

# Development Review Committee

## Staff Report

June 5, 2019



<b>Case No:</b>	19DEVPLAN1074
<b>Project Name:</b>	Assumption High School Expansion
<b>Location:</b>	2170 Tyler Lane
<b>Owner(s):</b>	Assumption High School, Inc.
<b>Applicant:</b>	Assumption High School, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Jon E. Crumbie, Planning & Design Coordinator

### REQUESTS:

1. **Revised Detailed District Development Plan**
2. **Binding Element Amendments**

### CASE SUMMARY/BACKGROUND

The applicant is proposing to expand their existing classroom, cafeteria space and parking area. The Assumption campus is comprised of two existing tracts. There is an existing daycare and parking on tract 1. The existing daycare will be removed and the parking area will be expanded. Assumption's existing high school building is located on Tract 2. The existing convent on Tract 2 will be removed to make room for the building expansion. The building expansion will take place in an area that is currently an existing building and existing parking area. The building expansion will consist of a 1-story and 3-story addition that will consist of 34,813 square feet.

Previous cases:

- 9-31-00PWVLW: Change in zoning from R-5 Single-Family Residential to R-6 Multi-Family Residential
- B-180-00: Conditional Use Permit for off-street parking
- B-181-00: Variances to allow parking in the required yards
- 19CUP1061: Modified Conditional Use Permit for off-street parking and height variance

### STAFF FINDINGS

The revised plan and binding element amendments appear to be adequately justified based on staff's analysis contained in the standard of review.

## **TECHNICAL REVIEW**

There are no outstanding technical review items.

## **INTERESTED PARTY COMMENTS**

Staff has received two comments from interested parties concerning this proposal. One was concerned with drainage and the other was asking about the binding element amendments.

## **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: There do not appear to be any environmental constraints or historic resources on the subject site. 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 has been provided. Public Works' and MSD has provided preliminary approval.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required for this 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 adjacent properties and 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:**

- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

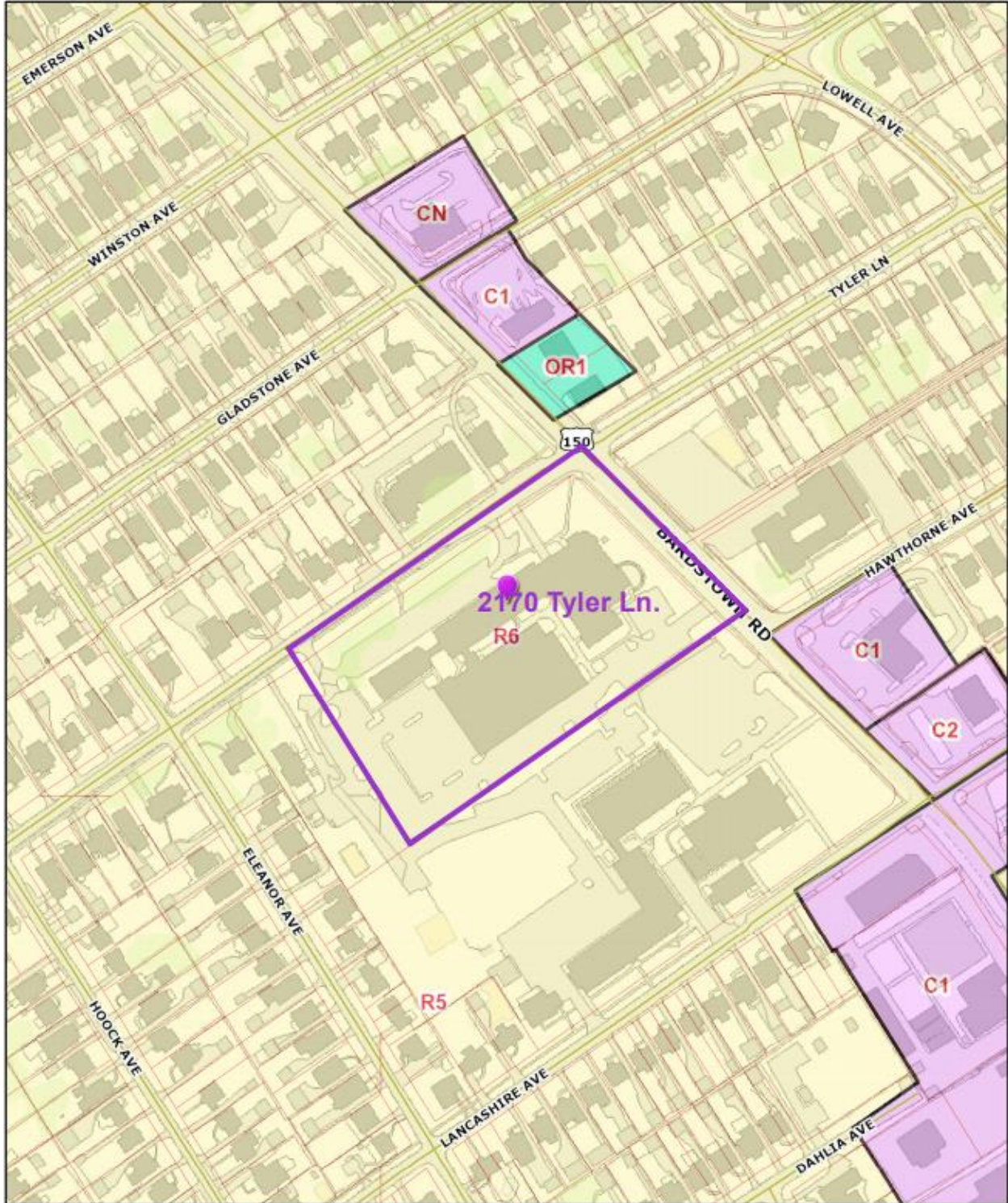
**NOTIFICATION**

Date	Purpose of Notice	Recipients
6/5/2019	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 8

**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph



**3. Existing Site Plan 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. No further development shall occur without prior approval from the Planning Commission. No additional land use or change in use of the property (other than the uses permitted on the approved Development Plan) shall be permitted without the prior approval of the Land Development \* Transportation (“D&T”) Committee or Planning Commission. The LD&T Committee or the Planning commission may require a public hearing on the request to amend this Binding element.
  - (b) The applicant shall provide written notice of any LD&T meeting or Planning Commission hearing at which a proposed additional land use or change in use is to be considered. Such notice shall be mailed to all first and second tier adjacent property owners and to the President of the Upper Highlands Neighborhood Association at least fourteen (14) days prior to any such LD&T meeting or Planning Commission hearing. Certification of such notice shall be provided, by the applicant, to Planning and Development Services prior to docketing of any land use or change in use.
2. The development (all buildings) shall not exceed 127,506 square feet of gross floor area, which includes 48,974 square feet for the gymnasium (including classrooms, cafeteria and school book store).
3. The only permitted freestanding sign shall be the existing sign as shown on the approved detailed district development plan.
4.
  - (a) No outdoor advertising signs (billboards) or small-free standing (temporary) signs shall be permitted on site.
  - (b) Pennants, banners and balloons may be permitted on site for special school-related events (‘events’). Not more than 12 events may occur during each calendar year. For each such event, a display of pennants, banners and/or balloons shall not last longer than 24 hours.
  - (c) The existing banner stating “Triple Crown Blue Ribbon School of Excellence” may remain at its present location on the southern façade of the main school building.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
- 7a. 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.

- 7b. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree preservation Plans must be prepared in accordance with the standards set forth in DPDS.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permits) is requested:
  - a. The development plan must receive full construction approval from the City of Louisville, Department of Inspections, Permits and Licenses (617 W. Jefferson Street) 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. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. 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.
10. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
11. **Following issuance of a Certificate of Occupancy for the new gymnasium building**, there shall be no school sponsored outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site. *[Note: Presently school pep rallies are conducted outdoors. Following the opening of the gymnasium building all pep rallies will be held indoors, eliminating the need for sound amplification.]*
12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their subcontractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

13. Assumption High School (“Assumption”) shall construct a left turn lane on Tyler Lane adjacent to the High School. The storage and taper of the turning lane should be as described in the Traffic Analysis of Travel and Traffic Associates, Inc., dated July 25, 2000 and as shown on the approved Detailed Development Plan. Assumption shall be responsible for all costs associated with the installation of the turning lane. Additionally, Assumption shall dedicate the required right-of-way for the construction of the turning lane,
14. Assumption High School shall be responsible for the installation of a left-turn phase modification on the eastbound approach of Tyler Lane, to the existing traffic signal if warranted by the standards in the Manual of Uniform Traffic Control Devices and the Kentucky Transportation Cabinet Guidelines.
15. Assumption High School shall publish the following provisions in each edition of its Student/Parent handbook. (Neither Planning and Development Services Staff nor Inspection, Permits, and Licenses staff shall be responsible for enforcing the rules set forth below).

#### Parking

Parking on campus or in a school-provided parking space is a privilege. During the school day, any student who is not assigned parking spaces shall not park on campus.

Seniors and juniors who register by the deadline may be assigned a parking space.

Only those students who register for a parking permit, pay the specified fee, and fulfill all applicable school requirements may be issued a parking space.

If a student has not been assigned a parking space, she may not park in Assumption’s lot or in spaces arranged for by the school.

At no time may any student park in fire lanes, construction areas, faculty spaces, visitor parking areas or on residential streets, including Tyler Lane, Eleanor Avenue, Lancashire Avenue, Gladstone Avenue, Hock Avenue and other residential streets near Assumption High School.

Priority for issuing spaces will be given to students who car pool.

Careful driving (not to exceed 10 mph) is expected at all times in the parking lot.

Students shall not park in the following areas (violators parking illegally are subject to having their vehicles towed):

- (1) parking spaces reserved for St. Raphael’s Church;
- (3) parking spaces intended for patrons of local businesses;
- (4) on private property without the express permission of the owner(s) of such private property;



All school rules and regulations are in effect in all student parking areas, including those off campus.

Students will receive a packet containing rules and regulations regarding driving and parking on school property when they apply for a permit.

Failure to abide by any rules, regulations, and school policies pertaining to Parking will result in disciplinary consequences, and in addition may result in the suspension or cancellation of parking privileges.

A signed copy of the student's agreement to abide by the driving and parking regulations shall be kept on file in the school office.

Students may not go to the parking lot at any time during the school day without permission from the dean of students. Students may not go to their cars parked in designated areas off-campus without special permission from their parents and the dean of students.

16. At no time shall Assumption High School enroll more than 975 students.
17. Subject to the approval of the City of Louisville Department of Public Works, traffic signs shall be placed at the Bardstown road/Assumption access and the Bardstown road/St. Raphael access, stating "Right Turn Only – School Days Only – 1:30 PM – 3:30PM." The exact location of these signs shall be determined in conjunction with the Department of Public Works.
18. The proposed gymnasium building shall be predominantly brick, and shall be substantially similar in design to the drawings submitted at public hearing on September 7, 2000. Any further reduction in the height of the gymnasium building may be approved by DPDS Staff without further approval of the Land Development and Transportation Committee or the Planning Commission.
19. Prior to requesting a Certificate of Occupancy, Assumption shall provide to Planning and Development Services an executed copy of an agreement with the Upper Highlands neighborhood Association addressing at a minimum, enforcement of the following issues:
  - a. The gymnasium shall not be leased (a) to sports clubs or league conducting volleyball games, basketball games or other sports activities which are not associated with Assumption High School, or (b) to for-profit or not-for-profit organizations conducting activities not connected with Assumption High School. Assumption may use the facilities for school-related functions, and may allow the use of the facility by St. Raphael for athletic purposes; and
  - b. No drop-off/pick up of students shall be permitted on the Tyler lane right-of-way; and,
  - c. Assumption High School will have personnel on-site to direct traffic.

20. Prior to Planning and Development Services transmittal of the plans to the building department, Assumption shall provide a letter from the Louisville Development Authority (LDA) certifying that LDA has reviewed and is in concurrence with the building mass, height and color scheme.
21. Assumption shall replace any trees along Tyler Avenue damaged during construction of the parking in this area. Replacement trees shall be a minimum of four inch caliper.

**Additional Binding Elements Agreed to By the Applicant Before the Louisville Board of Alderman on October 17, 2000**

1. Applicant shall file with the Division of Planning and Development Services an as-built survey indicating that detention facilities have been constructed in accordance with Metropolitan Sewer District requirements and the Development Plan.
2. Prior to the commencement of construction Assumption High School shall furnish to all first tier property owners and to the President of the Upper Highlands Neighborhood Association the name(s) and phone number(s) of a person or persons to contact in the event of concerns or questions relating to construction activities on-site.
3. Assumption High School shall furnish to all first tier property owners and to the President of the Upper Highlands Neighborhood Association the name(s) and phone number(s) of a person or persons to contact in the event of concerns, issues, or questions relating to traffic or parking issues or problems on-site. *[Assumption High School shall comply with this Binding Element within 30 days of final and unappealable approval of this zone change application, or in the event of a judicial appeal, within 30 days of final judgement or order in favor of Applicant by a court of competent jurisdiction, together with all time remaining for further appeal having expired.]*

**4. Proposed Site Plan 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. No further development shall occur without prior approval from the Planning Commission. No additional land use or change in use of the property (other than the uses permitted on the approved Development Plan) shall be permitted without the prior approval of the Land Development \* Transportation ("D&T") Committee or Planning Commission. The LD&T Committee or the Planning commission may require a public hearing on the request to amend this Binding element.~~

~~(b) The applicant shall provide written notice of any LD&T meeting or Planning Commission hearing at which a proposed additional land use or change in use is to be considered. Such notice shall be mailed to all first and second tier adjacent property owners and to the President of the Upper Highlands Neighborhood Association at least fourteen (14) days prior to any such LD&T meeting or Planning Commission hearing. Certification of such notice shall be provided, by the applicant, to Planning and Development Services prior to docketing of any land use or change in use.~~

- ~~2. The development (all buildings) shall not exceed 127,506 square feet of gross floor area, which includes 48,974 square feet for the gymnasium (including classrooms, cafeteria and school book store).~~
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. The only permitted freestanding ~~sign~~ signs shall be the ~~existing sign~~ existing and proposed signs as shown on the approved detailed district development plan.
3. (a) No outdoor advertising signs (billboards) or small-free standing (temporary) signs shall be permitted on site.  
(b) Pennants, banners and balloons may be permitted on site for special school-related events ('events'). Not more than 12 events may occur during each calendar year. For each such event, a display of pennants, banners and/or balloons shall not last longer than 24 hours.  
(c) The existing banner ~~stating "Triple Crown Blue Ribbon School of Excellence"~~ may remain at its present location on the southern façade of the main school building and may be replaced when necessary for a change in message or due to deterioration.
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