

# Development Review Committee

## Staff Report

April 15, 2020



<b>Case No:</b>	20-DDP-0005/20-WAIVER-0003/20-WAIVER-0012
<b>Project Name:</b>	Goodwill Expansion
<b>Location:</b>	4950 US Highway 42
<b>Owner(s):</b>	Goodwill Industries of Kentucky
<b>Applicant:</b>	Goodwill Industries of Kentucky
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	7 - Paula McCraney
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- Waivers:
  1. Waiver from 10.3.5 (20-WAIVER-0003) to allow a building expansion to encroach into the Parkway Buffer.
  2. Waiver from 5.9.2.A.1.b.i (20-WAIVER-0012) to allow the pedestrian connection to the US Hwy 42 sidewalk to be farther than 50' from an existing transit stop.
- Revised Detailed District Development plan with replacement of existing binding elements.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 5,000 SF expansion to an existing 13,000 SF retail facility. The site is located at the intersection of US Highway 42 and Glen Eagle Dr in eastern Louisville Metro, and is zoned C-2 in the Town Center form district. The building was originally constructed as a restaurant under docket 9-77-84, and parts of the parking areas and other aspects of the site layout were altered with a Revised Detailed District Development Plan under docket 14DEVPLAN1120. The site is part of the Glenridge development and is subject to the approved General District Development Plan and associated binding elements approved under docket 9-77-84.

### STAFF FINDING

The requests are adequately justified and meet the standards of review. The waiver requests are the minimum relief needed to accommodate the development, and the use and site design are consistent with development in the area as well as the approved General District Development Plan.

### 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 1**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as all required landscaping and screening will still be provided on the subject site.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for expansion of an existing commercial site within an established activity center. All required screening and planting will be provided on the subject site.

- c. The extent of 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. The encroachment allows the façade to continue along the existing setback of the development.

- d. Either: 1. 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 2. 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 of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the maximum setback of the form district is 15 feet, making it impossible to provide the full width of the required buffer without a variance.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as circulation of pedestrians in and around the subject site have been provided.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for expansion of an existing commercial site within an established activity center. Transit users will still be able to adequately access the subject site.

- c. The extent of 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. The existing pedestrian connection is already greater than 50 feet from the transit stop, and is moving to the end of the building expansion.

- d. Either: 1. 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 2. 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 of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the primary entrance to the facility is oriented towards a plaza that is interior to the site. The existing structure does not have a customer entrance closer to the street and it would be a significant burden on the applicant to create one.

### **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, and Metro Public Works and the Kentucky Transportation Cabinet have approved 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 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 **Waivers**
- **APPROVED** or **DENY** the **Revised Detailed District Development Plan with replacement of existing Binding Elements**

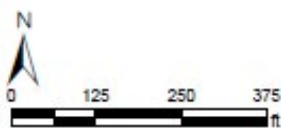
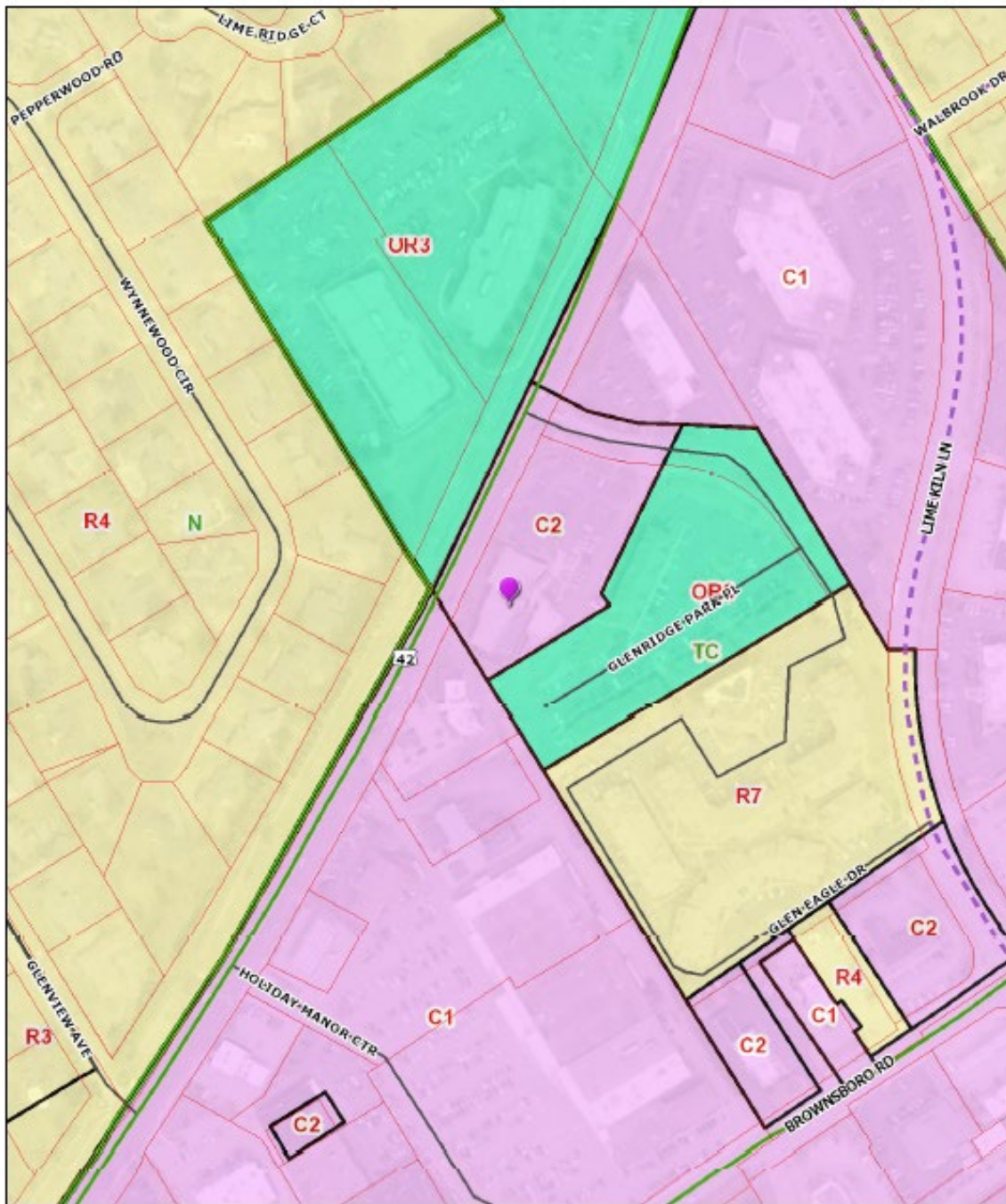
**NOTIFICATION**

Date	Purpose of Notice	Recipients
3-4-20	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 7

**ATTACHMENTS**

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

1. Zoning Map



**20-DDP-0005**

Wednesday, April 15, 2020 | 11:16:10 AM



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2. Aerial Photograph



**20-DDP-0005**

Wednesday, April 15, 2020 | 11:14:05 AM



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**3. Existing Binding Elements to be replaced**

- ~~1. The binding elements originally attached to the approved general district development plan shall apply.~~
- ~~2. The development will be in accordance with the approved district development plan. No further development will occur unless approved by the Planning Commission.~~
- ~~3. The restaurant development shall not exceed 12,500 square feet of gross floor area.~~
- ~~4. Before a building permit is requested:
  - ~~a. The development plan must be reapproved by the Jefferson county Department of Public Works and Transportation.~~
  - ~~b. The Metropolitan Sewer District must reapprove the development plan and release the easement for the former retention site.~~
  - ~~c. The property owner/developer must obtain approval of a detailed landscape plan as described in Article 12.~~
  - ~~d. The size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the sign(s) be smaller that would otherwise be permitted by the Zoning District Regulations.~~
  - ~~e. An access easement agreement shall be secured with the adjoining property owner and recorded. A copy of the recorded instrument will be submitted to the Planning Commission.~~~~
- ~~5. If a building permit is not issued within one year of the date of approval of the plan 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.~~
- ~~6. 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 must be implemented prior to requesting issuance of the certificate.~~
- ~~7. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

**4. Proposed 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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.
  - d. Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
5. 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.