

Development Review Committee

Staff Report

February 4, 2015



Case No:	14DEVPLAN1165
Project Name:	Hampstead Pond Project (Detention Basin)
Location:	2531 Hampstead Drive and 3015 Bitten Lane
Owner(s):	City of Shively
Applicant:	Same
Representative(s):	Rick Storm, BA Engineers
Existing Zoning District:	R-5
Existing Form District:	Neighborhood
Jurisdiction:	City of Shively
Council District:	3 – Mary Woolridge
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Community Facility Review (CFR) for expansion of the drainage detention basin for the City of Shively.

Pursuant to KRS 100.324(4), any proposal for acquisition or disposition of land for public facilities, or changes in the character, location, or extent of structures or land for public facilities, excluding state and federal highways and public utilities and common carries by rail mentioned in this section, shall be referred to the commission to be reviewed in light of its agreement with the comprehensive plan, and the commission shall, within sixty (60) days from the receipt, review the project and advise the referring body whether the project is in accordance with the comprehensive plan. If it disapproves of the project, it shall state the reasons for disapproval in writing and make suggestions for changes which will, in its opinion, better accomplish the objectives of the comprehensive plan. No permit required for construction or occupancy of such public facilities shall be issued until the expiration of the sixty (60) day period or until the planning commission issues its report, whichever occurs first.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The existing detention basin located along Hampstead Drive, which drains 150 acres in the City of Shively, is undersized. Because the basin is undersized flooding occurs on the adjacent neighborhoods and commercial properties during intense rain events. The proposal is to expand the existing basin in two phases to increase the capacity of the storm water storage.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

This site consists of two lots with R-5 zoning in the Neighborhood Form District. The site is adjacent to both single family residential and commercial property zoned R-5, EZ-1, and M-2 in the Neighborhood and Traditional Workplace Form Districts.

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Existing Basin & Vacant	R-5	N
Surrounding Properties			
North	Commercial	EZ-1	TW
South	Single family residential	R-5	N
East	Single family residential	M-2 & R-5	TW & N
West	Single family residential	R-5	N

PREVIOUS CASES ON SITE

National Heights Subdivision Plat Book 26 Page 32 (3015 Bitten Lane)
 Korfhage Subdivision Plat Book 12 Page 95 (2531 Hampstead Drive)

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments concerning this request.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020 Comprehensive Plan – see checklist attached.
 Land Development Code

TECHNICAL REVIEW

1. Add the MSD water management number 11085 to the plan.
2. Add the Health Department note: “All construction and sales trailers must be permitted by the Department of Public Health and Wellness in accordance with chapter 115 of Louisville Jefferson County Metro Ordinances.”
3. Add the Health Department note: “Mosquito control shall be provided as required in accordance with chapter 96 of the Louisville Jefferson County Metro Ordinances.”
4. Add the required setbacks to the plan.

STAFF CONCLUSIONS

The proposed development meets 4 of the applicable guidelines of the Comprehensive Plan.

This is an expansion of the existing facilities which is an efficient use of the land and is cost-effective infrastructure. (Guideline 2: Centers Form, Policy A.4).

Access is being provided from Bitten Lane. No parking facilities are being proposed, however, parking is available along both street frontages of Bitten Lane and Hampstead Drive. There is also an existing parking area at the termination of Bitten Lane. (Guideline 2: Centers, Policy A.13).

Access into the development area is from existing public streets, but the impact of any traffic generated by the basin expansion will be minimal. (Guideline 8: Transportation Facility Design, Policy A.9).

The area of the proposal has existing utility services. (Guideline 14: Infrastructure, Policy A.2).

The proposed development violates 12 of the applicable guidelines of the Comprehensive Plan.

The development should be designed to provide and invite human interaction and easy access through the use of connectivity, and design elements such as bike/walkways. No sidewalks or bike trails area being provided. However, a sidewalk or bike trail could be added around the perimeter of the proposed basin to provide connectivity and invite human interaction. The area surrounding the detention basin could be used for recreation, if amenities were provided. (Guideline 1: Community Form, Policy B.3).

The size and scale of the basin's impact on the residential properties could be reduced with the addition of tree/shrub plantings around the perimeter. (Guideline 2: Centers, Policies A.8/11).

The scale and size of the basin's impact on the adjacent residential properties is not being mitigated nor is there any proposal to incorporate any amenities in the design. However, the development could be more compatible and reduce the impact if addition of tree/shrub plantings were provided around the perimeter. Also, the plan does NOT show any existing plantings being preserved around the proposed basin to create a transition between the residential properties and the basins. (Guideline 3: Compatibility. Policies A.1, A.3, A.21, and A.22).

The proposal does not include any public open space to be used by the community. There are NO natural features or existing vegetation being preserved or incorporated into the development. (Guideline 4: Open Space, Policy A.2/3/7, A.4, A.5).

The existing topography will be totally altered to construct the basin(s). The sites natural systems will be impacted by this grade change and construction excavation. The existing grade will be lowered 7 to 10 feet and a berm will be constructed to create the proposed drainage basin(s). The natural features of the site will be lost due to this disturbance. (Guideline 5: Natural Areas and Scenic and Historic Resources, Policies A.1).

Development should avoid wet or highly permeable soils, severe, steep, or unstable slopes with the potential for severe erosion. The LOJIC mapping for this site is showing hydric soils (a wetland indicator). A review by MSD and the Army Corps of Engineers has determined this area is not a jurisdictional wetland. However, this determination is based on the fact the area is being regularly mowed, therefore if left to revert to a natural state there is still the possibility this land would support a wetland. Plus the soils in the proposed detention area are classified as severely erodible. (Guideline 5: Natural Areas and Scenic and Historic Resources, Policies A.6).

The proposal does not provide any sidewalk or bike trails therefore there are no pedestrian connections through the site or to the adjacent residential or commercial property. (Guideline 9: Bicycle, Pedestrian and Transit, Policies A.1/2).

Six (6) of the guidelines require additional information.

This site could be compatible and not a nuisance to the surrounding single family residential properties, if proper maintenance is provided; grass is cut regularly, invasive plant material is eliminated, and tree care (trimming and pruning) is provided, however, if maintenance is not addressed then it could become a nuisance. Additional information is needed to determine what, if any, level of maintenance is proposed for this site. (Guideline 2: Centers, Policy A.2).

Additional information is needed to determine what level of maintenance will be provided for the proposed facility. Access is provided from Bitten Lane, however, if a fence is proposed around the perimeter access gates will be required to allow entry into the basin area. (Guideline 2: Centers, Policy A.14).

The proposal does not address lighting. Additional information is needed to determine the impact of any lighting on the adjacent residential properties. (Guideline 3: Compatibility, Policy A.8).

The setbacks are not shown on the plan. However, the detention area lot is much larger than the individual single family lots and will not contain any structures. (Guideline 3, Compatibility, Policy A.23)

Additional information is needed to determine if there will be any negative impacts to the floodplain. However, the development plan does NOT show any over-flow or drainage outlets being proposed for the expanded basin area. MSD and /or the Army Corps of Engineers review and approval is required prior to construction of the basin expansion. (Guideline 13: Flooding and Stormwater)

Impact of the basin expansion on the water quality of the lakes and streams is not clear from the information provided. Additional information is needed : Will the stormwater runoff, during intense rain events, produce overflow that would impact water quality of any lankes and streams. (Guideline 14, Infrastructure, Policy A.4)

Based upon the information in the staff report, the testimony and evidence provided, the Development Review Committee must determine if the Community Facility Review meets the applicable guidelines of the Comprehensive Plan, and make any recommendations deemed appropriate to bring the development proposal into further conformance.

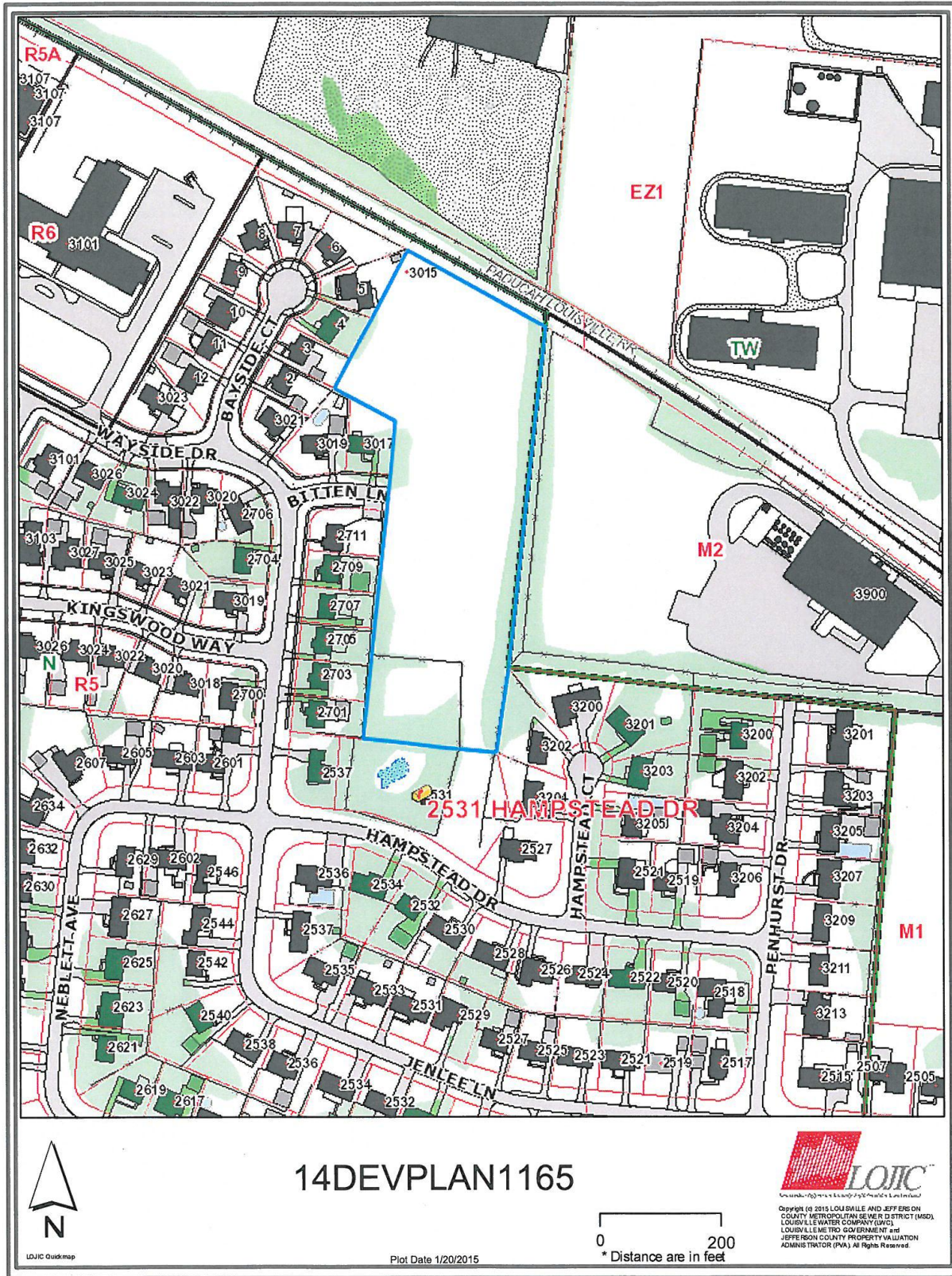
NOTIFICATION

Date	Purpose of Notice	Recipients
01/15/2015	Hearing before DRC on 02/04/2015	Subscribers of Council District 5 Notification of Development Proposals.
01/20/2015	Hearing before DRC on 02/04/2015	1 st tier adjoining property owners.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Plan
5. Site Photographs

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal supports the creation of a mix of residential housing choices and densities for the neighborhood.	NA	
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is classified as high density (greater than 12 dwelling units per acre), it is located on a major or minor arterial or in a location that has limited impact on adjacent low or moderate density developments.	NA	
3	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses.	NA	
4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	-	No sidewalk or bike trail is being provided. A sidewalk or trail could be added around the perimeter of the proposed basin to provide connectivity and invite human interaction. The area surrounding the detention basin could be used for recreation, if amenities were provided.
5	Community Form/Land Use Guideline 2: Centers	A.1. Locate activity centers within the Neighborhood Form District at street intersections with at least one of the intersecting streets classified as a collector or higher, AND one of the corners containing an established non-residential use.	NA	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 2: Centers	A.2: Develop non-residential and mixed uses only in designated activity centers except (a) where an existing center proposed to expand in a manner that is compatible with adjacent uses and in keeping with form district standards, (b) when a proposal is comparable in use, intensity, size and design to a designated center, (c) where a proposed use requires a particular location or does not fit well into a compact center, (d) where a commercial use mainly serves residents of a new planned or proposed development and is similar in character and intensity to the residential development, or (e) in older or redeveloping areas where the non-residential use is compatible with the surroundings and does not create a nuisance.	+/-	Since this site is located in an older developed area (e) applies to this development. The site could be compatible and not a nuisance to the surrounding single family residential properties, if proper maintenance is provided: grass is cut regularly, invasive plant material is eliminated, and tree care (trimming and pruning) is provided. However, if maintenance is not addressed then it could become a nuisance. Additional information is needed to determine what if any level of maintenance is proposed for this site.
7	Community Form/Land Use Guideline 2: Centers	A.4: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure.	✓	Expansion of an existing facility which is an efficient use of the land and is cost-effective infrastructure.
8	Community Form/Land Use Guideline 2: Centers	A.5: Encourage a mix of compatible uses to reduce traffic by supporting combined trips, allow alternative modes of transportation and encourage vitality and sense of place.	NA	
9	Community Form/Land Use Guideline 2: Centers	A.6: Encourage residential uses in centers above retail and other mixed-use multi-story retail buildings.	NA	
10	Community Form/Land Use Guideline 2: Centers	A.7: Encourage new developments and rehabilitation of buildings to provide residential uses alone or in combination with retail and office uses.	NA	
11	Community Form/Land Use Guideline 2: Centers	A.8/11: Allow centers in the Neighborhood Form District that serve the daily needs of residents and that are designed to minimize impact on residents through appropriate scale, placement and design.	-	The size and scale of the basin's impact on the residential properties is not being mitigated. However, it be could be reduced with the addition of tree/shrub plantings around the perimeter.
12	Community Form/Land Use Guideline 2: Centers	A.10: Encourage outlot development in underutilized parking lots provided location, scale, signs, lighting, parking and landscaping standards are met. Such outlot development should provide street-level retail with residential units above.	NA	

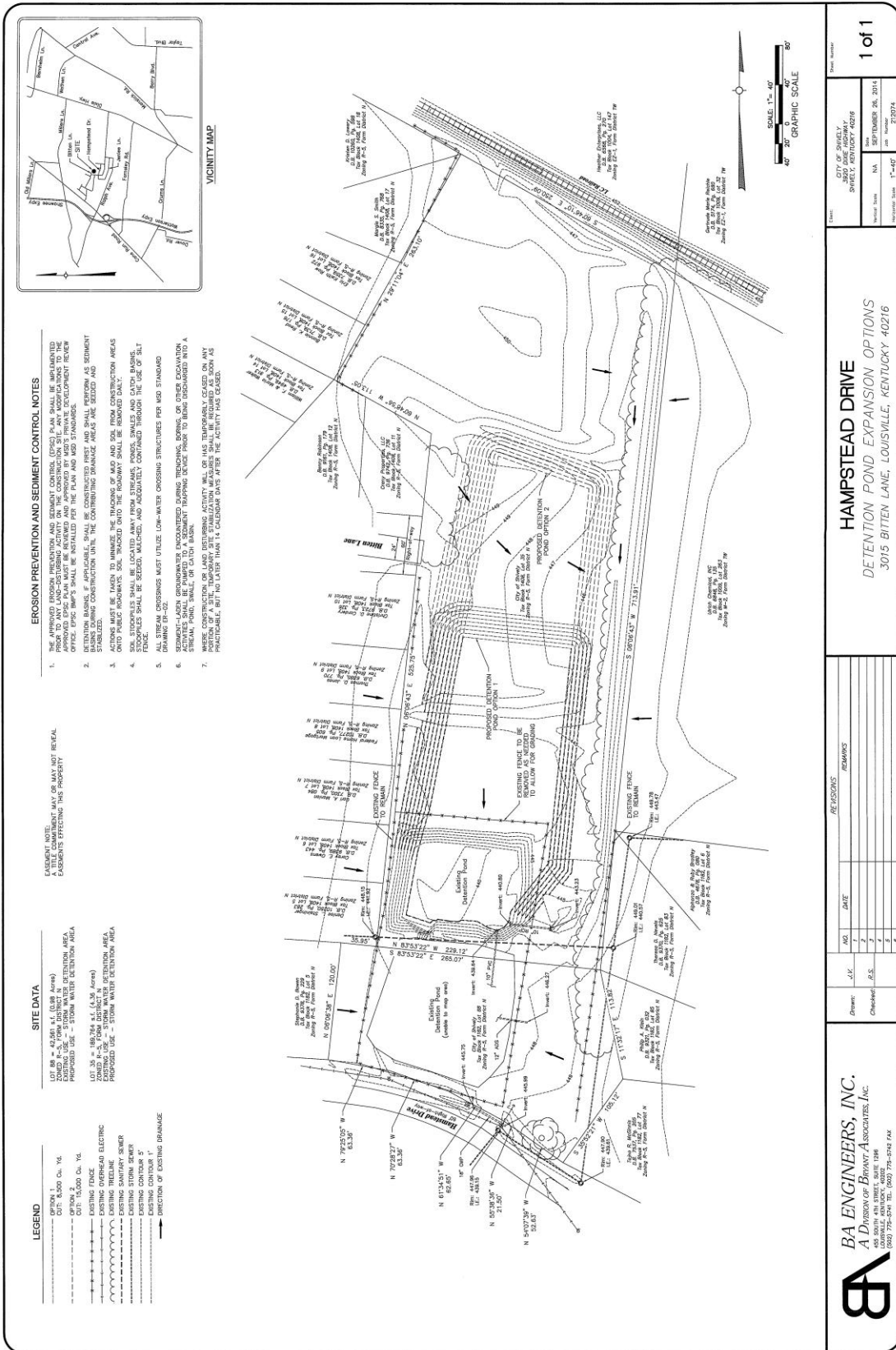
#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	Community Form/Land Use Guideline 2: Centers	A.12: Design large developments to be compact, multi-purpose centers organized around a central feature such as a public square, plaza or landscape element.	NA	
14	Community Form/Land Use Guideline 2: Centers	A.13: Encourage sharing of entrance and parking facilities to reduce curb cuts and surface parking.	✓	Access is being provided from Bitten Lane. No parking facilities are being proposed, however, parking is available along both street frontages of Bitten Lane and Hampstead Drive.
15	Community Form/Land Use Guideline 2: Centers	A.14: Design and locate utility easements to provide access for maintenance and to provide services in common for adjacent developments.	+/-	Additional information is needed to determine what the level of maintenance will be provided for this proposed facility. Access is provided from Bitten Lane, however, if a fence is proposed around the perimeter access gates will be required to allow entry into the basin area.
16	Community Form/Land Use Guideline 2: Centers	A.15: Encourage parking design and layout to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.	NA	
17	Community Form/Land Use Guideline 2: Centers	A.16: Encourage centers to be designed for easy access by alternative forms of transportation.	NA	
18	Community Form/Land Use Guideline 3: Compatibility	A.1: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development.	-	The scale and size of the basin's impact on the adjacent residential properties is not being mitigated nor is there any proposal to incorporate any amenities in the design. However, the development could be more compatible and reduce the impact if addition of tree/shrub plantings were provided around the perimeter.
19	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility. (Only for a new development in a residential infill context, or if consideration of building materials used in the proposal is specifically required by the Land Development Code.)	NA	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
20	Community Form/Land Use Guideline 3: Compatibility	A.3: The proposal is compatible with adjacent residential areas , and if it introduces a new type of density, the proposal is designed to be compatible with surrounding land uses through the use of techniques to mitigate nuisances and provide appropriate transitions between land uses . Examples of appropriate mitigation include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	-	The proposal is not compatible with the adjacent residential areas. The basin's impact on the residential properties is not being mitigated. However, it be could be reduced with the addition of tree/shrub plantings around the perimeter.
21	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	NA	
22	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	+/-	Will any lighting be provided? Additional information is needed.
23	Community Form/Land Use Guideline 3: Compatibility	A.10: The proposal includes a variety of housing types, including, but not limited to, single family detached, single family attached, multi-family, zero lot line, average lot, cluster and accessory residential structures, that reflect the form district pattern.	NA	
24	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	NA	
25	Community Form/Land Use Guideline 3: Compatibility	A.13: The proposal creates housing for the elderly or persons with disabilities, which is located close to shopping, transit routes, and medical facilities (if possible).	NA	
26	Community Form/Land Use Guideline 3: Compatibility	A.14/15: The proposal creates appropriate/inclusive housing that is compatible with site and building design of nearby housing.	NA	
27	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	-	The setbacks are NOT shown on the plan. The plan does NOT show any additional or existing plantings being provided or preserved around the proposed basin. However, the proposal could provide appropriate transitions to reduce the impact if addition of tree/shrub plantings were provided around the perimeter.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
28	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	-	No additional plantings are being provided to mitigate the impact. However, the addition of tree/shrub plantings around the perimeter could reduce the impact.
29	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	+/-	The setbacks are not shown on the plan. However, the detention area lot is much larger an the individual single family lots.
30	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	-	The proposal does NOT include any public open space to be used by the community.
31	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	-	The proposal does NOT include any public open space.
32	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	-	No natural features are being preserved or incorporated into the development.
33	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	-	The topography will be totally altered to construct the basin. The existing grade will be lowered 7 to 10 feet to create the proposed drainage basin.
34	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
35	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils , severe, steep or unstable slopes with the potential for severe erosion .	-	Even though the mapping for this site is showing hydric soils (a wetland indicator) a review by MSD and the Army Corps of Engineers has determined this area is not a jurisdictional wetland. However, this determination is based on the fact the area is being regularly mowed, therefore if left to revert to a natural state there is still the possibility that this land would support a wetland. Plus the soils in the proposed detention area are classified as severely erodible.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	NA	
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	NA	
39	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	
40	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access into the development area is from an existing public street.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	-	No sidewalk or bike trails are being provided, therefore there are no pedestrian connections.
43	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	+/-	Additional information is needed. However, the development plan does NOT show any over-flows or drainage outlets being proposed for this new basin. MSD and/or the Army Corps of Engineers review and approval is required prior to construction of the basin expansion.
44	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	
45	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The site is located in an existing subdivision which currently has all utility services provided and available.
46	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	NA	
47	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	+/-	Additional information is needed. Will the storm water runoff, during intense rain events, produce sanitary sewer overflow?



Attachment 5: Site Photographs



View of the site looking east along Hampstead Drive



View of the site looking west along Hampstead Drive



Existing basin closest to Hampstead Drive (looking west)



Existing basin and perimeter fence (looking north)



Adjacent residential properties abutting the existing basin (west of the site)



Adjacent residential properties on Hampstead Drive (south of the site)



Adjacent residential properties on Hampstead Court (east of the site)



Site access from Bitten Lane looking east



Location of proposed basin looking south from Bitten Lane. Existing basin is south beyond the existing tree line.



Looking east at the location of proposed basin from the end of Bitten Lane



Location of proposed basin (looking east) – Commercial and residential properties are beyond the existing trees.



Location of the proposed basin (looking north) toward the commercial property and railroad tracks



Residential properties abutting to the proposed basin (looking west from Bitten Lane)



Residential properties on Jenlee Lane abutting the proposed basin (looking west)