

Development Review Committee Staff Report

Jan. 4, 2017



Case No:	16DEVPLAN1226
Request:	Community Facility Review for the Southwestern Parkway CSO Basin
Project Name:	MSD Storage Basin
Location:	4501 West Broadway
Area:	224.07210
Owner:	Louisville Metro Parks
Applicant:	Brandon Flaherty – Louisville MSD
Representative:	Brandon Flaherty – Louisville MSD
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Hamilton
Case Manager:	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

Metropolitan Sewer District (MSD) has submitted a Community Facility Review for review per LDC section 4.10.1.4. The Community Facility Review (CFR) is for the construction of the Southwestern Parkway CSO Basin located within the Great Lawn of Shawnee Park, 4501 West Broadway. MSD is planning to construct a 20 million gallon buried combined sewer overflow basin, effluent pump station, two diversion structures, and conveyance piping. The storage basin will accommodate wet weather flows within the project area to limit the occurrence of overflows from CSO's 104/105 and 189. As part of MSD's memorandum of agreement executed with Louisville/Jefferson County Metro Government (please see attached documents), the project will include enhancing the façade of the existing Shawnee Park Flood Pump Station, construction of an open air pavilion with restrooms, paving an existing gravel lot for the playground and pavement restoration of the Loop Road. The project includes milling and resurfacing existing park roads and full depth replacement of portions of the existing multi-use paths.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Industry – Louisville Water Co.	R-5	Campus
Proposed	Industry – Louisville Water Co.	R-5	Campus
Surrounding Properties			
North	Residential Single Family and Residential Multi-Family	R-5, R-6, and R-7	Traditional Neighborhood
South	Residential Multi-Family	R-5A	Traditional Neighborhood
East	Residential Multi-Family, Residential Two-Family	R-5A, C-1	Traditional Neighborhood
West	Residential Single Family and Residential Multi-Family	R-5 and R-5A	Traditional Neighborhood

PREVIOUS CASES ON SITE

- 8411 – Shawnee Park Playground Replacement (2/19/2007)
- 8952 – Shawnee Park Restrooms (5/17/2007)
- 14432 – Shawnee Park Playground & Spray (6/15/2010)

INTERESTED PARTY COMMENTS

No comments received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Land Development Code
Cornerstone 2020

TECHNICAL REVIEW

The following public meetings were held regarding the Southwestern Parkway CSO Basin Project:

- 9/24/2013 – IOAP Orientation Meeting
- 3/10/2015 – Neighborhood Orientation Meeting
- 3/23/2015 – Conceptual Design Meeting #1
- 10/19/2015 – Meeting with Councilwoman and Residents
- 11/12/2015 – Conceptual Design Meeting #2
- 12/14/2015 – Conceptual Design Meeting #3

Videos of recent meetings can be found at the following link:

<http://www.msprojectwin.org/Public-Input/Southwestern-Parkway-Storage-Basin.aspx>

TECHNICAL REVIEW

Shawnee Neighborhood Plan – Applicable Plan Elements

Land Use/Community Form:

LU5 - Protect land use compatibility around neighborhood institutions such as churches, schools, library, and community facilities

- Ensure that the existing form districts within Shawnee, which reflect existing neighborhood character, are maintained

LU6 - Protect historic landmarks and properties in neighborhood

- Identify properties eligible for listing in the National Register of Historic Places and educate/assist owners wishing to pursue individual or district listing in the National Register

LU7 - Incorporate green infrastructure like street trees into the streetscape to improve stormwater management and pedestrian experience

- Partner with MSD to provide green infrastructure solutions as part of future streetscape improvements like those planned for West Market Street

STAFF CONCLUSIONS

In order to determine compliance with the applicable sections of the comprehensive plan, one of the guidelines requiring additional information that may be addressed through the following questions/statements (please see the staff checklist located on pgs. 6 and 12 of the staff report):

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
12/23/2016	DRC Meeting	1 st tier adjoining property owners and Neighborhood Notification
12/23/2016	Neighborhood Notification	Registered Parties

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist

1.



2. Aerial Photograph



3. Cornerstone 2020 Comprehensive Plan Checklist

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

Traditional Neighborhood: Non-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.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	Both West Broadway and Southwestern Pkwy are not impacted by the proposed underground CSO basin. However, roads internal to Shawnee park may be potentially impacted as shown on the Development plan in the "Loop" on the eastern side.
2	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	N/A	No offices, shops, or restaurants are proposed for the subject site.
3	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	✓	The proposal as submitted uses a portion of an existing MSD facility (Pump Station and maintenance facility) found along the eastern side of Shawnee Park abutting Southwestern Pkwy.
4	Community Form/Land Use Guideline 1: Community Form	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominate neighborhood building design.	✓	The proposal preserves and renovates existing buildings however the building design were not included with the CFR application.
5	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Traditional Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	N/A	A new center is not being created.
6	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	N/A	No proposed retail is proposed at the subject site.
7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposed underground CSO Basin is a Federally mandated project and is an infrastructure investment.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
8	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	N/A	MSD already had an existing pump station and Maintenance facility located on the subject site.
9	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	N/A	No residential or office uses were proposed for the subject site.
10	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	N/A	The proposed underground basin is located near existing MSD infrastructure as found in Shawnee Park east and central to Shawnee Park Rd.
11	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The project will include milling and resurfacing of existing park roads and full depth replacement of portions of the existing multi-use paths as well as the construction of a new pavilion.
12	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	Notes concerning utility hook-ups are not discussed as notes on the development plan. The plan does show existing underground utilities along Shawnee Park Rd. leading to the proposed structures.
13	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The existing portions of pump station and maintenance facility are not accessible to the general public, the underground storage basin and stated is underground not limiting the movement of bicycle, cars, or pedestrians.
14	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	✓	This is unknown, MSD as stated that the existing façade would be enhanced but elevations and/or renderings of the proposed enhancement of the pump station façade and open air pavilion have not been submitted to staff.
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 stormwater) are appropriately mitigated.	+/-	The site is Shawnee Park which is zoned R-1 (Residential Single Family District) does constitute a non-residential expansion into the existing residential area. However, the underground CSO Basin is in fact located in Shawnee Park north of West Broadway and west of Southwestern Pkwy. Traffic is of no concern to staff since the subject site where MSD currently has a pump station and maintenance facility were present prior to the proposed underground CSO basin.
16	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	+/-	No information provided.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
17	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	No information provided.
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.	+/-	No information provided.
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.	N/A	The underground CSO Basin is located in Shawnee Park north of West Broadway and west of Southwestern Pkwy. The subject site has had an MSD pump station and maintenance facility prior (1951 to present) to the proposed underground CSO basin located on a southeastern portion of Shawnee Park, close to the corner of West Broadway and Southwestern Pkwy.
20	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.	✓	Landscaping will be provided per a memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
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.	✓	The underground CSO Basin is located in Shawnee Park north of West Broadway and west of Southwestern Pkwy. The subject site has had an MSD pump station and maintenance facility prior (1951 to present) to the proposed underground CSO basin located on a southeastern portion of Shawnee Park, close to the corner of West Broadway and Southwestern Pkwy.
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.	✓	Setbacks are adequate.
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.	+/-	No information provided.

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24	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	Landscaping will be provided per a memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
25	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	N/A	Parking garages are not a part of the proposal.
26	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	N/A	Signs are not a part of the proposal.
27	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.	✓	Open Space will be provided per a memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
28	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood Form District.	✓	Open Space will be provided per a memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
29	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	Open Space will be provided per a memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
30	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.	✓	Open Space will be provided per a memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
31	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.	✓	Open Space will be provided per a memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
32	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.	✓	The subject site is not susceptible to wet or highly permeable soils, steep or unstable slopes but does have the potential for severe erosion.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.2: Ensure adequate access between employment centers and population centers.	N/A	Employment centers are not within the scope of this project.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	N/A	The subject site is not within the Downtown Area.
35	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	N/A	The site is not a private industrial use, this is not applicable for the subject site.
36	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	N/A	Commercial Retail is not within the scope of this proposal.
37	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	✓	The proposed development is occurring near a minor arterial as defined by Public Works, West Broadway, staff is unsure as to the number of employees required to staff the existing facilities or the proposed facilities.
38	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.	✓	The proposal does ensure infrastructure improvements per the memorandum of agreement between MSD and Louisville/Jefferson County Metro Government. (please see Memorandum of Agreement)
39	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	N/A	Shawnee Park will remain an open space/park for the residents however; it has not been determined how much space will be restricted from public access in the park.
40	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.	N/A	Transportation facilities are not considered in the proposed CSO basin.

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41	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.	N/A	Dedication of rights-of-way for street/s, transit corridors is not discussed but multi-use paths within Shawnee Park for bikeway and walkway facilities within or abutting the development have been discussed and improvements are to be made to the infrastructure within the park impacted by the proposal.
42	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	+/-	The vehicular use area, as used by MSD, will increase by approximately .6 acres as shown on the development plan. Adequacy was not determined based on use or employees, numbers were not provided.
43	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	N/A	Access to the proposed site is partially accessible for public use since the CSO basin is underground. Portions will be restricted to public use, namely MSD operating facilities.
44	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.	N/A	Stub streets are not considered in this proposal.
45	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 is to occur from West Broadway and Southwestern Parkway, nuisances during construction are unknown currently.
46	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.	+/-	Existing streets are external to the Shawnee Park (West Broadway, and Southwestern Pkwy). Shawnee Park Rd. as found in the "Loop" connecting to Dirt Bowl Rd., Shawnee Loop Rd., Shawnee Park Way, Shawnee Cross Rds., and Shawnee Park Circle may be impacted as a result of the underground CSO Basin. Staff does not have enough info to determine the potential impact.
47	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.	+/-	Staff has not determined if the proposed underground CSO storage basin will impact Shawnee Park Rd. as found in the "Loop".

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	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.	✓	MSD has approved the proposed underground CSO Basin.
49	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD had only one comment regarding the proposal: "Code Violation Text: Please add the following note to the plan: Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties."
50	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.	+/-	Staff cannot determine if existing and/or new natural corridors exist at/on the subject site.
51	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	Underground utilities were present prior to the proposed CSO basin.
52	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	A private fire hydrant will be on sight as discussed with Mr. Steve Cummings on Dec. 16, 2016.
53	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.	✓	The proposal is for the adequate retention and treatment of sewage as treated at the Morris Forman Treatment plant.