

**Development Review Committee
Staff Report
August 3, 2022**



Case No:	21-DDP-0055
Project Name:	Hurstbourne Station
Location:	7300 S. Hurstbourne Parkway
Owner(s):	Hurstbourne Corporate Group
Applicant:	Hurstbourne Corporate Group
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Revised General District Development Plan** with revisions to Binding Elements

CASE SUMMARY

The applicant is proposing to alter the roadway layout and lot pattern on a site previously approved under docket 15ZONE1021. The subject site is zoned a mix of PEC and C-1 in the Suburban Workplace form district, and is located at the northeast corner of Hurstbourne Pkwy and Fegenbush Ln. The previously approved plan contained 11 lots across 37.84 acres with an internal public roadway network. This roadway network included connections to Patriots Crossing Trl in the east, as well a realignment and connection to Kyle Ridge Way along the north of the site. The current plan proposes a private roadway network that connects Patriots Crossing Trail through the site and realigns Kyle Ridge Way.

STAFF FINDING

The district development plan is adequately justified and do not meet the standard of review. The proposed roadway network appears to provide for safe and efficient vehicular and pedestrian transport around and within the development. Transportation Planning and MSD have approved the preliminary development plan.

INTERESTED PARTY COMMENTS

Staff has received letters of support from neighboring landowners and others for the proposed development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DISTRICT DEVELOPMENT PLAN

- 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 are no significant natural or cultural resources on the subject site. Provisions for tree canopy will be reviewed along with each detailed development plan.

- 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 have been provided.

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

STAFF: Open space is not required of the proposal. Open space requirements will be evaluated along with detailed development plans for each site.

- 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 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 and projected future development in the area.

- 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. Mobility Goal 2, Policy 2 states that developments should coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users. Mobility Goal 2, Policy 3 states that developments should provide adequate street stubs for future roadway connections in new development and redevelopment that support access and contribute to appropriate development of adjacent lands. Goal 2, Policy 6 states that development should ensure that the internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development. Mobility Goal 3, Policy 5 states that we should evaluate developments for their impact on the transportation network (including the street, pedestrian, transit, freight movement and

bike facilities and services) and air quality. Mobility Goal 3, Policy 10 states that development should ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel. The proposed network will provide for safe and efficient transportation around and through the subject site for all transportation modes.

REQUIRED ACTIONS:

- **APPROVE or DENY the Revised General District Development** with revisions to Binding Elements

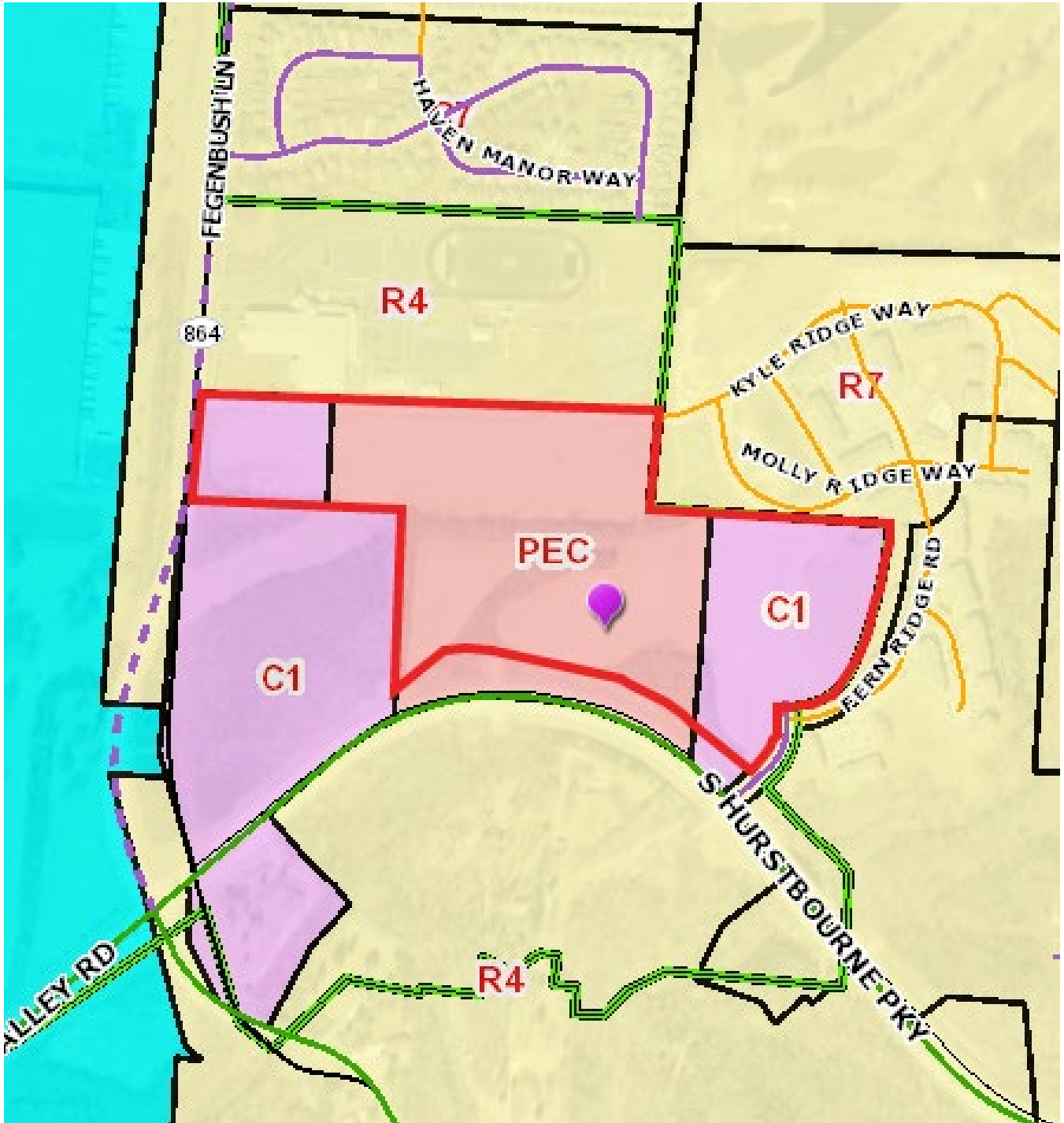
NOTIFICATION

Date	Purpose of Notice	Recipients
7-20-22	Hearing before DRC	1 st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 2

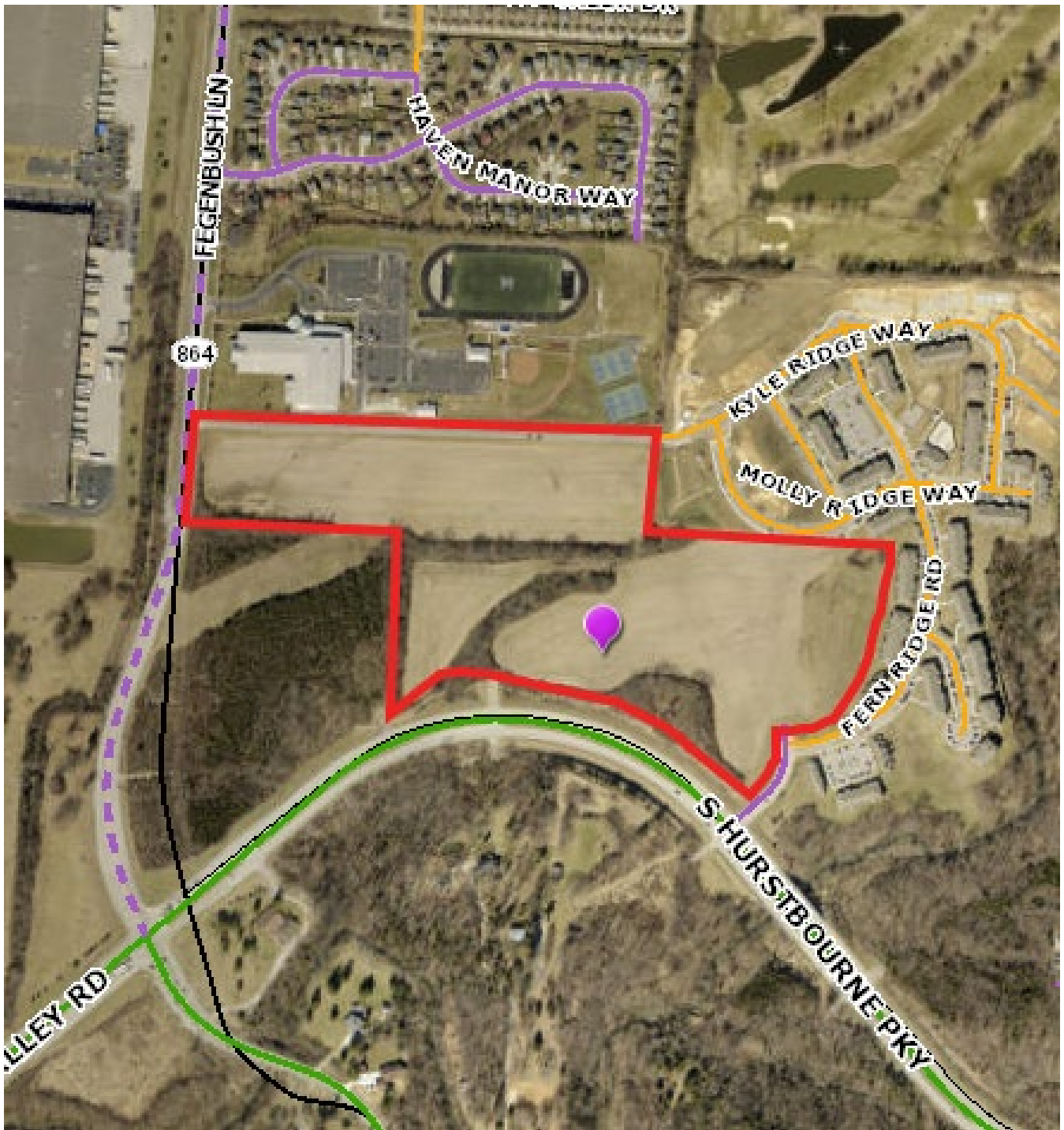
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with proposed changes

1. The development shall be in accordance with the approved general 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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 Develop Louisville, 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 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. ~~A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.~~
A defined access easement creating the private roadway network 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. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.

8. The property owner shall provide a cross over access easement if the property to the west is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. No idling of trucks shall take place within 200 feet of residential development. No overnight idling of trucks shall be permitted on-site.
10. Truck transfer or freight terminal uses. A detailed district development plan for a truck transfer or freight terminal use having loading/unloading doors in a building of 400,000 square feet or greater square feet on an individual lot shall require approval of the Planning Commission and the Louisville Metro Council base on the criteria stated in LDC 11.4.7.E.2
11. Residential uses. Subject to the exceptions shown in the second sentence below, (i) a residential use having a density greater than permitted in Residential Single-Family District R-4 and (ii) any multi-family use shall require approval of the Planning Commission and the Louisville Metro Council based on the criteria stated in the LDC 11.4.7.E.2. A nursing home, home for the infirm or aged, rehabilitation home, or other healthcare residential facility or retirement community shall not require approval of the Louisville Metro Council.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved general 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.
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 - 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. A defined access easement creating the private roadway network 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. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
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