

Development Review Committee

Staff Report

November 15, 2017



Case No:	17DEVPLAN1124
Project Name:	The Shoppes at Lone Oak
Location:	3501 & 3541 Outer Loop
Owner(s):	Greer Land Co-Smyrna #2 LLC
Applicant:	Vision Engineering LLC
Representative(s):	Vision Engineering LLC
Project Area/Size:	7.8 acres
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- **Revised Detailed District Development Plan**
- **Waiver** of 10.2.10 to not provide the required Vehicle Use Area Landscape Buffer along Minyard Drive.

CASE SUMMARY

A mixed use commercial center with three restaurants, a bank and a hotel totaling 57,252 square feet of new construction is being proposed on two lots along Outer Loop in the Okolona neighborhood. Access is from both Outer Loop and Minyard Drive and will be shared between the proposed users of the center, as well as the existing restaurant on Tract 2. Pedestrian access has been provided from public walkways throughout the development. All required landscaping and buffers have been provided with the exception of one Vehicle Use Area buffer along Minyard Drive.

This case was continued from the October 18, 2017 meeting of the DRC due to unresolved issues regarding traffic and specifically the roadway improvements referred to in Binding Element #10. Additionally there were concerns from the commissioners regarding the buffer area on the north side of the hotel adjacent to single family residential.

Previous Cases

- 8818- Change in zoning from R-4 to C-2 and street closures. Approved 11/1/07
- 11402- Revised Detailed District Development Plan. Approved 7/24/08
- 13732- Binding Element Modification of BE #10. Approved 2/10/10
- 14509- Binding Element Modification of BE #10. Approved 7/14/10

STAFF FINDING

The revised detailed district development plan appears to meet the standard of review based on staff analysis in the staff report. With the exception of the requested waiver, which appears adequately justified, the proposal meets the requirements of the Land Development Code.

TECHNICAL REVIEW

- Preliminary approvals have been received from Transportation and MSD staff.
- An updated traffic study has been submitted and reviewed by Transportation staff.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.2.10 to not provide the Vehicle Use Area Landscape Buffer along Minyard Drive.

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

STAFF: The waiver will not adversely affect adjacent property owners as the buffer was provided previously before the state widened the right-of-way, leaving a large vegetated verge and berm that was built after the re-zoning was approved.

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

STAFF: The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. These guidelines are not violated, as the buffer was provided on previous plans, leaving a wide verge to provide screening and buffering after the state widened Minyard Drive.

- (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 the applicant had provided the buffer previously and all other buffers are provided.

- (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 as the site plan would have to be reconfigured and needed parking lost due to the widening of the road after the rezoning.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DISTRICT DEVELOPMENT PLAN

- 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 will be provided in accordance with Chapter 10 of the Land Development Code.

- 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 have been provided as access and parking facilities are being shared throughout the center. Pedestrian connections to public sidewalks have been provided throughout.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required for the subject site.

- 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 as the area to the west along Preston Hwy contains a variety of scales and intensities of non-residential uses. Property perimeter landscaping has been provided to aide in the transition from commercial to residential uses.

- 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 generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** and proposed binding elements
- **APPROVE** or **DENY** the **Waiver** of Section 10.2.4

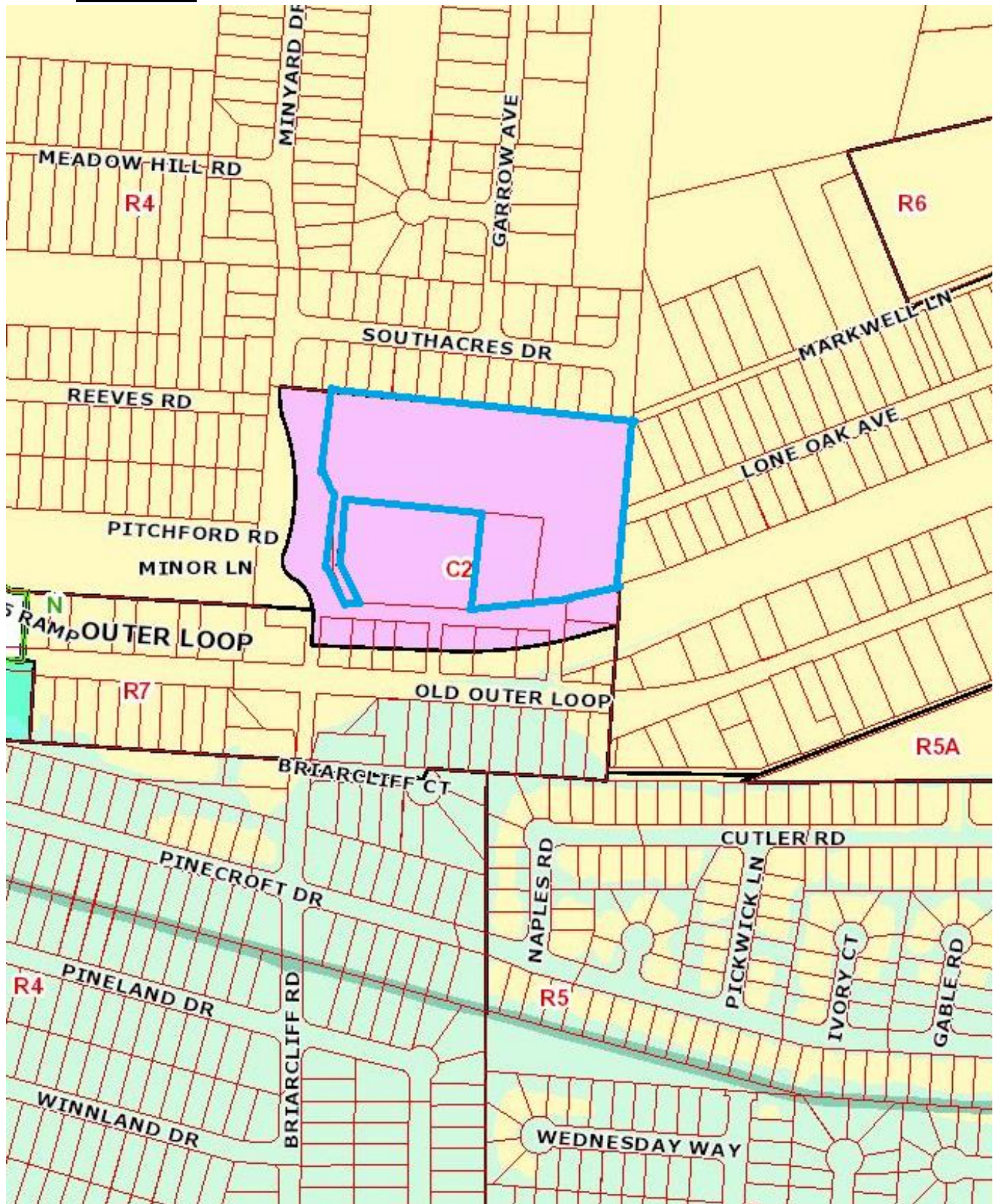
NOTIFICATION

Date	Purpose of Notice	Recipients
10/6/17	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 13

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, 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.
2. The development shall not exceed 55,415 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (40 square feet in area and 4 feet tall).
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) (NOTE: to be used for sites within an historic preservation district) is requested:
 - a. 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 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.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. 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.

8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 1, 2007, Planning Commission Hearing.
10. Prior to any request for certificate of occupancy for the restaurant located at 3521 Outer Loop, all approvals for the signal at Briarcliff/Minyard and the Outer Loop shall be obtained, and the following additional intersection improvements bonded:
 - a. Improvements to the intersection of the Outer Loop at Briarcliff/Minyard to add an additional northbound left turn lane, westbound right turn lane and extend the existing eastbound left turn lane.
 - b. Revised signal for the intersection of the Outer Loop at Briarcliff/Minyard.
 - c. Right-in-right-out access to Outer Loop.

No certificate of occupancy may be obtained for the remainder of the site until the above roads improvements are completed.

11. No attached lighting shall be permitted on the rear (north facades) of the structures within the development center that are adjacent to residentially zoned properties to the north of the site.

4. **Proposed Binding Elements (Subject Site Only 17DEVPLAN1124)**

1. 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.
2. ~~The development shall not exceed 55,415 square feet of gross floor area.~~
3. ~~Signs shall be in accordance with Chapter 8 or as presented at the public hearing (40 square feet in area and 4 feet tall).~~
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) ~~(NOTE: to be used for sites within an historic preservation district)~~ is requested:
 - a. The development plan must receive full construction approval from ~~Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and Develop Louisville and~~ the Metropolitan Sewer District.
 - b. ~~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.~~
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

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9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~November 1, 2007, Planning Commission Hearing.~~ **November 15, 2017 Development Review Committee meeting.**
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