

**Development Review Committee**  
**Staff Report**  
July 18, 2018



<b>Case No:</b>	18DEVPLAN1088
<b>Project Name:</b>	Harbor Freight
<b>Location:</b>	Standiford Plaza Dr at Crandon Rd
<b>Owner(s):</b>	Martina G Harding
<b>Applicant:</b>	Thomas English Real Estate
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Vicki Aubrey Welch
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- **Waiver** of Land Development Code section 5.6.1 to not provide windows along the facades at street level.
- **Waiver** of Land Development Code section 5.8.1.B to not provide sidewalks in the Preston Highway right-of-way.
- **Revised District Development Plan**

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a 15,550 SF retail hardware store on 2.81 acre vacant parcel in southern Jefferson County. The property was rezoned to C-1 under docket 9-48-05 and lies in the Suburban Marketplace Corridor form district.

**STAFF FINDING**

The requests are adequately justified and meet the standards of review.

**TECHNICAL REVIEW**

There are no outstanding technical issues associated with this request.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 5.6.1 TO NOT PROVIDE WINDOWS ON THE STREET LEVEL FACADES.**

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

STAFF: The requested waiver will not adversely affect adjacent property owners since the proposed building design is in keeping with the general character of the area.

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

STAFF: Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. The building design is similar to other suburban-style retail properties in the area.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other building design standards will be met.

- (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, as the internal layout of the store requires all available space to accommodate racks and merchandise facing customers inside the store.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 5.8.1 TO NOT PROVIDE SIDEWALKS IN THE PRESTON HIGHWAY ROW**

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

STAFF: The Preston Highway right-of-way functions like a divided highway at this point, and is not a safe area for pedestrian use. In addition, there is difficult topography and a stream in the right-of-way that would make construction of the sidewalk difficult to construct.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Sidewalks will be provided within the Standiford Plaza Dr right-of-way, allowing for adequate pedestrian network to serve the site.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: Sidewalks will be provided in the adjacent Standiford Plaza Dr right-of-way.

- (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: Strict application would cause an unnecessary hardship on the applicant, as there would be a great expense involved in building a sidewalk across difficult topography, which would not realistically serve pedestrian traffic.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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, and Metro Public Works and the Kentucky Transportation Cabinet will approve the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current 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 will approve 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, with the exception of the requested waivers..

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waivers**
- **APPROVED** or **DENY** the **Revised District Development Plan**

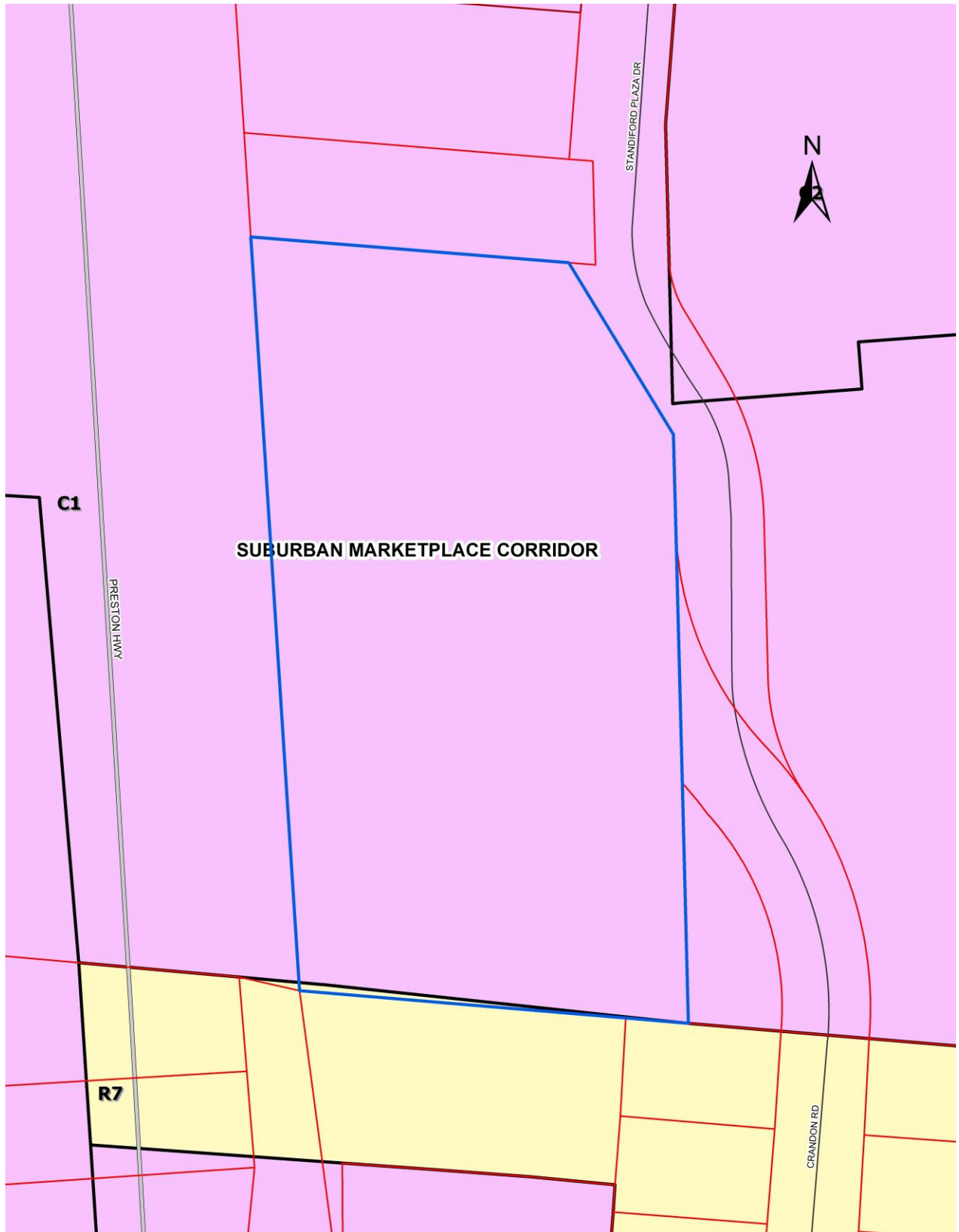
**NOTIFICATION**

Date	Purpose of Notice	Recipients
6-28-18	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 13

**ATTACHMENTS**

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

1. **Zoning Map**



2. Aerial Photograph



**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 or alterations of any binding element(s) shall be submitted to the Planning Commission (and to the city of Jeffersontown) for review and approval; any changes, additions or alterations not so referred shall not be valid.
2. ~~Use of the subject site shall be limited to an access easement. There shall be no other use of the property unless prior approval is obtained from the Planning Commission or 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. There shall be no outdoor storage, display or sales except as permitted under Section 4.4.8 of the Louisville Metro Land Development Code and within designated areas on the approved development plan.
5. ~~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
    - 1) ~~the Louisville Metro Department of Public Works and Transportation (444) and the Metropolitan Sewer District (700 West Liberty).~~
    - 2) ~~the Louisville Metro Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).~~~~
  - b. ~~Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
  - c. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 and in conformance with the Parkway Policies prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~~~

**5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)**

- a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.**



**b. A minor subdivision plat shall be recorded to create the lot 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.**

6. 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.
7. 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

#### **4. Proposed 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 or alterations of any binding element(s) shall be submitted to the Planning Commission (and to the city of Jeffersontown) for review and approval; any changes, additions or alterations not so referred shall not be valid.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
3. There shall be no outdoor storage, display or sales except as permitted under Section 4.4.8 of the Louisville Metro Land Development Code and within designated areas on the approved development plan.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)
  - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.



- b. A minor subdivision plat shall be recorded to create the lot 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.
5. 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.
6. 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