

Land Development & Transportation Committee Staff Report

April 24, 2014



Case No:	14DEVPLAN1013
Request:	Revised Detailed District Development Plan
with Landscape	Waivers
Project Name:	St. Anthony's Landing
Location:	7101 St. Anthony Church Road
Owner:	Old 3rd Properties, LLC
Applicant:	Old 3rd Properties, LLC
Representative:	Heritage Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Christopher Brown, Planner II

REQUEST

- Waiver #1: Landscape Waiver from Chapter 10.2.4 and 10.2.10 of the Land Development Code to eliminate the 15' required landscape buffer and associated planting and screening materials
- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: OR-3, Office/Residential

Existing Form District: N, Neighborhood

Existing Use: Vacant

Proposed Use: Condominiums

Minimum Parking Spaces Required: 12

Maximum Parking Spaces Allowed: 24

Parking Spaces Proposed: 9 (Shared parking agreement with adjoining property)

Plan Certain Docket #: 9-15-00

The applicant is proposing to construct a 2 story, 8 unit condominium as an extension of the existing St. Anthony's development. The property is currently vacant and located on the Schneble Circle private road off St. Anthony's Church Road. 9 parking spaces will be provided to the northeast of the building with the remaining minimum required parking met through a shared parking agreement with the adjoining property owner for the other existing units. The applicant is requesting a landscape waiver to eliminate the buffer and related screening and planting materials along the R-6 to OR-3 zoning boundary. The zoning boundary cuts through the proposed parking area and would not allow needed spacing for the proposed building. The property will be consolidated with the existing surrounding lot.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	OR-3	N
Proposed	Condominiums	OR-3	N
Surrounding Properties			
North	Lewis Door Company	C-1	N
South	Vacant	R-6	N
East	Vacant	R-6	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

9-15-00: Change in zoning from R-4 to R-6 and OR-3 approved by Planning Commission on June 1, 2000. A revised detailed district development plan was approved in 2002. The subject property was shown as a proposed office on Lot 2.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 does 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: The provisions of open space will be met.

- 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.

- 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 with the exception of the requested landscape waiver which meets the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

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

STAFF: The waiver will not adversely affect adjacent property owners since the landscape buffer is along an internal zoning boundary between the same multi-family use.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The adjacent land uses will be the same. The need for a transition does not exist along the zoning boundary since there are no negative impacts to minimize or mitigate; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

- (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 to allow the parking and building to be located on the subject site as proposed.

- (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 or would create an unnecessary hardship on the applicant by eliminating a large portion of the parking and building area on the smaller lot.

TECHNICAL REVIEW

- There are no outstanding technical review comments that need to be addressed.

STAFF CONCLUSIONS

The standard of review has been met both for the requested landscape waiver and revised detailed district development plan. The landscape buffer is along an internal zoning boundary. The lot is due to be consolidated. The landscape buffer would not allow proper location of the entrance, parking and building. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for granting a Landscape Waiver and Revised Detailed District Development Plan as established in the Land Development Code.

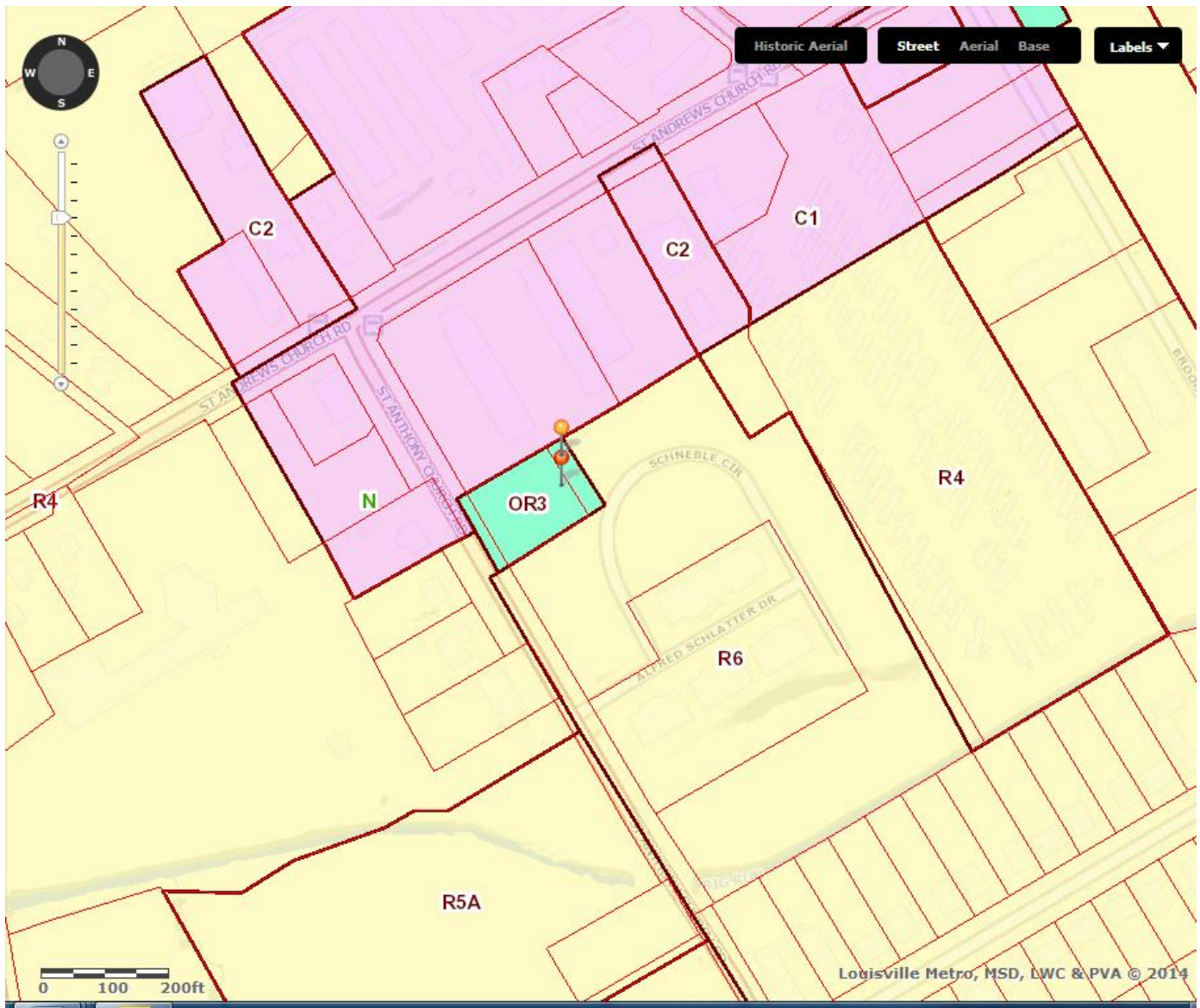
NOTIFICATION

Date	Purpose of Notice	Recipients
4/10/14	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 25 Notification of Development Proposals

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 and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no medical office or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless the applicant, property owner, or developer provides documentation for the DPDS file that parking can meet the requirement of the proposed use.
3. The development on lot two shall not exceed 3,200 square feet of gross floor area.
4. The density of the development shall not exceed 14.33 dwelling units per acre (120 units on 8.37 acres).
5. The only permitted freestanding signs shall be monument style signs, located as shown on the approved development plan/sign plan. No portion of the sign on lot one, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 6 square feet in area per side and 6

feet in height. No portion of the sign on lot two, including the leading edge of the sign frame, shall be closer than 15 feet to front property line. The sign shall not exceed 30 square feet in area per side and 6 feet in height. No sign shall have more than two sides.

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

7. There shall be no outdoor storage on the site.

8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed two-foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter.

9. 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.

10. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).

b. A minor subdivision plat 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 Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

c. Property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

12. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.

13. 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.

14. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.

15. 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.

16. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.

17. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

18. The dumpster shall not be emptied between the hours of 10 PM and 8 AM.

19. The materials and design of proposed structures shall be substantially the same as depicted in the photos as presented at the June 1, 2000, Planning Commission meeting.

20. Landscaping shall be substantially the same as the conceptual landscape plan submitted to LD&T on May 11, 2000.

4. Proposed Binding Elements

~~1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.~~ **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.**

~~3. The development on lot two shall not exceed 3,200 square feet of gross floor area.~~

~~4. The density of the development shall not exceed 44.33 14.5 dwelling units per acre (120 units on 8.37 acres~~ **128 units on 8.83 acres).**

11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

a. ~~The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~ **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. A minor subdivision plat 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 Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

c. Property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 **for Lot 1 and Chapter 10 for Lot 2** 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 consolidating the property into one lot. 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.