

# Development Review Committee

## Staff Report

August 20, 2014



<b>Case No:</b>	14DEVPLAN1096
<b>Project Name:</b>	Parker Hollow
<b>Location:</b>	1302 N. English Station Road
<b>Owner:</b>	Parker Hollow, LLC
<b>Applicant:</b>	Parker Hollow, LLC
<b>Representative:</b>	Blomquist Design Group, LLC
<b>Project Area/Size:</b>	5.43 acres
<b>Existing Zoning District:</b>	M-2, Industrial District
<b>Existing Form District:</b>	SW, Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Jerry Miller
<b>Case Manager:</b>	Matthew R. Doyle, Planner I

### REQUEST

- Revised Detailed District Development Plan (RDDDP) to allow the release of a Woodland Protection Area (WPA)

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located along N. English Station Road where it intersects with Old Henry Road and Avoca Road. It is plan certain and the zoning was changed from R-4 to M-2 in early 1986. The site abuts a fire training facility to the north, the right-of-way of N. English Station Road and Old Henry Road to the east, the right-of-way of Avoca Road to the south, and a single-family residence and a heavily wooded area to the east. The latter was rezoned in March of 2010 from R-5A to PRD Planned Residential Development and has an approved subdivision consisting of 118 condominium units. The subject site appears to be the westernmost portion of a relatively large industrially zoned area located north of Shelbyville Road around I-265.

With the proposed RDDDP, the applicant requests the release of the variable WPA that abuts the single family residence along the western border of the site. MSD will be installing a sanitary sewer in this portion of the site, which is necessary in eliminating the Berrytown Wastewater Treatment Plant. The construction will involve significant disturbance to the WPA, including removal of existing vegetation and several mature trees.

The proposed RDDDP also adds parking for the 7,400 sq. ft. office/warehouse and changes the total tree canopy from 20% to 17%. Both of these requests meet or exceed the requirements of the Land Development Code.

**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>	Office/ warehouse	M-2	SW
<b>Proposed</b>	Office/ warehouse	M-2	SW
<b>Surrounding Properties</b>			
<b>North</b>	Fire training facility and single family residential	R-4	N
<b>South</b>	Vacant industrial and single family residential	M-2 & R-4	SW & N
<b>East</b>	Large pond, manufacturing, and single family residential	M-2 & R-4	SW & N
<b>West</b>	Large wooded area and single family residential	PRD & R-4	N

**PREVIOUS CASES ON SITE**

- 9-109-85: Approval of a change in zoning from R-4 to M-2 and development plan. Subsequent revisions to the development plan were approved in 1999, 2000, and 2007.
- 9455: Approval of a RDDDP to allow construction of a 21,450 sq. ft. office/warehouse building and a 7,400 sf office/warehouse building along with a sidewalk waiver to not construct sidewalks along Old Henry Road, a landscape waiver to reduce the LBA along the north and west property lines, and a parkway buffer waiver along Old Henry Road to allow 2 existing buildings to remain in their current location.

**INTERESTED PARTY COMMENTS**

Staff has received phone calls expressing concern over releasing the WPA.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**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: 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: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community will be provided. Transportation Plan Review 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: Provisions of sufficient open space will be provided.

- 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: MSD 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 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 adjacent properties and roadways.

- 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.

### **TECHNICAL REVIEW**

The proposed development plan is in order and has received preliminary approvals from Transportation Plan Review and MSD.

If the proposed development plan is approved, binding elements 12 and 13 would no longer be necessary and should be deleted.

### **STAFF CONCLUSIONS**

- With the proposed RDDDP, the applicant requests the release of a WPA as well as additional parking and a reduction of the total tree canopy from 20% to 17%.
- The proposed development plan appears to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the RDDDP.

## REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan.

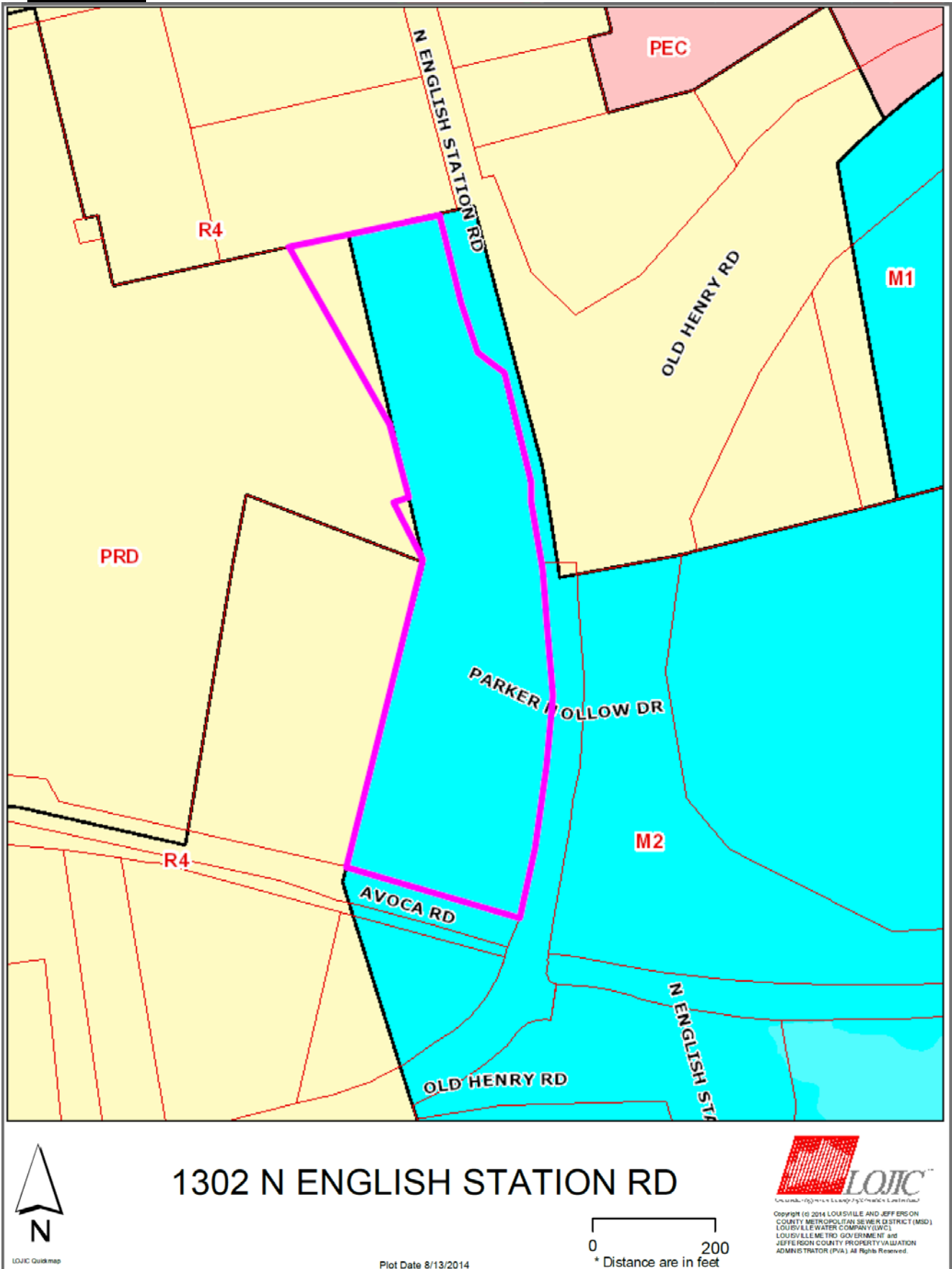
## NOTIFICATION

Date	Purpose of Notice	Recipients
8/4/14	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered neighborhood groups

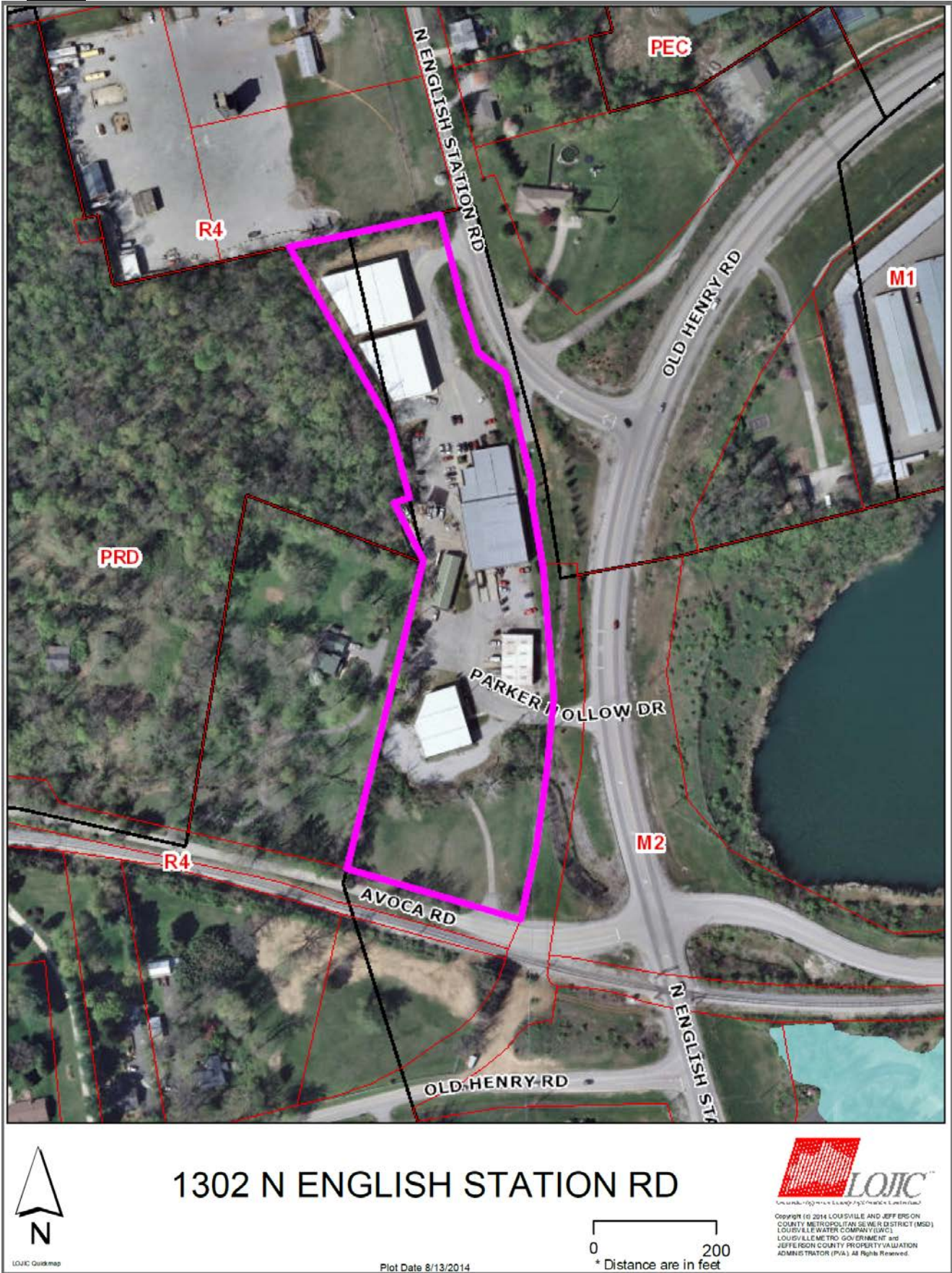
## ATTACHMENTS

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

1. **Zoning Map**



2. Aerial



**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. Use of the subject site shall be limited to office/warehouse. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. Outdoor storage shall be permitted in accordance with section 4.4.8 of the Development Code.
5. 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.
6. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - 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.
7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment or outdoor PA system permitted on the site.
9. 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 assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
10. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.

11. 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.
12. The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action. All plans setting out woodland protection areas must be in accordance with the following requirements:
  - a. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall be permanently preserved all existing vegetation in the WPA shall be preserved. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.
  - b. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
  - c. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
  - d. No parking, material storage or construction activities are permitted within the WPAs.
13. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel.
14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 12, 2007 Development Review Committee meeting.

**4. Proposed Binding Elements**

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