

Development Review Committee

Staff Report

October 14, 2015



Case No:	15DEVPLAN1106
Request:	Revised Detailed District Development Plan with Binding Element Amendments and Landscape Waivers
Project Name:	2801 North Hurstbourne Parkway
Location:	2801 North Hurstbourne Parkway
Owner:	S&L Ventures, LLC
Applicant:	W&A Holdings, LLC
Representative:	BlueStone Engineers, PLLC
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Revised Detailed District Development Plan
- Binding Element Amendments
- Waiver from Section 10.2.4 to reduce the 25-foot landscape buffer area with plant multiplier to 15 feet
- Waiver from Section 10.3.5 to reduce the 30-foot parkway buffer to 15 feet

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2
Existing Form District: Neighborhood
Existing/Proposed Use: Vacant/Discount Store/Retail
Plan Certain Docket #: 13ZONE1013

The applicant is proposing to construct a 15,300 square foot retail building with 62 proposed parking spaces on the 1.45 acre site. The site would have access to North Hurstbourne Parkway and a cross connection with the commercial development to the north. The plan also identifies a 24-foot pavement connection to the property to the east (Watkins Memorial United Methodist Church) as a future connection.

The applicant is requesting two landscape waivers as part of the development. The first is a waiver from Section 10.2.4 to reduce the landscape buffer area along the eastern property line, which is shared with Watkins Memorial United Methodist Church. The applicant is proposing a 15 foot LBA with a 1.5 multiplier instead of the required 25 foot LBA. The second waiver is a request to reduce the required parkway buffer along North Hurstbourne Parkway from 30 feet to 15 feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-2	N
Proposed	Discount Store/Retail	C-2	N
Surrounding Properties			
North	Commercial	C-1	SMC
South	Park	R-4	Campus
East	Church	R-4	N
West	Single Family	R-5	N

PREVIOUS CASES ON SITE

13ZONE1013: On February 6, 2014 the Planning Commission approved a zoning map amendment from R-4 to C-2 and the development plan for a 4,240 sf auto repair shop and a 8,450 sf retail building . The Commission also approved a variance to allow the proposed structures to exceed the 80-foot maximum front setback from North Hurstbourne Parkway.

14DEVPLAN1068: On July 16, 2014 the Development Review Committee approved a revised detailed district development plan to allow an increase of 185 sf to the auto service station and a waiver to allow 8 parking spaces to encroach into the 30 foot parkway buffer along North Hurstbourne Parkway.

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 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 does not appear to be any environmental constraints or historic resources 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 Transportation 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: There are no open space requirements with 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 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. Buildings and parking lots will meet all required setbacks as approved with the previously approved variance and if the requested waivers are approved.

- 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.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1:
Waiver requested from Section 10.2.4 to reduce the 25-foot Landscape
Buffer Area from 25 feet to 15 feet with a 1.5 multiplier**

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

STAFF: See applicant's justification statement.

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

STAFF: See applicant's justification statement.

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

STAFF: See applicant's justification statement.

- (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: See applicant's justification statement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2:

Waiver requested from Section 10.3.5 to reduce the required Parkway Buffer from 30 feet to 15 feet

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

STAFF: See applicant's justification statement.

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

STAFF: See applicant's justification statement.

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

STAFF: See applicant's justification statement.

(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: See applicant's justification statement.

TECHNICAL REVIEW

- Applicant needs to submit renderings for the proposed building to show compliance with LDC regulations.
- Access agreement between the proposed development and the Sawyer Shops must be reviewed and approved.
- Applicant needs to correct the case number on the note regarding waivers previously granted.

STAFF CONCLUSIONS

The proposed changes to the site will not alter the existing character of the area to the north. The proposed use is in keeping with other uses permitted in the C-2 zoning district.

The standard of review has been met for the requested revised detailed district development plan. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for approving the Revised Detailed District Development Plan and amended binding elements along with the two proposed waivers.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the RDDDP, the amended binding elements and the two waivers.

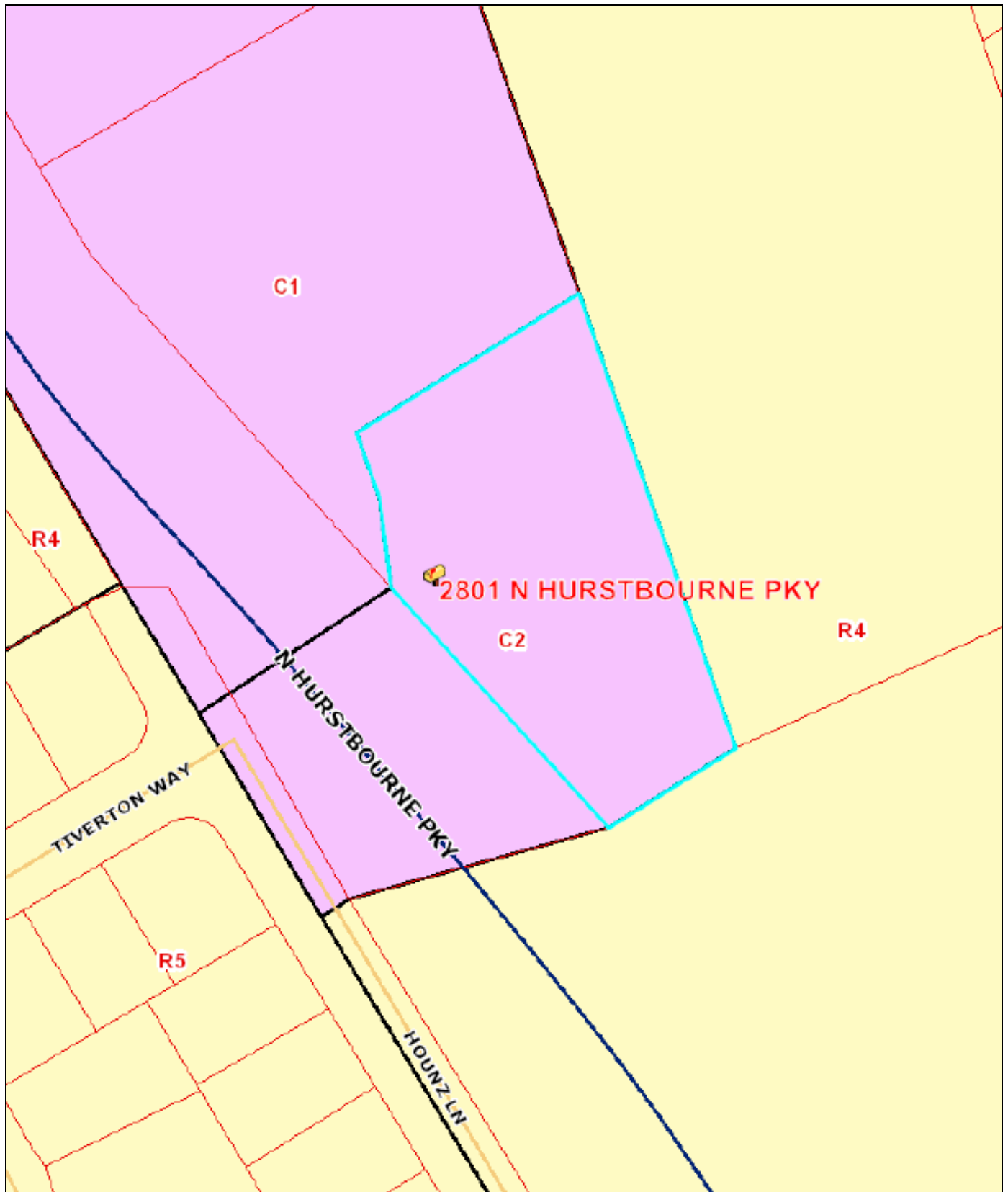
NOTIFICATION

Date	Purpose of Notice	Recipients
10/1/2015	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 17 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing/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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown) 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 and site disturbance) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of ~~Inspections, Permits and Licenses~~ **Construction Review**, 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.
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.
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. The materials and design of proposed structures shall be **submitted to staff for review prior to construction permit approval** ~~substantially the same as depicted in the rendering as presented at the February 6, 2014 Planning Commission meeting.~~
8. C-2 uses of the property shall be limited to C-1 uses plus automotive repair except as may otherwise be approved by a committee of the Planning Commission taking into account the impact mitigation Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.
9. Vehicular and pedestrian connection to the adjacent property to the north shall be provided as a condition of the construction approval on the subject site at the location as shown on the development plan. If connection is not practical due to the site constraints and/or grade or topography, as determined by Metro Transportation Planning, future connections shall be made upon redevelopment of the abutting property to the north.