

# Development Review Committee

## Staff Report

Feb. 17, 2016



<b>Case No:</b>	16DEVPLAN1006
<b>Request:</b>	Community Facility Review
<b>Project Name:</b>	Clifton Heights CSO Storage Basin
<b>Location:</b>	1827 Drescher Bridge Ave.
<b>Owner:</b>	Louisville/Jefferson County Metro Government
<b>Applicant:</b>	Meskerem Eshetu - MSD
<b>Representative:</b>	Meskerem Eshetu - MSD
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Ross Allen, Planner I

### REQUEST

- Community Facility Review (CFR)

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 carriers 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 date of its 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 Community Facility Review (CFR) is for the construction of a new Combined Sewer Overflow (CSO) Storage Basin located at 1827 Drescher Bridge Avenue in Clifton Heights. The Metropolitan Sewer District (MSD) has submitted a CFR Development Plan to Develop Louisville Dept. of Planning and Design Services (PDS) for review per LDC section 4.10.1.4.

The site is zoned R-6 and in a Traditional Neighborhood Form District (TNFD). 1827 Drescher Bridge Avenue is bounded by Bertie Avenue on the Northwestern side, an unnamed alley on the Western side, Drescher Bridge Avenue on the Eastern side, and approximately 340 feet north of Brownsboro Road on the southern side. The MSD CSO project will have a 120 ft. easement that crosses several parcels and stretches to Mellwood Avenue slightly north of Muncie Avenue. Furthermore, a residential property abuts the proposed CSO Storage Basin Parcel on the Northwestern corner where Bertie Avenue and Delmont Avenue intersect and where a proposed asphalt access drive is proposed by the Metropolitan Sewer District. Another property, located north of Bertie Avenue and zoned C-2, abuts the proposed access road. Muncie Avenue will be used as an access road for the duration of construction and will also have an access road for MSD within the

property on the Southern and Southeastern portions of the parcel for maintenance on the proposed CSO Storage basin.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Undeveloped	R-6	TNFD
<b>Proposed</b>	Overflow Storage Basin	R-6	TNFD
<b>Surrounding Properties</b>			
<b>North</b>	Residential Two Family, Residential Multi-Family, Commercial District	R5B, R-6, C-2	TNFD
<b>South</b>	Residential Multi-Family	R-6	TNFD
<b>East</b>	Residential Multi-Family, Residential Two-Family	R-5B, R-6	TNFD
<b>West</b>	Residential Multi-Family	R-6	TNFD

### PREVIOUS CASES ON SITE

No known related zoning cases or enforcement actions are associated with the subject property.

### INTERESTED PARTY COMMENTS

No comments received from concerned citizens.

### APPLICABLE PLANS AND POLICIES

Land Development Code  
Cornerstone 2020  
Clifton Heights Neighborhood Plan ( 2001)

### TECHNICAL REVIEW

- MSD has had three public meeting dates:
  - Clifton Heights Storage basin IOAP Public Input meeting which occurred on Tuesday March, 25, 2013 at Lincoln Elementary School
  - Public Meeting Notice on Tuesday May 19, 2015 from 6:00 pm – 7:30 pm at the American printing House for the Blind 1839 Frankfort Ave., Louisville, KY 40206
  - Public Meeting Notice on Tuesday September 15, 2015 from 6:30 pm – 8:00 pm at the American Printing House for the Blind 1839 Frankfort Ave., Louisville, KY 40206
- The Clifton Heights Neighborhood has a Neighborhood Plan (Case 15098-10) as of September 25, 2001. The Clifton Heights Neighborhood Plan (September 2001), Section 6.2.2 Sanitary Sewer Service Area and Facilities states that it is important to maintain a strong line of communication between MSD and the residents of Clifton Heights so all drainage issues may be dealt with as swiftly as possible. The notification of residents and Clifton Heights Community Council of upcoming wastewater and storm water improvement projects is recommended per the Clifton Heights Neighborhood Plan (2001). It is also suggested that a representative from MSD periodically attend a Clifton Heights Community Council meeting to maintain

effective communications between the community and MSD. Based upon the information MSD has provided, three meeting notices, the communication between the community and MSD has been met however, it is uncertain to know if the Clifton Heights Community Council was involved in the meetings.

### STAFF CONCLUSIONS

In order to determine compliance with the applicable sections of the comprehensive plan, 7 of the guidelines requires additional information that can be addressed through the following:

1. The applicant should explain how the non-residential expansion into a residential area could potentially impact residences in the general vicinity (see aerial map page 5).
2. The applicant should explain how the proposal mitigates any potential odors or emissions associated with the development.
3. The applicant should to explain the potential adverse impacts on lighting on nearby properties, and on the night sky.
4. The applicant should explain how the higher intensity use can potentially impact the Mellwood Arts Center and adjacent properties.
5. The applicant should explain how the proposed CSO Storage Basin mitigates the impacts caused when incompatible developments occur adjacent to one another.
6. The applicant should explain why the setback along Bertie Avenue should not be required to meet the minimum required front yard setback of 15 feet as defined for the Traditional Neighborhood Form District (TNFD).
7. The applicant should explain how parking, loading, and delivery areas located adjacent to residential areas are designed to minimize the negative impacts from lighting, noise, and odor.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, 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 it into conformance.

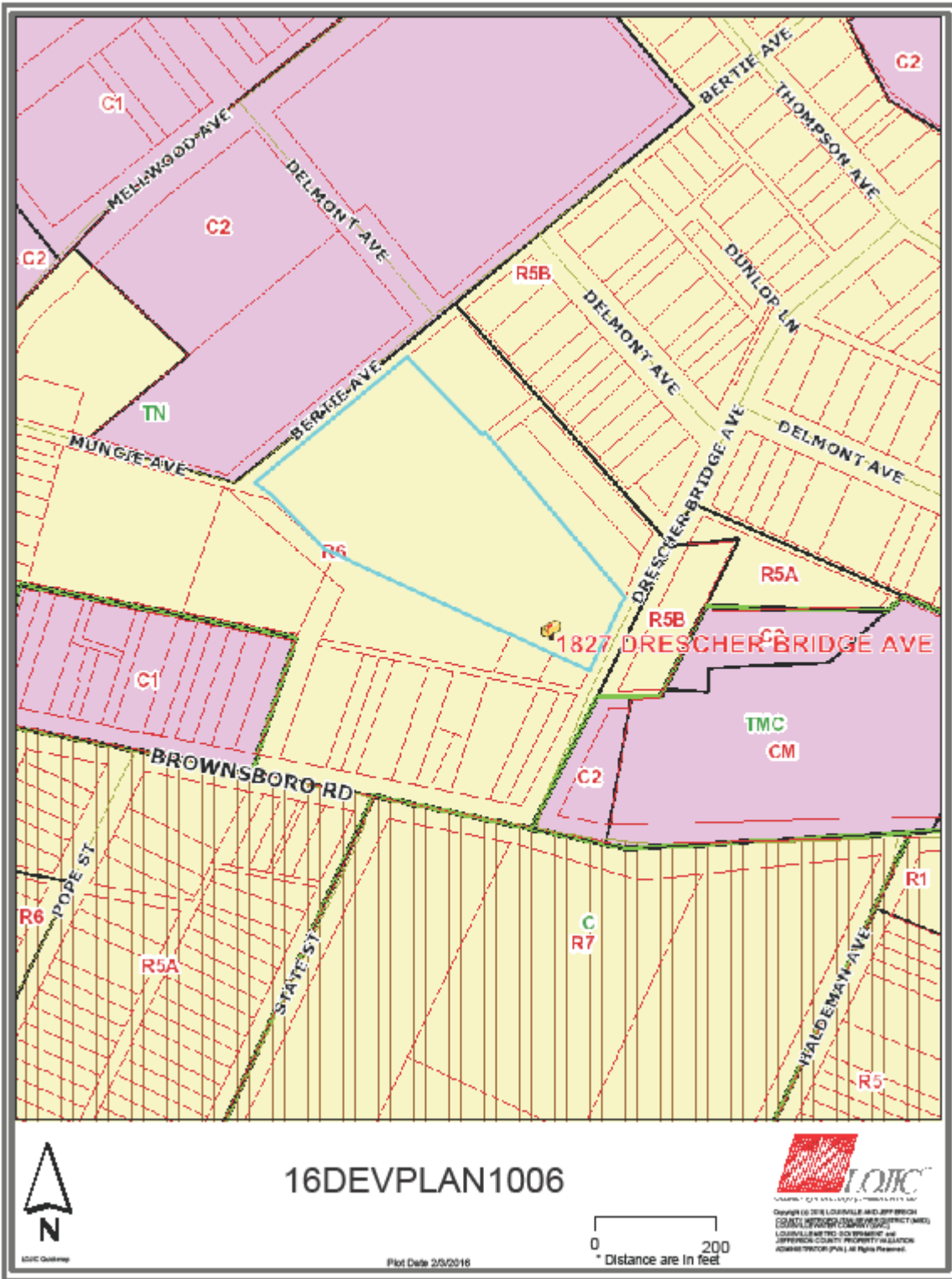
### NOTIFICATION

Date	Purpose of Notice	Recipients
2/17/2016	DRC Meeting	1 <sup>st</sup> tier adjoining property owners and Neighborhood Notification
2/17/2016	Neighborhood Notification	Registered Parties

### ATTACHMENTS

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

**1.**

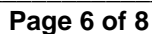


2. Aerial Photograph





**Published Date: Feb. 11, 2016**



#### 4. Cornerstone 2020 Comprehensive Plan Checklist

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

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
15	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and storm water) are appropriately mitigated.	+/-	The proposal does constitute a non-residential expansion into a residential area and could potentially impact residences in the general vicinity from potential noise from the pump station, control building, generator, and odor from the nature of a combined sewer overflow basin. The applicant should explain how the CSO Storage Basin will function within the neighborhood.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	The development plan does show an odor control pad but this needs to be addresses with MSD as to the specifics and potential impacts to the general vicinity. The applicant should explain how the CSO Storage Basin will function within the neighborhood.
18	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.	+/-	This is unknown at this time whether lighting will be installed and where it will be installed. The applicant should explain how the CSO Storage Basin will function within the neighborhood.
19	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.	+/-	The site is a higher intensity use but is not located along a transit corridor but it located near an activity center, most notably, the Mellwood Arts Center to the north/northwest of the proposed site. The site is approximately 515 feet East of the Mellwood Ave./Muncie Ave. intersection and 278 feet to the north of the Brownsboro Rd./Drescher Bridge Ave. intersection. The applicant should explain how the CSO Storage Basin will function within the neighborhood.
21	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.	+/-	Currently, it is unknown what the potential impacts are that could adversely affect the general vicinity. MSD will need to address or has attempted to address such concerns with residents in the area and has had three meetings to discuss such potential impacts. The applicant should explain how the CSO Storage Basin will function within the neighborhood.

22	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 setback along Bertie Ave. (dead end portion and proposed Asphalt Access Drive) as shown on the Development Plan does not have the 15 foot front yard setback as required since this is where the proposed pump station, control room, generator and odor control pad are located. The applicant should explain how the CSO Storage Basin will function within the neighborhood.
23	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	+/-	Access to the site is proposed along Muncie Ave. or Bertie Ave. and internal roads are screened from view by surrounding wooded areas. The impact is unknown at this time. The applicant should explain how the CSO Storage Basin will function within the neighborhood.