

Land Development & Transportation Committee

Staff Report

September 8, 2016



Case No:	16DEVPLAN1142
Request:	Revised Detailed District Development Plan, Sidewalk Waiver, Pedestrian Connection Waiver
Project Name:	Highlands Latin School
Location:	10901 Shelbyville Road
Owner:	Brian Lowe, HLS LC
Applicant:	Brian Lowe, HLS LC
Representative:	Jennifer Caummisar-Kern, Accurus Engineering
Jurisdiction:	Louisville Metro
Council District:	19- Julie Denton
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan
- Waivers
 1. Section 5.8.1.B to not provide sidewalks along Shelbyville Road
 2. Section 5.9.2.A.1.b to not provide a pedestrian connection from Shelbyville Road to entrance of school

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This site is 20.3 acres in size and is currently the site of Highlands Latin School, located on the north side of Shelbyville Road, just west of the city of Middletown. The applicant is proposing a new 9,600 square foot classroom addition on the west side of the site and a parking lot expansion for a total of 115 parking spaces on site. The proposal also includes additional Vehicle Use Area to connect the new parking to an existing parking area. The applicant has applied to waive both the requirement for a sidewalk along Shelbyville Road, as well as the pedestrian connection from Shelbyville to the entrance of the school due to site constraints and safety concerns for their students.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	School	R-5A	N
Proposed	School	R-5A	N
Surrounding Properties			
North	Multi-Family Residential	R-5A	C
South	Single & Multi-Family Residential	R-4, R-6	N
East	Single Family Residential	R-4	N
West	Multi-Family Residential	R-5A	C

PREVIOUS CASES ON SITE

9-3-06 – Change in zoning from R-4, Single Family Residential to R-5A, Multi-Family Residential and form district change from Campus to Neighborhood and variances for Condominiums. (Approved by Planning Commission on November 2, 2006)

17607 - Revised Detailed District Development Plan for school expansion and waivers.

13DEVPLAN1089- Revised Detailed Development plan for new gymnasium with landscape, pedestrian access and partial sidewalk waivers. (Approved by DRC June 4, 2014)

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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: This site includes trees and a protected waterway. With the approval of the sidewalk waiver, the waterway will not be disturbed. Two trees will be affected by the expansion, one of which will be relocated and the site meets the tree canopy requirements.

- 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 transportation within and around the development and the community has been provided through the existing vehicular access and the completion of a connected loop within the development with this proposal. There are existing sidewalks on site, providing safe pedestrian connectivity within the site, although the applicant is not providing the pedestrian connection or public sidewalks.

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

STAFF: There is no open space requirement with this proposal, although there is abundance open, green space on site to meet the needs of the school.

- 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 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 land uses are compatible with the existing and future development of the area, as this area is mostly residential and institutional uses are encouraged and highly compatible with residential development.

- 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: This development conforms to the Land Development Code and the Comprehensive Plan with the exception of the requested sidewalk and pedestrian connection waivers.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER Section 5.8.1.B to not provide sidewalks along Shelbyville Road

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

STAFF: The waiver will not adversely affect adjacent property owners as there are no existing sidewalks to connect to along this side of Shelbyville Road.

- (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, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated with this waiver as the topography of the site constrains the ability to construct sidewalks in accordance with 6.2.6 without disturbing the creek that runs along Shelbyville Road. In addition, the development proposed does not warrant the burden of the costs of constructing a sidewalk with the additional site constraints.

- (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 construction of the sidewalk would trigger relief from Section 4.8.6 for protected waterway encroachment.

- (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 create an unnecessary hardship on the applicant as the cost of constructing a sidewalk in compliance with 6.2.6 would be unreasonable.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Section 5.9.2.A.1.b to not provide a pedestrian connection from Shelbyville Road to entrance of school

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

STAFF: The waiver will not adversely affect adjacent property owners as the pedestrian connection would only affect attendees and staff of the school.

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

STAFF: Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. This guideline is not violated as most students travel by automobile and providing a pedestrian connection to Shelbyville road would be a safety issue for students as there are no existing sidewalks in this area.

- (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 pedestrian connection throughout the site is provided.

- (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 create an unnecessary hardship on the applicant as the costs to build this connection would be unnecessary due to the lack of need for such a connection.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Waiver requests appear to be adequately justified and generally meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for granting LDC Waivers and a RDDDP established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan
- **APPROVE** or **DENY** the waiver of Section 5.8.1.B to not provide sidewalks along Shelbyville Road
- **APPROVE** or **DENY** the waiver of Section 5.9.2.A.1.b to not provide a pedestrian connection from Shelbyville Road to entrance of school

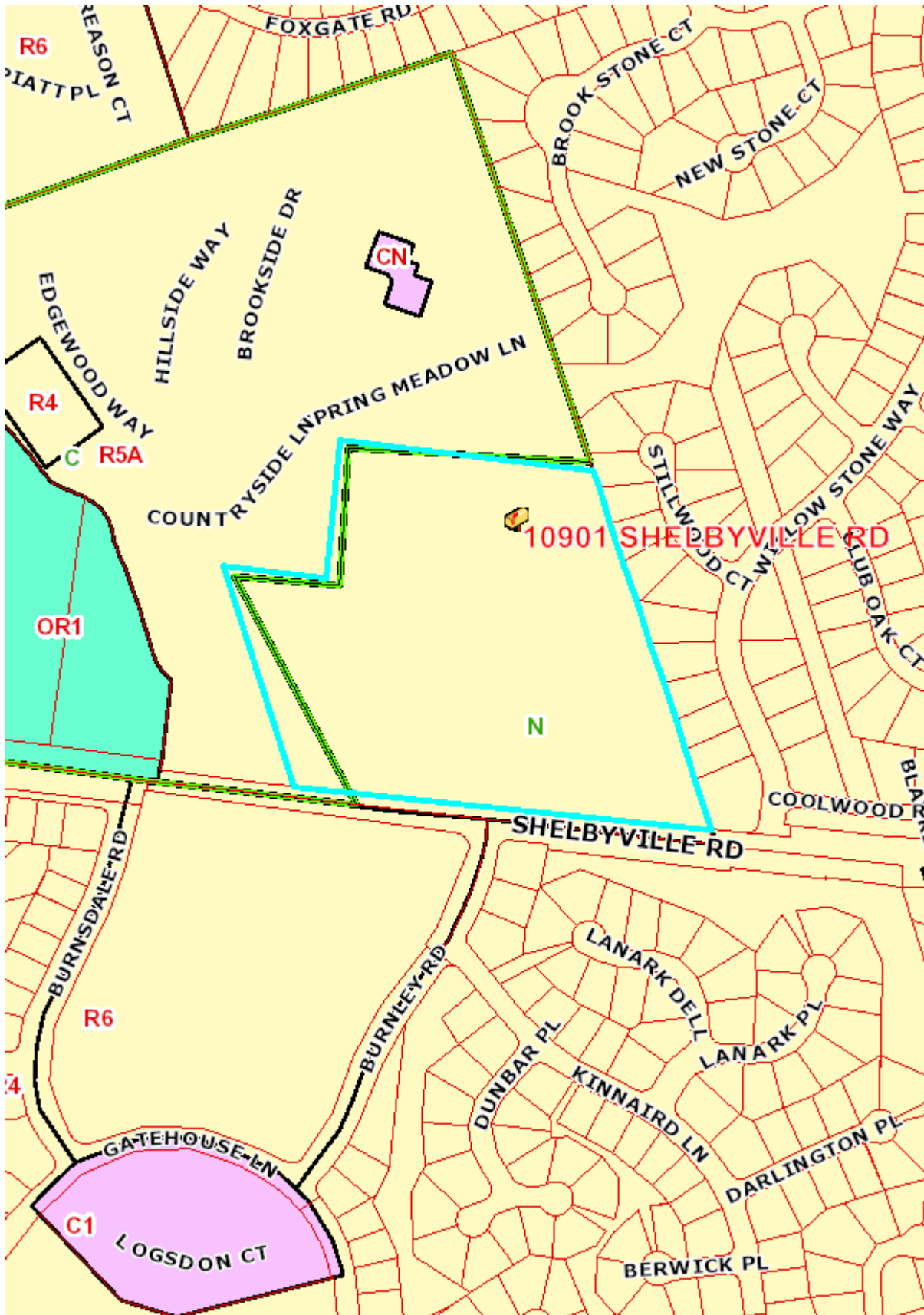
NOTIFICATION

Date	Purpose of Notice	Recipients
8/24/2016	Public Hearing - DRC	Neighborhood notification recipients
8/24/2016	Public Haring – DRC	1 st tier adjoining property owners

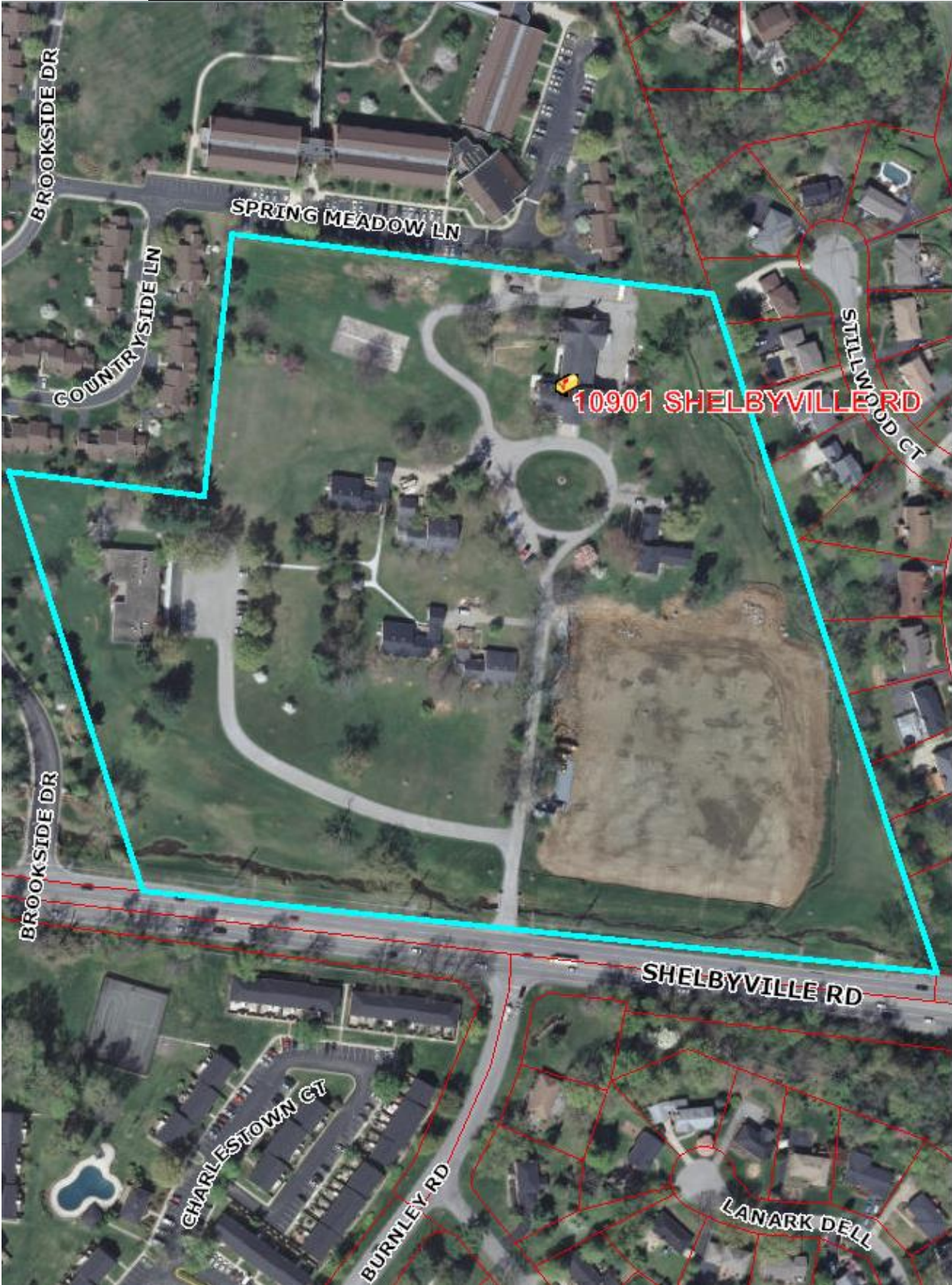
ATTACHMENTS

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

1. Zoning Map



3. Aerial Photograph



3. Existing 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. The development shall not exceed 51,393 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance 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. 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. 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 June 4th, 2014 Development Review Committee meeting.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

11. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. All exterior lighting, shall be fully shielded, shall utilize flat or hidden lenses or bulbs and shall be pointed directly to the ground. No light sources shall be visible from the street or adjacent properties.
13. A plan for streambed protection and plantings shall be presented to and reviewed for approval by the Planning Commission's staff landscape architect. In planning the development and treatment of the streambed, the applicant shall follow the direction of MSD in order to apply best practices and methods so all issues of water volume, velocity and quality are addressed. Protection of upstream and downstream properties and neighbors shall be important to that plan. This plan shall be implemented and completed prior to Certificate of Occupancy.
14. ALL HVAC equipment and trash receptacles shall be screened from the view of any neighboring properties to the west, north and east of the development.
15. In the event that a traffic signal is approved at the Shelbyville Road entrance to the development, the Forum at Brookside shall be allowed, at its expense and subject to reasonable terms and conditions, to construct a roadway from the common property line to the main access road of the development generally as shown on the proposed access layout, on condition that the owner of the subject property of the Forum at Brookside shall enter into an easement agreement providing for crossover vehicular access between properties subject to reasonable terms and additions all subject to prior approval of a revised development plan by the Planning Commission.
16. If at any time there are changes to the development plan, the sidewalk and pedestrian connections will come back for review as additional sidewalks and pedestrian connections may need to be constructed.

4. Proposed Binding Elements

2. The development shall not exceed ~~51,393~~ **61,089** square feet of gross floor area.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~June 4th, 2014 Development Review Committee~~ **September 8, 2016 Land Development & Transportation** meeting.