

# Development Review Committee

## Staff Report

September 18, 2024



<b>Case No:</b>	24-DDP-0024
<b>Project Name:</b>	Home Depot Outdoor Storage
<b>Location:</b>	10301 Westport Road
<b>Owner(s):</b>	HD Development Properties
<b>Applicant:</b>	HD Development Properties
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Markus Winkler
<b>Case Manager:</b>	Molly Clark, Planner II

### REQUEST(S)

- **Waiver** of Land Development Code (LDC) section 4.4.8.C.1.c to allow outdoor storage and display items to be stacked higher than 5 feet (6' requested) within 50 feet of the right of way, (24-WAIVER-0099).
- **Revised Detailed District Development Plan** with existing Binding Elements

### CASE SUMMARY

The subject site is zoned C-2 commercial in the Regional Center form district on 17 acres. The applicant is proposing to revise the outdoor storage and display areas on the plan to add additional areas of storage and display in the existing parking lot. The new outdoor storage and display areas will reduce the parking spaces on site from 443 spaces to 432 spaces. The reduction in spaces will still leave the site in compliance with parking minimums and maximums. The applicant is also proposing to move outdoor storage and display items to lot 3 which is a fenced in, buffered lot. The applicant will also be removing some parking spaces in front of Home Depot to allow for additional outdoor display. This case is related to a zoning enforcement case under 24-ENF-ZON-23-000192 that was called in due to where mulch was being stored.

The applicant is requesting a waiver to allow the stacked items to exceed the maximum height of 5 feet and allow items to be stacked no higher than 6 feet. The outdoor storage items in lot 3 will be fenced in with a solid wood fence that will adequately screen the storage items. The site was previously rezoned under 9-35-97 in 1997 and the plan was revised to reflect the outdoor storage and display layout in 2007 under the original case number 9-35-97.

### STAFF FINDING

The requests are adequately justified for approval and meet the standards of review.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The waiver will not adversely affect adjacent property owners as other elements of the Land Development Code will be met on site. The applicant will be providing solid wood 6 foot fencing to screen the 6 foot tall stacked outdoor storage items. There will also be landscaping provided for the fenced in outdoor storage area.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as the proposed development will be in keeping with the development pattern of the area. The applicant will provide all required screening and buffering for the proposed development and for the outdoor storage areas. The fencing will be as tall as the outdoor storage items that will be stacked at 6 feet and will be made of solid wood.

- (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 all other elements of the Land Development Code will be met with this proposal. The proposed development will be in keeping with the development pattern of the area. The applicant will provide all required screening and buffering for the proposed development and outdoor storage items.

- (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 create an unnecessary hardship on the applicant, the proposed development will be in keeping with the development pattern of the area. The applicant will also be providing all the required landscape buffer requirements that will screen the outdoor storage and display items.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP**

- 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: The conservation of natural resources on the property proposed for development will be provided as there do 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 provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development are provided since there are no open space requirements pertinent to the current proposal.

- 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 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.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent outdoor storage areas. Buildings and parking lots will continue to 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 except where relief is requested and is adequately justified.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver** from Land Development Code section 4.4.8.C.1.c to allow outdoor storage and display items to be stacked higher than 5 feet (6 feet requested) within 50 feet of the right of way, (24-WAIVER-0099)
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan with Existing Binding Elements**

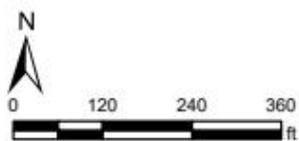
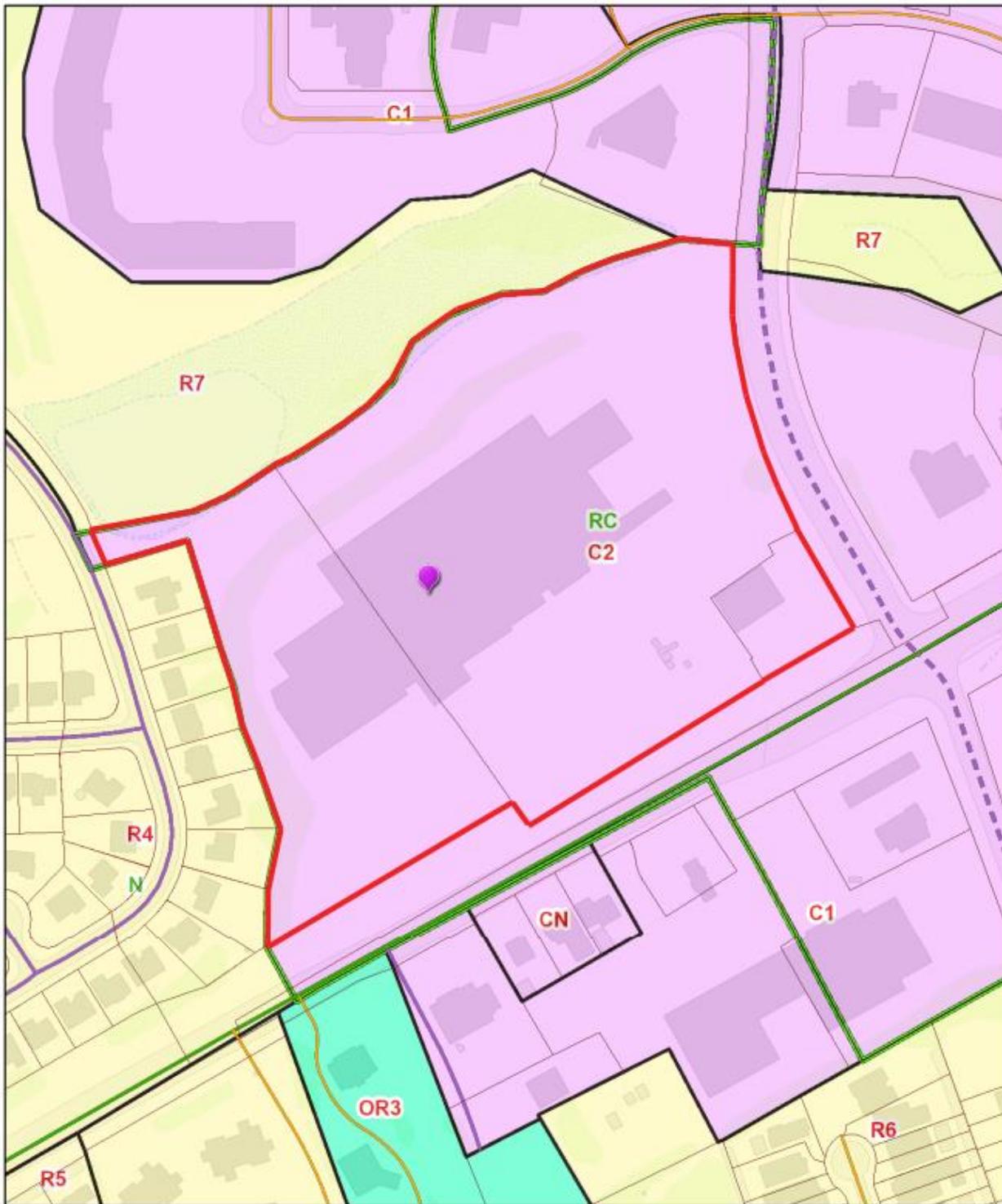
**NOTIFICATION**

Date	Purpose of Notice	Recipients
<b>August 29, 2024</b>	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and current residents and APO's required by the binding elements Registered Neighborhood Groups in Council District 17

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Detailed Binding Elements

1. Zoning Map



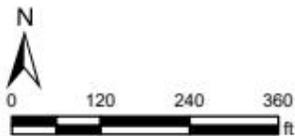
Wednesday, September 11, 2024 | 4:11 PM



LOJIC © 2024

This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



Wednesday, September 11, 2024 | 4:17 PM



LOJIC © 2024

This map is not a legal document and should only be used for general reference and identification

### **3. Existing Detailed 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. The development shall not exceed 168,502 square feet of space.
3. The Binding Elements (as contained in the Planning Commission minutes of September 18, 1997) from the approved general plan shall be in effect for this parking waiver.
4. In the event a request is filed to modify or delete any binding element or to change the approved development plan, and in addition to notice that may otherwise be required by the Planning Commission policy or regulation, notice of the Land Development and Transportation Committee meeting at which the request is considered shall be given 13 days in advance by hand delivery to the following addresses (hand delivery shall be the responsibility of the applicant):
  - A. 3301 Wynnbrooke Circle, Louisville, KY 40241
  - B. 3303 Wynnbrooke Circle, Louisville, KY 40241
  - C. 3305 Wynnbrooke Circle, Louisville, KY 40241
  - D. 3229 Wynnbrooke Circle, Louisville, KY 40241
  - E. 3231 Wynnbrooke Circle, Louisville, KY 40241
  - F. 3233 Wynnbrooke Circle, Louisville, KY 40241
  - G. 3235 Wynnbrooke Circle, Louisville, KY 40241
  - H. 3237 Wynnbrooke Circle, Louisville, KY 40241
  - I. 3239 Wynnbrooke Circle, Louisville, KY 40241
  - J. 9905 Moss Court, Louisville, KY 40241
  - K. 9923 Wyncliff Circle, Louisville, KY 40241
  - L. 9924 Wyncliff Circle, Louisville, KY 40241
  - M. 9919 Wyncliff Circle, Louisville, KY 40241
5. The shopping center identification sign shall be 15.5 feet in height and 147.5 square feet in area.
6. Home depot shall consolidate all on-site parcels. The form of the consolidation instrument shall be approved by the general Counsel of the Planning Commission. The instrument shall be executed and put to record, with a copy filed in the Planning Commission record of this case.
7. Additional plantings to be located on the Home Depot USA/Springhurst Commons LLC property as shown on "The Home Depot at Springhurst Commons Planting Plan prepared by Sabak, Wilson and Lingo, Inc. (rev. 1/26/98) as color-marked and presented at the Land Development and Transportation Committee meeting of November 22, 2000 shall be in place prior to April 30, 2001, weather permitting.
8. Signs shall be placed where shown on the "Truck Idling Plan" dated 2/28/01. The signs shall state: "Trucks: No idling. Turn off engine after parking. Do not use horn. Violations will be subject to fines by Home Depot." Each sign shall not be higher than 2 feet tall and no larger than 8 square feet in area.
9. No deliveries shall be made between 10:30 p.m. and 7:00 a.m. The west rear loading door (lumber overhead door) shall be closed between 10:30 p. m and 7:00 a.m.
10. The sidewalk on Westport Road shall be installed by May 1, 2001.
11. The drainage pipe behind Michaels shall be repaired no later than 8 months after final approval of the development plan.

12. Compactors and dumpsters shall be used, emptied or replaced for lots 2 and 3 only between 7:00 a.m. and 10:00 p.m. and shall be located only where shown on the approved detailed development plan.
13. Grass mowing on lots 2 and 3 behind the building will be mowed bi-monthly during the growing season.