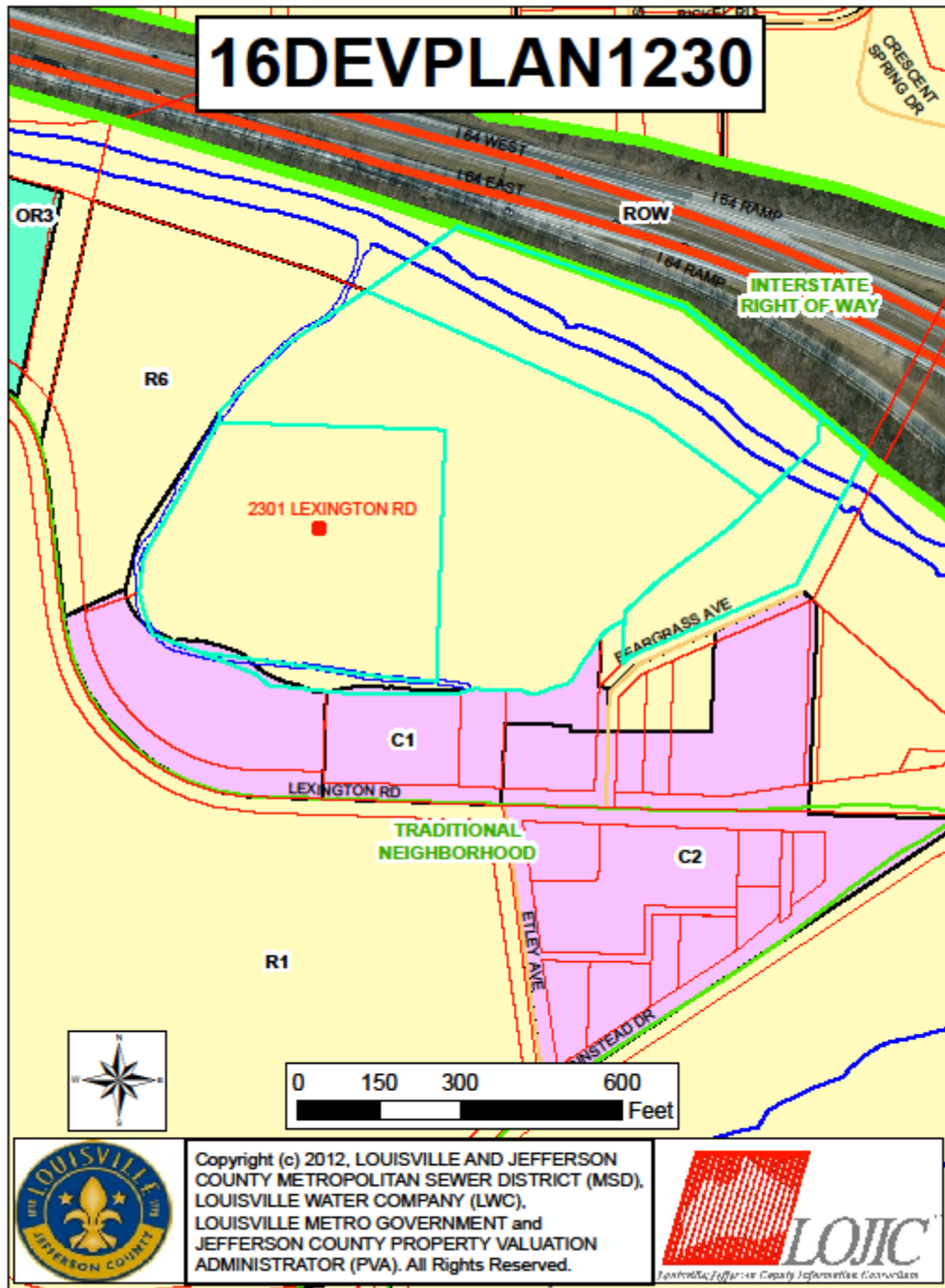
NOTIFICATION

Date	Purpose of Notice	Recipients
2/16/2017	DRC Meeting	1 st tier adjoining property owners and Neighborhood Notification
2/16/2017	Neighborhood Notification	Council District 9 Registered Parties

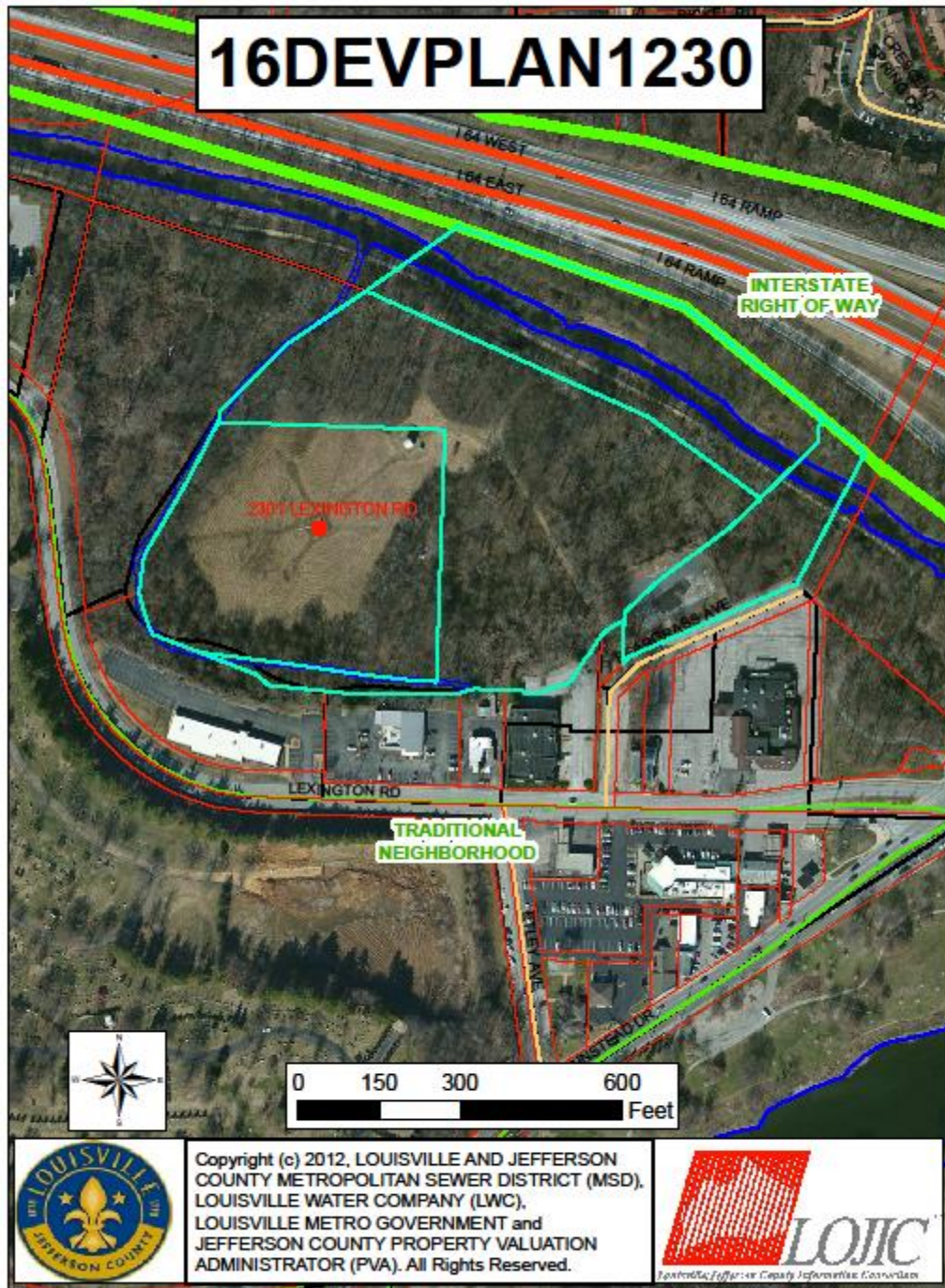
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Development Plan Overlay Aerial View

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Comprehensive Plan Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Traditional Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The Beargrass Creek Trail will be altered but does allow for the existing trail from the corner of Lexington Road and Grinstead Drive to connect to the newly redesigned portion as shown on the MSD development plan.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	NA	
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	✓	The proposal does preserve open space by maintaining and reconfiguring the Beargrass Creek Trail beginning from the existing trail at the corner of Lexington Rd. and Grinstead Dr. and throughout the site and connecting back to the original portion of the trail as located at the northwestern corner of the parcel.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	NA	
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	
6	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	
7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposed development is a compact land use pattern and does create a cost effective infrastructure investment that is mandated by the EPA Consent Decree.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
8	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	
9	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	
10	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	
11	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	NA	
12	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	The proposal is designed to connect to existing electric utilities located along Lexington Road however, the development plan shows Underground electric while existing electric utility poles are on Lexington Rd. and leading into the existing site via Beargrass Ave.
13	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal is designed to allow for the existing Beargrass Creek Trail to be reconfigured and reconnecting to the existing trail, found to the northwest of the parcel along the middle Fork of Beargrass Creek, allowing for bicycle and pedestrian access.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	
15	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal constitutes a non-residential (infrastructure) expansion into an existing residential area, R-1 zoning district (surrounding land use is commercial in nature along Lexington Rd.) but does not impact residences (none in the general vicinity) nor have an impact upon traffic, parking, signs, lighting, noise, odor, and storm water. The aforementioned impacts are appropriately mitigated, namely storm water as the intent of the CSO basin is to mitigate

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16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal mitigates any potential odors or emissions associated with the development largely as a result of the CSO basin being underground and found to the rear of existing parcels along Lexington Rd.
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	NA	
18	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	NA	
19	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	NA	
20	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal provides appropriate transitions with existing trees to remain along the western/southwestern/ northern portions of the property. Landscaping is to be provided along the reconfigured Beargrass Creek Trail, the frontage of Beargrass Ave., to the front of the proposed 21 space parking lot, and a rain garden interior to the site and proposed reconfigured Beargrass Creek Trail (southeastern property line). The proposed Pump Station/Control Room Building will have the maximum height as allowed by the Form District/zoning district of 35 feet. The building will have a brick façade with a standing seam metal roof.
21	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal provides buffering with existing trees to remain along the western/southwestern/ northern portions of the property. Landscaping is to be provided along the reconfigured Beargrass Creek Trail, the frontage of Beargrass Ave., to the front of the proposed 21 space parking lot, and a rain garden interior to the site and proposed reconfigured Beargrass Creek Trail (southeastern property line).
22	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks and building heights are compatible with the requirements of the LDC. Assessment of the heights and setbacks of surrounding structures were not conducted and are not applicable since one of the structures, Jim Porter's Good Time Emporium, is to be demolished.

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23	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	NA	
24	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The proposal includes screening and buffering of the proposed parking lot, having six trees screening the parking lot. The parking lot lies approximately 325 feet north of Lexington Rd. providing a distance where the Pump Station/Control Room Building overhead door is not visible to the pedestrians, vehicular, or bicyclists along Lexington Rd. The trailhead/bike rack, found southeast of the parking lot, lacks screening from the proposed parking and Pump Station/Control Room Building.
25	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	
26	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	NA	
27	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The proposal provides open space that helps meet the needs of the community as a component of the development, the expansion and reconfiguration of the Beargrass Creek Trail.
28	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	✓	The open space design is consistent with the pattern of development in the TNFD.
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The proposal integrates natural features into the pattern of development by retaining existing trees on site and providing new trees along the Beargrass Creek Trail.
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	✓	The proposal respects the natural features of the site through sensitive site design. The topography will be changed resulting in greater water run-off along newly proposed trails, north towards the Middle Fork of Beargrass Creek, and towards the south/southeastern portions of the parcel nearer to Beargrass Ave. but having a reinforced Rock Ditch running along the southern parcel boundary to help mitigate the run-off.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
31	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	
32	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The development is located on severely erodible soils. The proposed location allows for MSD to be within proximity to other CSO basins allowing for control/mitigation of overflow events.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	NA	
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The proposal does allow for the placement of the Overflow CSO Basin to be in proximity to CSO basins 125, 126, and 166 allowing for diversion should the previous basins exceed storage capacity.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	
38	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal contributes to the improvement of Beargrass Ave. and the Beargrass Creek Trail redesign/reconfiguration.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The redesign/reconfiguration of Beagrass Creek Trail does promote bicycle and pedestrian amenities that were existing but will allow for the use of the proposed facility to accommodate these uses in the future.
40	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	
41	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	Unknown at this time.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The development plan states 22 spaces including 2 ADA compliant spaces. However, the development plan shows 21 spaces including the two ADA compliant spaces.
43	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	
44	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	
45	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	NA	
46	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	
47	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides for the movement of pedestrian and bicyclists around and throughout the development on the proposed reconfiguration of the Beagrass Creek Trail with a shared asphalt pavement (10 foot wide) as a shared use path around the underground CSO basin as shown on the development plan.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal's drainage plan/s have been approved by MSD.
49	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been reviewed by APCD and found to not have a negative impact on air quality as of 12/12/2016.
50	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities (LG&E) and planned for utilities.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The closest fire hydrant to the proposed Pump Station/Control Building is located approximately 525 feet south of Lexington Road, being fire hydrant FH111556 from Louisville Water Company data.
53	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams, most notably the Middle Fork of Beargrass Creek.

4. Development Plan Overlay Aerial View

