

Land Development and Transportation Committee
Staff Report
May 31, 2018



Case No:	18DEVPLAN1069
Project Name:	Meridian Property
Location:	201 Meridian Ave
Owner(s):	PPH Properties
Applicant:	PPH Properties
Jurisdiction:	Sabak, Wilson & Lingo
Council District:	9 – Bill Hollander
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- Revised District Development Plan

CASE SUMMARY

The site was rezoned from R-5 to C-5 (OR-1) under docket 9-1-81. The structure has been used generally for some variety of office use ever since. The structure burned down last year, and the applicant is seeking to rebuild as an office structure utilizing the same footprint as the previous structure, under the nonconforming structure regulations in Land Development Code section 1.3.2. The main source of nonconformity is the required corner lot setbacks of the Town Center form district, which would normally require a maximum of 5 feet from each right-of-way line.

STAFF FINDING

The applicant has undertaken reasonable steps to restore the nonconforming structure within a year of the destruction of the property due to fire, and may therefore be rebuilt utilizing nonconforming rights. The footprint of the proposed structure does not increase the nonconformity; therefore the request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical review issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS

- 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 do not appear to be any environmental constraints or historic resources 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 has approved the preliminary development plan.

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

STAFF: 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 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. The structure will be rebuilt under nonconforming rights, and will continue the use generally as it has existed since being rezoned.

- 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.

REQUIRED ACTIONS:

- **APPROVED** or **DENY** the **Revised District Development Plan**

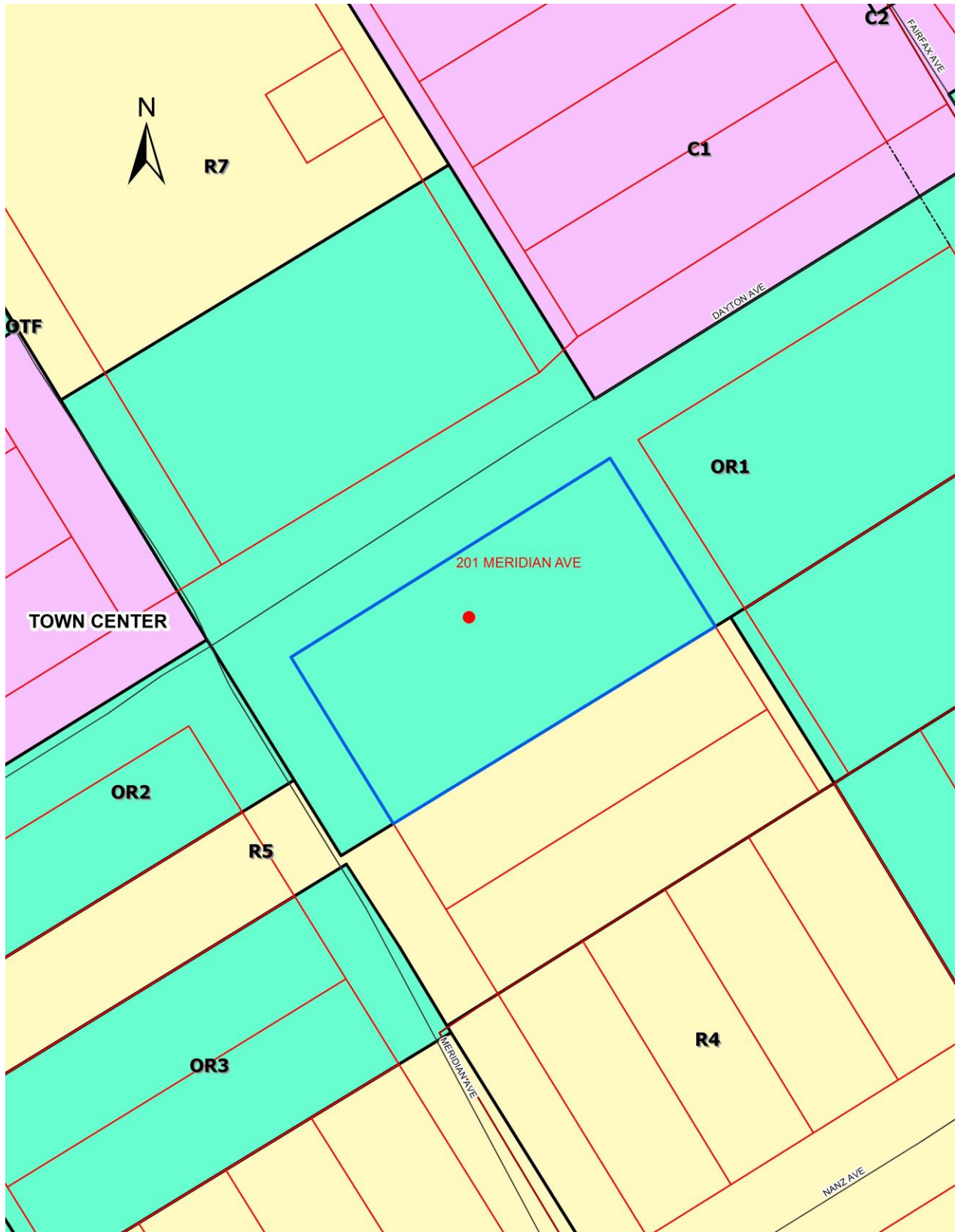
NOTIFICATION

Date	Purpose of Notice	Recipients
5-17-18	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9

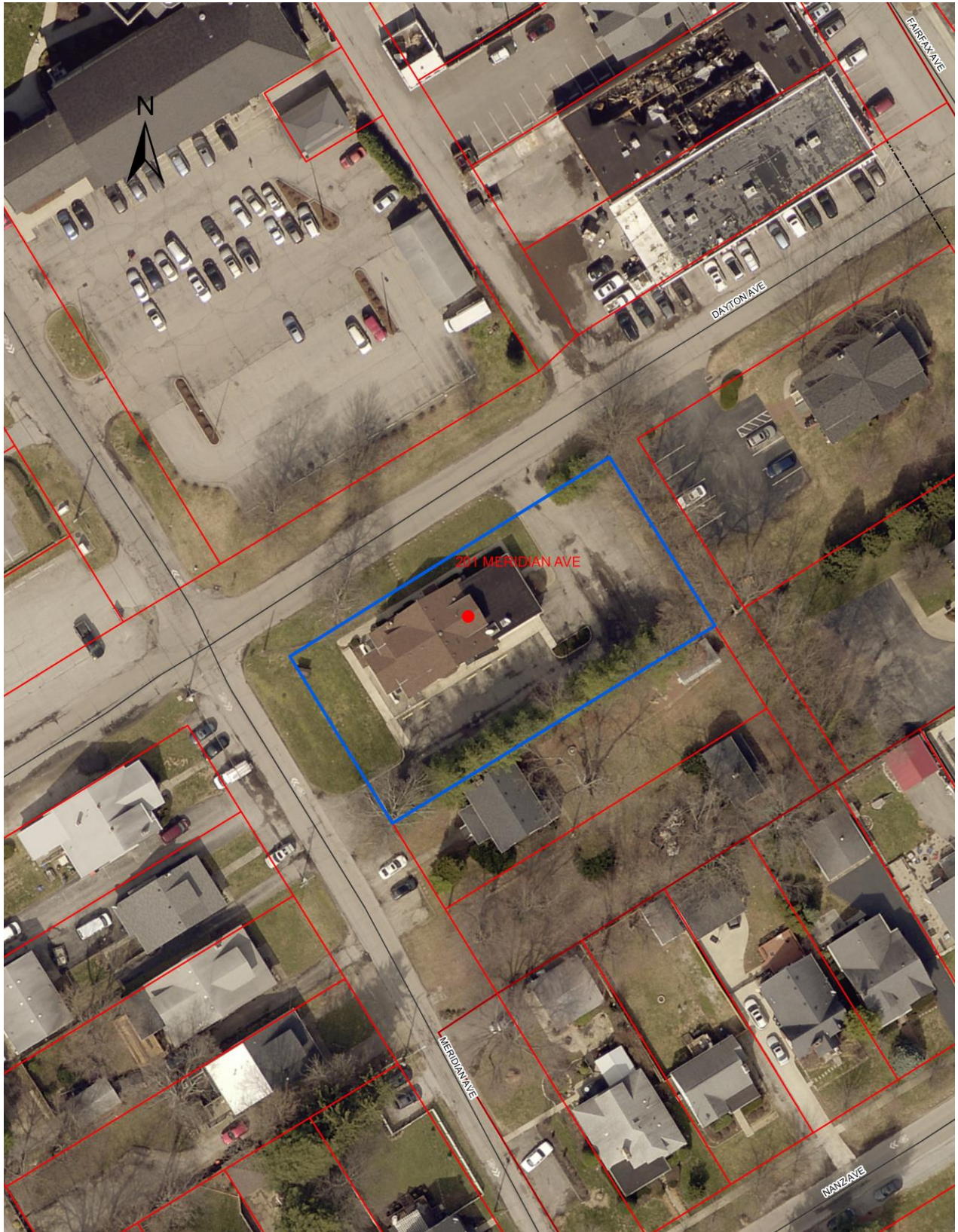
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing and/or Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



4. Existing Binding Elements

- ~~1. The appropriate variances must be obtained from the Board of Zoning Adjustment to allow the development as proposed. If such variances are not obtained the property may not be used for any new use until a revised district development plan is submitted to and approved by the Planning Commission.~~
- ~~2. The screening plan, as shown on the approved district development plan, shall be implemented prior to occupancy of the building for the proposed use.~~
- ~~3. The size and location of the proposed business identification signs will be shown on the approved district development plan.~~
- ~~4. The plan must be reapproved by the Water Management Section of the Jefferson County Department of Public Works and Transportation, the Department of Traffic Engineering, and the City of Louisville Public Works Department prior to occupancy of the building for the proposed use.~~
- ~~5. Unless use in accordance with the approved plan and binding elements has been substantially established within one ear from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.~~
- ~~6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of a structure or land for the proposed use. All binding elements must be implemented prior to issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.~~

Proposed 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. Signs shall be in accordance with Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit)

- a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. 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.
6. 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.
 7. 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.