

Land Development and Transportation Committee

Staff Report
January 25, 2018



Case No:	17DEVPLAN1198
Project Name:	Candlewood Suites
Location:	11350 Maple Brook Drive
Owner(s):	Dream Hospitality Inc. & KPM
Applicant:	BTM Engineering
Representative:	Chris Brown
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Dante St. Germain, Planner I

REQUESTS

- **Waiver** from Land Development Code section 10.2.10 to allow a structure to encroach into the required 10' vehicular use area Landscape Buffer Area
- **Waiver** from Land Development Code section 10.2.4.B.3 to allow utility easements to encroach more than 50% into the required perimeter Landscape Buffer Area
- **Waiver** from Land Development Code section 5.5.2.B.1.a to not provide vehicular cross access between the subject site and an abutting site
- **Revised Detailed District Development Plan**

CASE SUMMARY

The subject property is located along near the intersection of Chamberlain Lane and Westport Road. The site is 1.8 acres in area and is currently undeveloped. The applicant proposes to construct a new, 81-room Candlewood Suites-branded hotel on the property.

Due to grade changes on the lot, a retaining wall will be needed along portions of the north and east sections of the property. LDC section 10.2.10 requires a 10-foot landscape buffer area (LBA) around the parking lot (VUA). The applicant requests a waiver from this section to allow the retaining wall to encroach into the required LBA.

Several utility easements are present along the north-west property line. The applicant requests a waiver from LDC section 10.2.4.B.3 to allow these easements to encroach more than 50% into the required property perimeter LBA along this property line.

The abutting property to the south-west is currently developed with commercial structures and an existing parking lot. The applicant requests a waiver from LDC section 5.5.2.B.1 to not provide vehicular cross access with this parking lot. Pedestrian cross access is being provided.

The applicant also requests approval of the revised detailed district development plan.

STAFF FINDING

The proposal is in compliance with the Land Development Code with the exception of the required waivers and variances. Staff finds that the requested waivers are adequately justified and meet the

standard of review. The proposal preserves most of the existing tree canopy. Provisions for safe and efficient vehicular and pedestrian traffic are being provided. Adequate drainage facilities are provided and the overall character of the site will be consistent with surrounding land uses.

TECHNICAL REVIEW

- The plan has received preliminary approval from all applicable agencies.

INTERESTED PARTY COMMENTS

No interested party comments were received.

CASE BACKGROUND

This property was rezoned in June 2001 from OR-3 Office Residential to C-1 Commercial under docket number 9-11-01. The rezoning case included portions of the property to the south-west of the subject property, and the intent at the time was to construct retail buildings. The planned retail buildings were never constructed on the subject site, and the property remains undeveloped at this time.

Case number 17VARIANCE1079 is the related variance request. It was heard by the Board of Zoning Adjustment on January 22, 2018.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.10

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

STAFF: The waiver will not adversely affect adjacent property owners as the VUA LBA is a significant distance from adjacent property owners and separated from adjacent properties by areas with steep slopes which are proposed to remain wooded.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 characterizes the Regional Center form district as a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged.

Regional Center site design should provide screening of the parking lot and outbuildings as the site is viewed from the arterial roadway. The rear or loading area of buildings should be well screened from arterials, freeways and adjacent residential areas. These guidelines are being followed with the significant screening being provided by preserved wooded areas.

- (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 as the retaining wall cannot be placed elsewhere on the property without creating significant engineering challenges.

- (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 has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant is preserving 18% of the site as existing tree canopy and providing an additional 7.9% of the site as new tree canopy, which exceeds the form district minimums by 10.9%.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4.B.3

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

STAFF: The waiver will not adversely affect adjacent property owners as the utility easements already exist and are wooded at this time. The applicant proposes to retain the tree canopy within the easements.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 characterizes the Regional Center form district as a development form that typically contains a mixture of high intensity uses including regional shopping, office, services, entertainment facilities and medium to high-density residential uses. Such Regional Centers may include a variety of stores under one roof, or may consist of freestanding structures. The amount of floor space in regional centers usually exceeds 400,000 square feet, reflecting a market area designed to serve a population of at least 100,000. Redevelopment and infill development are encouraged.

Landscaping, building design and unified signs in the Regional Center give character to the development, defines and reinforces identity and provides a human scale. These guidelines are being followed as the area involved is currently wooded and is proposed to remain wooded.

- (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 as the easements are existing, and reducing the overlap between the LBA and the easements would require the applicant to eliminate necessary parking in order to shift the location of the principal structure on the lot.

- (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 has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant is preserving 18% of the site as existing tree canopy and providing an additional 7.9% of the site as new tree canopy, which exceeds the form district minimums by 10.9%.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.5.2.B.1.a

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

STAFF: The waiver will not adversely affect adjacent property owners as the proposed use of the property, the use of the neighboring property, and the layout of the two sites make it unlikely that significant vehicular circulation will take place between the two sites if the cross access is provided. Pedestrian cross access is being provided.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 Element C, Guideline 7, Policy 13, Joint and Cross Access, states that joint and cross access easements should be required according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. This guideline is not violated because Maple Brook Drive is a local-class private road, and cross access between the two sites will not reduce traffic on a major thoroughfare or reduce safety hazards.

- (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 as the applicant would have to redesign the parking lot and reduce necessary parking in order to provide the cross access, or shift the parking lot to encroach into the stream buffer for nearby Hite Creek.

- (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 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 by requiring the applicant to reduce the amount of parking provided, or shift the parking to encroach into the stream buffer for nearby Hite Creek in order to provide cross access which is unlikely to be used.

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: LOJIC has not identified any hydric soils, steep slopes, or unstable soils on the site. The site is located partially within the stream buffer for nearby Hite Creek, and the applicant has located all structures except the retaining wall and a small portion of the parking lot outside this buffer. The applicant is also providing stream buffer compensation area in accordance with LDC section 4.8.4.A in excess of the encroachment. No karst features were identified on the site by survey.

- 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 has been provided, except for the vehicular cross access which is requested to be waived. 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: No open space is required for the development. However, the applicant is preserving significant wooded space on the lot, and is providing a gazebo and patios in the rear of the principal structure for the use of employees and guests of the hotel.

- 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. Landscaping will exceed that provided by the abutting commercial development and will ensure compatibility with future residential development on the abutting site to the north-east.

- 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 with the exception of the requested variances and waivers.

REQUIRED ACTIONS

- **APPROVAL or DENIAL** of Waiver from LDC section 10.2.10
- **APPROVAL or DENIAL** of Waiver from LDC section 10.2.4.B.3
- **APPROVAL or DENIAL** of Waiver from LDC section 5.5.2.b.1.a
- **APPROVAL or DENIAL** of the Detailed District Development Plan

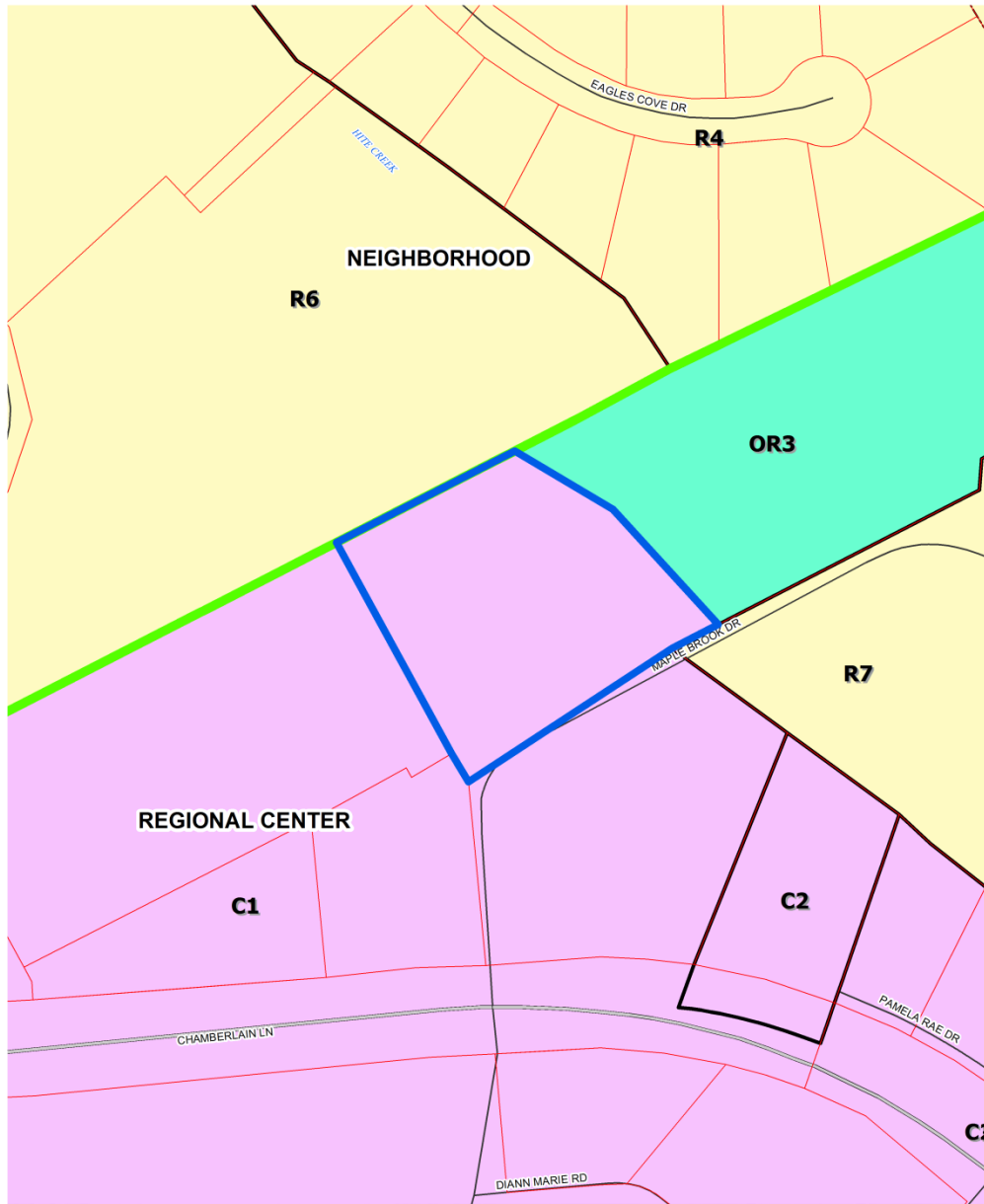
NOTIFICATION

Date	Purpose of Notice	Recipients
01/05/2018	Meeting before LD&T	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17

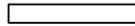
ATTACHMENTS

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

1. **Zoning Map**



11350 Maple Brook Drive
feet



140
Map Created: 1/4/2018



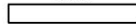
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2. Aerial Photograph



11350 Maple Brook Drive

feet



140

Map Created: 1/4/2018



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3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 23,600 square feet of gross floor area.
3. There shall be no direct vehicular access to Chamberlain Lane.
4. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed .5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.
8. 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.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. The applicant shall work with DPDS staff on screening of the site from the adjacent condominiums, single family residential and proposed multi-family development. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and

Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

10. If a building permit 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.
11. 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.
12. 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.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
15. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 17, 2001 Planning Commission meeting.
16. The developer/owner/applicant shall work with the adjacent commercial property across Maple Brook Drive at the time the adjacent lot is developed on the construction of a crosswalk across Maple Brook Drive.

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.
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, site disturbance or alteration 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 appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - c. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 25, 2018 Land Development and Transportation Committee meeting.
10. No idling of trucks shall take place within 200 feet of residential structures. No overnight idling of trucks shall be permitted on-site.
11. There shall be no outdoor storage on the site.
12. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed .5 foot

candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.

13. The dumpster shall not be emptied between the hours of 10 PM and 7 AM.

14. The developer/owner/applicant shall work with the adjacent commercial property across Maple Brook Drive at the time the adjacent lot is developed on the construction of a crosswalk across Maple Brook Drive, unless not permitted by Public Works or designee in compliance with MUTCD (Manual on Uniform Traffic Control Devices) standards.