

Planning Commission

Staff Report

September 21, 2017



Case No:	17ZONE1014
Request:	Revised Detailed District Development Plan and Landscape Waiver
Project Name:	Cardinal Transportation
Location:	13013 Dixie Hwy
Owner:	Cardinal Transportation
Applicant:	Same
Representative:	Rocky Mehic, Leland Jones
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- **Landscape Waiver of Section 10.2.4** to decrease the 15' property perimeter landscape buffer yard along the north and south property lines to 5'
- **Detailed District Development Plan**

CASE SUMMARY

The applicant is proposing a trailer parking area on a vacant site along Dixie Highway in the Pleasure Ridge Park neighborhood. The site currently has two existing structures, a mobile home near the front of the property that will be used for an office and a garage near the back of the property that is proposed to be used for a repair shop. There are no proposed changes to the site except for the required paved employee parking area, access improvements and landscaping. The applicant will have up to 20 trailers that will be parked on the property, on average 2 to 3 days at a time and has provided vehicle use area landscaping along Dixie Hwy.

The rezoning from C-2 to M-2, along with the development plan was approved at Planning Commission on August 3, 2017. The associated landscape waivers were denied with discussion from the Commission that if some mitigation was provided the waivers would be considered. The applicant has come back with a revised plan and has provided five foot landscape buffers with screening along the north and south property lines, and is now only asking for one waiver of the 15' property perimeter landscape buffer area requirement.

STAFF FINDINGS

Staff finds that the development plan generally complies with the Land Development Code and Comprehensive Plan due to access and landscaping improvements on this previously vacant site. The applicant has provided an amount of buffering that is appropriate for the width of the parcel that will provide for screening of visual intrusions on neighboring properties, allow transitions between incompatible uses and also will not hinder the applicant's use of the site.

TECHNICAL REVIEW

- The plan is in order and has received preliminary approvals from Transportation and MSD.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.2.4 to decrease the 15' property perimeter landscape buffer yard along the north and south property lines to 5'

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

STAFF: The waiver will not adversely affect adjacent property owners as the applicant is proposing 5' buffers with plantings as well as a 6' fence for screening.

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

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of roadways through standards for buffers, landscape treatment, lighting and signs. These guidelines are not violated as the applicant has provided adequate buffering along Dixie Highway and will provide a 5' buffer along both north and south property lines with new fencing and plantings. This buffer will protect the neighboring properties from visual intrusions and provide for adequate transitions between incompatible uses.

- (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 15' buffers on each side would take away 30' of width on site and make truck maneuvering difficult. The applicant feels that 10' is a more reasonable amount that will not affect the use of the site.

- (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 deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as providing a total of 30' of landscape buffer area would greatly diminish the area on which the applicant could utilize for trailer parking and truck maneuvering.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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: LOJIC has not identified any natural resources on site. Any vegetation on site will remain. The site has been developed previously and is covered almost entirely with gravel. The applicant will only be adding paved surface on a portion of the site of required for employee parking.

- 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 through the proposed improved vehicular access and right of way dedication. Transportation has given their preliminary approvals.

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

STAFF: This development does not require open space, as it does not meet the threshold for open space or outdoor amenity requirements.

- 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: This use is proposed along a commercially zoned corridor that is comprised of a mix of commercial and residential uses and is not necessarily compatible with the existing uses in the area. Conversely, declining economic conditions of the area would indicate that future development will not be commercial in nature. The applicant has provided the required landscaping along Dixie Highway to improve site aesthetics from the roadway and 5' property perimeter buffers to aide with transition between incompatible 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: This development generally conforms to the Comprehensive Plan and Land Development Code due to the site's existing conditions and the proposed site improvements.

REQUIRED ACTIONS

- **APPROVE or DENY** Landscape Waiver of Section 10.2.4 to decrease the 15' property perimeter landscape buffer yard along the north and south property lines to 5'
- **APPROVE or DENY** the Detailed District Development Plan

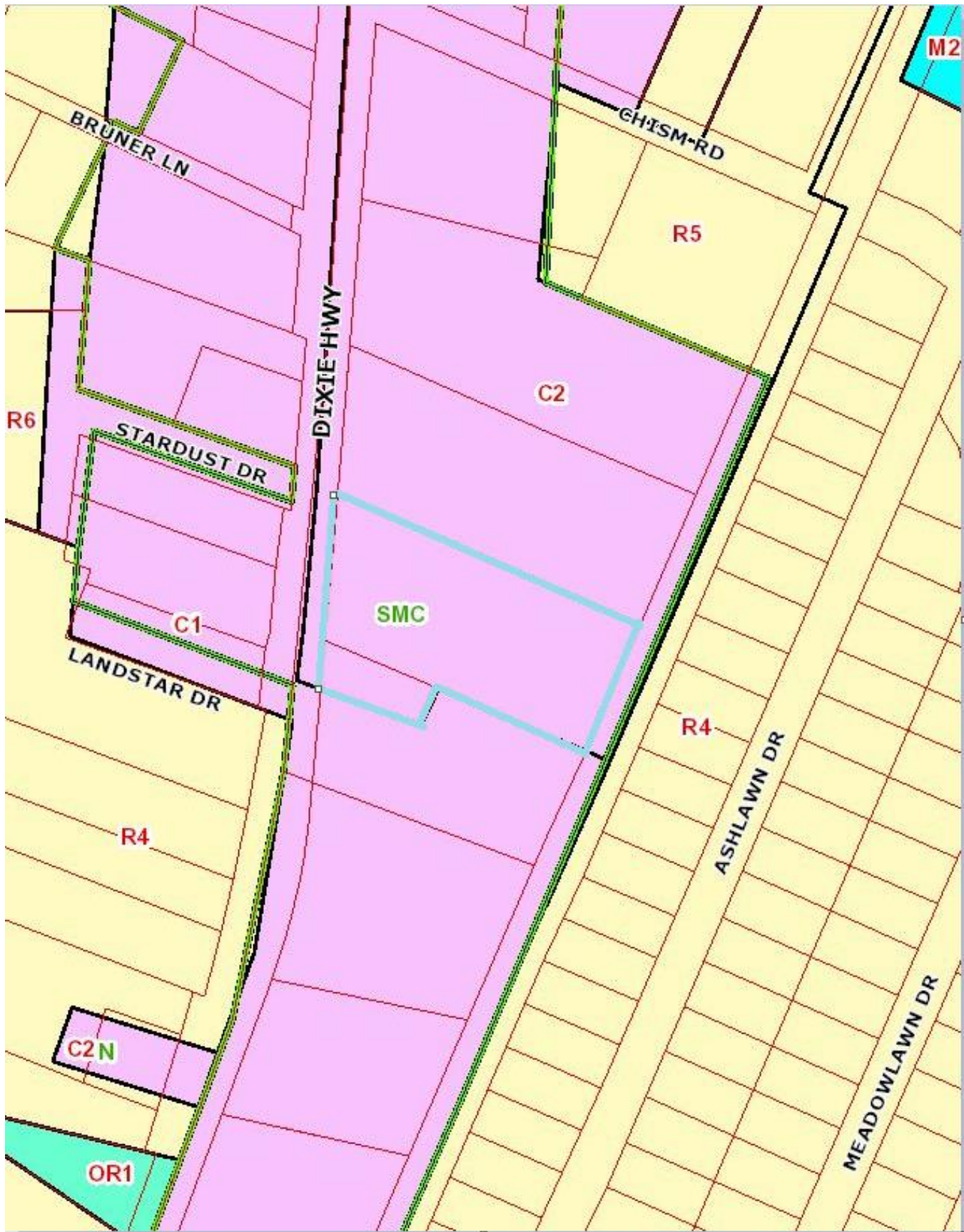
NOTIFICATION

Date	Purpose of Notice	Recipients
06/07/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 14 Notification of Development Proposals
07/06/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 14 Notification of Development Proposals
07/05/17	Hearing before PC	Sign Posting on property
07/14/17	Hearing before PC	Legal Advertisement in the Courier-Journal
9/5/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 14 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing 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. 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 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 minor plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - 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 permitted on the site.
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. Right-of-way dedication shall be required, 65' from centerline of payment within 30 days of Metro Council approval for the re-zoning. Right-of way may be dedicated by a Deed of conveyance or minor plat.
9. The gate to access the property shall be open from 6am to 6pm (or open and close of business) to eliminate any queue of Semi trucks on Dixie Hwy.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. Each individual trailer may not be stored on the property for longer than 7 consecutive days.

12. Use shall be limited to empty tractor trailer parking and storage as proposed at the August 3, 2017 Planning Commission meeting. Any change of use on the property shall require approval by Metro Council.