

Land Development & Transportation Staff Report July 12, 2018



Case No:	18DEVPLAN1031
Project Name:	Pet Suites Pet Resort
Location:	9420 Seatonville Road
Owner(s):	WesBanco Bank, Inc.
Applicant:	Hogan Real Estate
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Jon Crumby, Planning & Design Coordinator

Continued from June 28, 2018 LD&T docket

REQUEST(S)

- Revised Detailed District Development Plan
- Amendments to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant proposes to operate a 14,240 square foot commercial kennel with 26 parking spaces. The site is proposed to be accessed from Seatonville Road with no access proposed from a shared driveway on the Fern Creek Methodist Church property to the south. The area adjacent to the residential property at the rear of the site will become a landscape buffer. This is a 2.75-acre site located at the corner of Bardstown Road and Seatonville Road, north of the Gene Snyder Expressway. The most recent proposal (13DEVPLAN1003/15VARIANCE1013) was for a revised detailed district development plan with waivers and variances to permit construction of a CVS store consisting of 11,945 square feet and 54 off-street parking spaces with access proposed from a shared driveway on the Fern Creek Methodist Church property.

RELATED CASES

17CUP1118

Conditional Use Permit, variance, and waiver to allow a commercial kennel in a C-1 zoning district. This proposal will be heard by BOZA on July 16, 2018.

15VARIANCE1013

Variances to allow the proposed structure to exceed the 0 setback, to permit encroachment into a drive isle, and building and parking into the 50 feet middle buffer zone and 25 feet outer zone. This request was approved by BOZA on June 1, 2015.

13DEVPLAN1003

A Revised Detailed District Development Plan, amendment to binding elements, and waivers to allow the construction of a CVS on property known as 9429 Seatonville Road. This request was approved by the Planning Commission on May 21, 2015.

9-75-97W

Change in zoning from R-4 Residential to C-1 Commercial to allow a bank on property located at 9420 Seatonville Road. This request was approved by the Fiscal Court on August 23, 2006

STAFF FINDING / RECOMMENDATION

Staff finds that the revised detailed district development plan and amendments to binding elements appear to be adequately justified and meet the standard of review based on the staff analysis. Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the LDC for a revised detailed district development plan and amendments to binding elements.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held to discuss the Conditional Use Permit on January 16th, 2018 and a follow up meeting with the Ledgewood Subdivision was held on March 1st, 2018. Staff received a letter from the Council District 22 office and a citizen concerning the proposal.

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: The natural resources on the site will be conserved except at the rear of the site opposite Bardstown Road where the building and parking will be located. The stream buffer will not be negatively impacted except by the minor encroachment of parking and building into the outer buffer zone.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Sidewalks are being provided along Seatonville Road and exist along Bardstown Road for pedestrian connectivity into the site. Vehicular access will be from Seatonville Road.

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

STAFF: Open space is provided at the front of the site along both Bardstown and Seatonville Roads.

- 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 is compatible with existing commercial uses in the area. The required screening/buffering will be provided along the property line adjacent to residential uses.

- 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 generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code with the exception of the conditional use permit, variance, and waiver that will be considered by the Board of Zoning Adjustment.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan
- **APPROVE** or **DENY** the Amendment to Binding Elements

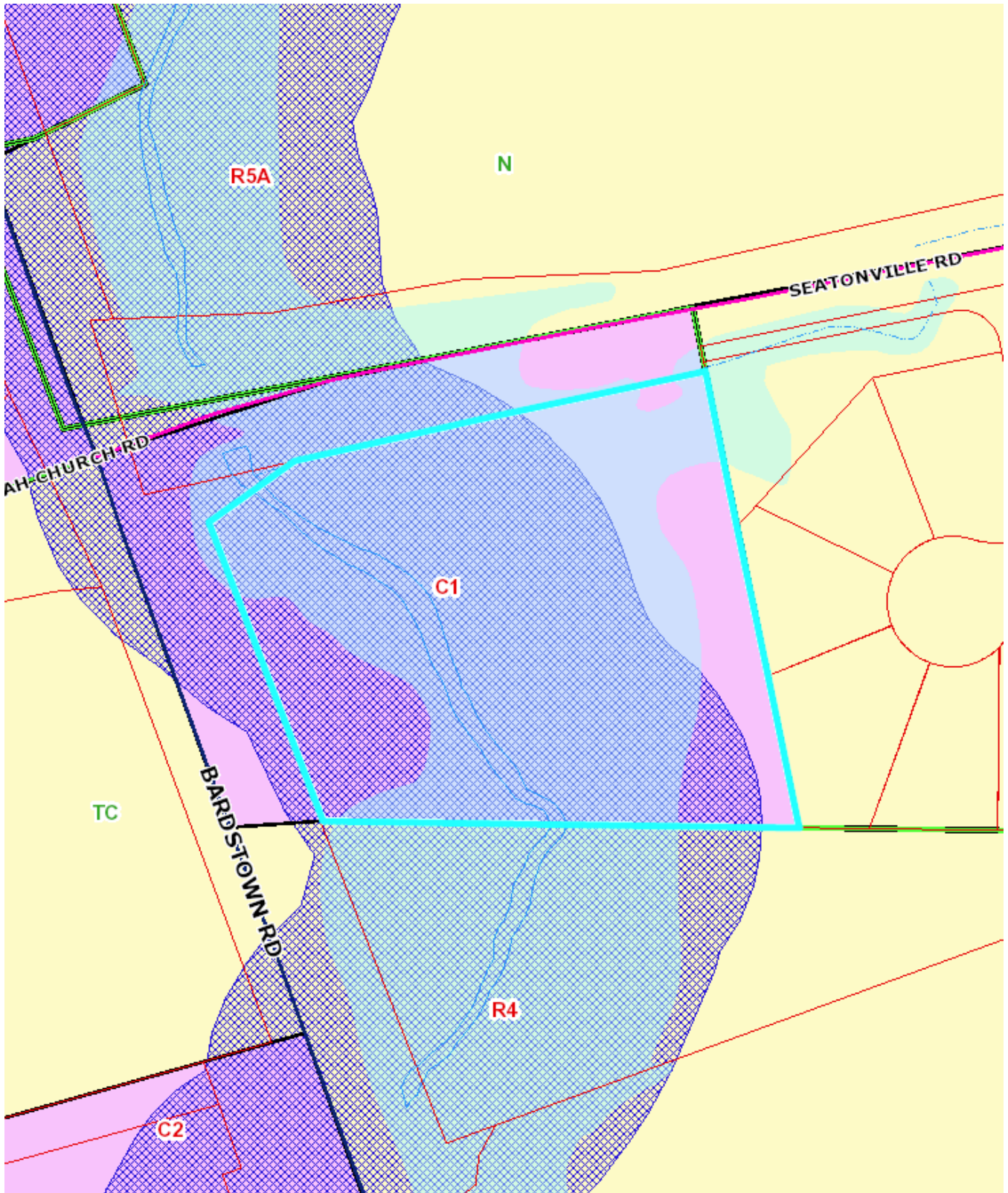
NOTIFICATION

Date	Purpose of Notice	Recipients
6/8/2018	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 22

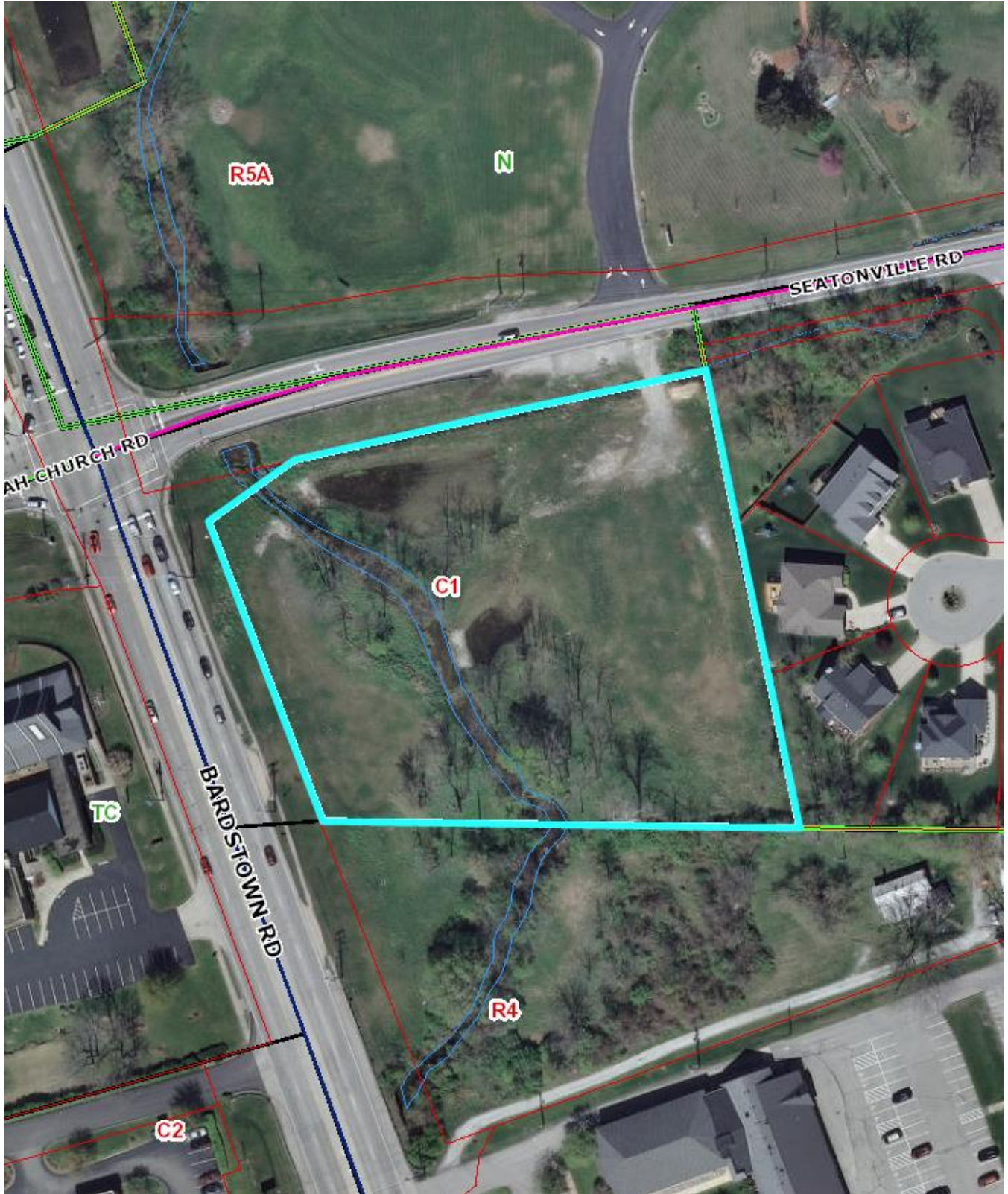
ATTACHMENTS

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, 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 11,945 square feet of gross floor area.
3. There shall be no direct vehicular access to Bardstown Road from this lot.
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, site disturbance, alteration permit or demolition 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
 - 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 owner to the south (if ever developed non-residentially) and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
8. 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.

9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
10. 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.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 21, 2015 Planning Commission meeting.
12. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
13. A “no mow zone” per MSD’s Green Infrastructure Design Manual (2011), will be established within the 100 foot stream buffer as shown on the development plan. More specifically, the area within the stream buffer zones between the proposed parking lot and Bardstown Road. “No Mowing Zone” signs will be posted on site, 2 along Bardstown Road, 1 along Seatonville Road, and 2 between the parking lot and the local conveyance zone as shown on the development plan. The applicant will work with PDS staff on the locations.
14. Native riparian plantings will be added to the 25’ stream buffer in areas indicated on the development plan. The riparian plantings will be shown and approved on a landscape plan provided to Planning and Design Services staff. The applicant will work with PDS staff to determine amount and type of plantings.
15. The proposed rain garden as shown on the development plan will be planted with native plants as indicated in MSDs “*How – To Guide for Building Your Own Rain Garden*” (2008). The rain garden plantings will be shown and approved on a landscape plan provided to Planning and Design Services staff. The applicant will work with PDS staff to determine amount and type of plantings.
16. Landscaping shall be provided minimally as shown on the approved development plan presented 5/21/15 - 12’ to 15’ evergreens and upright deciduous trees shall be planted within the buffer along the east property lined.
17. The applicant or developer shall install an 8 foot high brick wall along the rear property line as shown on the development plan presented at the May 21, 2015 Planning Commission meeting.
18. No operations shall occur on site between the hours 10:00 p.m. and 8:00 a.m.

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. The development shall not exceed 11,945 square feet of gross floor area.~~
3. There shall be no direct vehicular access to Bardstown Road from this lot.
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, site disturbance, alteration permit or demolition 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
 - ~~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 owner to the south (if ever developed non-residentially) and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.~~
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
8. 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.

9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
10. 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.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~May 21, 2015 Planning Commission~~ June 28, 2018 Land Development & Transportation meeting.
12. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
13. ~~A "no mow zone" per MSD's Green Infrastructure Design Manual (2011), will be established within the 100 foot stream buffer as shown on the development plan. More specifically, the area within the stream buffer zones between the proposed parking lot and Bardstown Road. "No Mowing Zone" signs will be posted on site, 2 along Bardstown Road, 1 along Seatonville Road, and 2 between the parking lot and the local conveyance zone as shown on the development plan. The applicant will work with PDS staff on the locations~~ A "no mow zone" shall be created and maintained within the undisturbed area as shown on the revised detailed district development plan (west of the developed area). This shall not apply to the area disturbed for the floodplain compensation area.
14. ~~Native riparian plantings will be added to the 25' stream buffer in areas indicated on the development plan. The riparian plantings will be shown and approved on a landscape plan provided to Planning and Design Services staff. The applicant will work with PDS staff to determine amount and type of plantings. An appropriate fence will be provided along the parking lot to the existing drainage swale adjacent to Seatonville Road to prevent pet owners walking their dogs in the streambank buffer area.~~
15. ~~The proposed rain garden as shown on the development plan will be planted with native plants as indicated in MSDs "How To Guide for Building Your Own Rain Garden" (2008). The rain garden plantings will be shown and approved on a landscape plan provided to Planning and Design Services staff. The applicant will work with PDS staff to determine amount and type of plantings.~~
16. ~~Landscaping shall be provided minimally as shown on the approved development plan presented 5/21/15 - 12' to 15' evergreens and upright deciduous trees shall be planted within the buffer along the east property lined. Landscaping shall be provided as shown on the exhibits presented at the June 28, 2018 Land Development & Transportation meeting and as shown on the approved development plan.~~

- ~~17. The applicant or developer shall install an 8 foot high brick wall along the rear property line as shown on the development plan presented at the May 21, 2015 Planning Commission meeting.~~
A 6 feet tall privacy fence shall be constructed adjacent to the Greg Bell property and the Pinnacle BUC, LLC property (Ledgewood Open Space property) in consultation with MSD.
18. ~~No operations shall~~ customer service shall occur on site between the hours 10:00 p.m. and ~~8:00~~ 6:00a.m. All lights shall be turned off except for safety and security purposes.