

Development Review Committee

Staff Report

October 04, 2023



Case No:	23-WAIVER-0146
Project Name:	5710 Cane Run Road
Location:	5710 Cane Run Road
Owner(s):	Riverport Property Owner LLC
Applicant:	Riverport Property Owner LLC
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Lucia Rodriguez, Planner I

REQUEST(S)

- **Waiver** from 10.1.4 (23-Waiver-0146) to not preserve 20% of the existing canopy.
- Request for approval of a tree mitigation plan.

CASE SUMMARY

This proposed warehouse site was approved under 21-CAT3-0014, where 20% of the existing trees were required to be preserved. During construction, trees which ranged from approximately 6” to 10” in caliper were removed from an estimated total area of 3,400 square feet of Tree Canopy Conservation Area. Chapter 10 requires the replacement of the trees inches per inch using table 10.4.3, with the intent being that they are planted in the same area where the existing trees were removed.

The applicant has worked with staff to create a plan (23-Landscape-0138) to add back in 142 trees. All the trees were not able to fit in the location where they were lost, so the plan shows planting elsewhere on the property.

STAFF FINDING

Staff finds that the requested waiver meets the standards of review of the Land Development Code because the 142 proposed trees mitigates the loss of existing trees in the 20% preserved area. The committee should discuss whether or not that is sufficient justification for the removal of trees in the 20% preserved area.

TECHNICAL REVIEW

No outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: In accordance with the comprehensive plan, reasonable consideration has been made to meet requirements. The applicant has made a good faith effort to replace trees within the area of removal in accordance with 10.1.15, however, crowding trees together too much could lead to low survival rates, which would not be in keeping with the spirit of the requirements.

- (b) The applicant has made a good faith effort to provide as many trees as possible on the site, on the adjacent right of way, or another alternative method of compliance as specified in 10.1.3; and

STAFF: The applicant has made a good faith effort to provide as many trees as possible on site by planting 142 3" caliper trees to replace the removed trees. In an effort to assure each tree's highest chance of survival, the applicant will be planting them on 12' centers.

- (c) There are other mitigating circumstances affecting this site which do not generally apply to sites developed for the same use and in the same form district.

STAFF: After the review process for landscape plan associated with this waiver, staff has found that the area where trees were removed will not adequately fit the required number of trees for remediation.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **mitigation plan**

NOTIFICATION

Date	Purpose of Notice	Recipients
10/04/23	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 12

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

