

Development Review Committee

Staff Report

December 14, 2016



Case No:	16DEVPLAN1200
Project Name:	MainSource Bank
Location:	2300 High Wickham Place
Owner(s):	CHOP Partners II, LLC
Applicant:	MainSource Bank – Joe Stirn
Representative(s):	Mindel, Scott, & Associates – Kathy Linares
Project Area/Size:	0.96 acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Detailed District Development Plan** for proposed 3,520 SF bank
- **Landscape Waiver** of Land Development Code (LDC), section 10.3.5.A.1 for encroachment into 30' parkway buffer
- **Landscape Waiver** of LDC, section 10.2.4.B to allow 50% overlap of landscape buffer and utility easement

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 3,520 square foot bank with 17 parking spaces and 3 lanes for drive-thru banking. The subject site is a corner parcel located at the intersection of Old Henry Road and High Wickham Place East of Interstate-265. The surrounding area is a mix of vacant and developed land of office, commercial, and residential uses.

A landscape waiver for the vehicle use area along Old Henry Road was previously granted. A landscape waiver is currently being requested as slight changes have been made in this area which appears to increase the amount of encroachment into the buffer. The area of landscape buffer and utility easement overlap is located within this area, as well.

LAND USE/ZONING DISTRICT/Form DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-1	N
Proposed	Bank	C-1	N
<i>Surrounding Properties</i>			
North	Mixed Commercial	OR-3	SW
South	Vacant	C-1	N
East	Vacant	C-1	N
West	Vacant	C-2	SW

PREVIOUS CASES ON SITE

- 9-99-98: Rezoning from R-4 to R-5A, OTF, C-1, and C-2 (approved 1/8/01).
- 8735: Rezoning from OTF to C-2 and C-1 (approved 7/19/07). Subject site was rezoned from OTF (docket 9-99-98) to C-1. Detailed District Development Plan on subject site has expired.
- 9007: Change in form district from SW to N (Approved 7/19/17).

INTERESTED PARTY COMMENTS

Comments were received from Steve Hardin in October of this year. He voiced comments in opposition to any encroachment into the 30' parkway buffer.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR DDDP, RDDDP, AND AMENDMENT TO BIDNING 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 does not appear to be any environmental constraints or historic resources on the subject site. Tree preservation will be provided as required by 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 has been provided. Connection to adjacent sites and the sidewalk along the frontage will be provided.

- 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 proposed development. A meandering pedestrian walk will be provided to allow recreational use along the frontage from 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 proposed bank provides a needed financial service and sufficient parking and pedestrian design has been provided which mirrors the surrounding area.

- 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 as Guideline 2, Policies 3 & 5 encourage the location of mixture of commercial uses in activity centers with sufficient population to support the use. The proposed bank provides financial services to nearby neighborhoods in an activity center surrounded by developing office and commercial property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER
of LDC, section 10.3.5.A.1 for encroachment into 30' parkway buffer

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

STAFF: The waiver will not adversely affect adjacent property owners as the development is in an area of planned mixed commercial and office development of similar design, orientation, and setback. Landscaping will provided in the remainder of the buffer.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed development is in an area of planned mixed commercial and office development of similar design, orientation, and setback. Pedestrian pathways and landscaping will be provided in an attractive manner along roadway corridors.

- (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 proposed development is similar in character with the previously approved development plan, as well as the findings of the Planning Commission in case 8735 which specified that the overall landscaping will meet the intent of the landscaping regulations.

- (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 as the requested waiver allows the subject site to have proper integration of vehicular maneuvering and internal landscaping.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER
of LDC, section 10.2.4.B to allow 50% overlap of landscape buffer
and utility easement

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

STAFF: The waiver will not adversely affect adjacent property owners as the development is in an area of planned mixed commercial and office development of similar design, orientation, and setback.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed development is in an area of planned mixed commercial and office development of similar design, orientation, and setback. The waiver of this requirement will not preclude the planting of required landscaping in the area of the easement.

- (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 proposed development is similar in character with the previously approved development plan, as well as the findings of the Planning Commission in case 8735 which specified that the overall landscaping will meet the intent of the landscaping regulations.

- (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 as the requested waiver allows the subject site to have proper integration of vehicular maneuvering and internal landscaping. A waiver has been requested to reduce the 30' parkway buffer to the remaining 15' which occupies the utility easement. The waiver of this requirement will not preclude the planting of required landscaping in the area of the easement.

TECHNICAL REVIEW

There are no technical review items to discuss at this item.

STAFF CONCLUSIONS

The Detailed District Development Plan and Landscape Waivers appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving a Detailed District Development Plan and Landscape Waivers.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Landscape Waiver of LDC, section 10.3.5.A.1 for encroachment into 30' parkway buffer.
- **APPROVE** or **DENY** the Landscape Waiver of LDC, section 10.2.4.B to allow 50% overlap of landscape buffer and utility easement
- **APPROVE** or **DENY** the Detailed District Development Plan subject to the proposed binding elements beginning on page 9 of the staff report

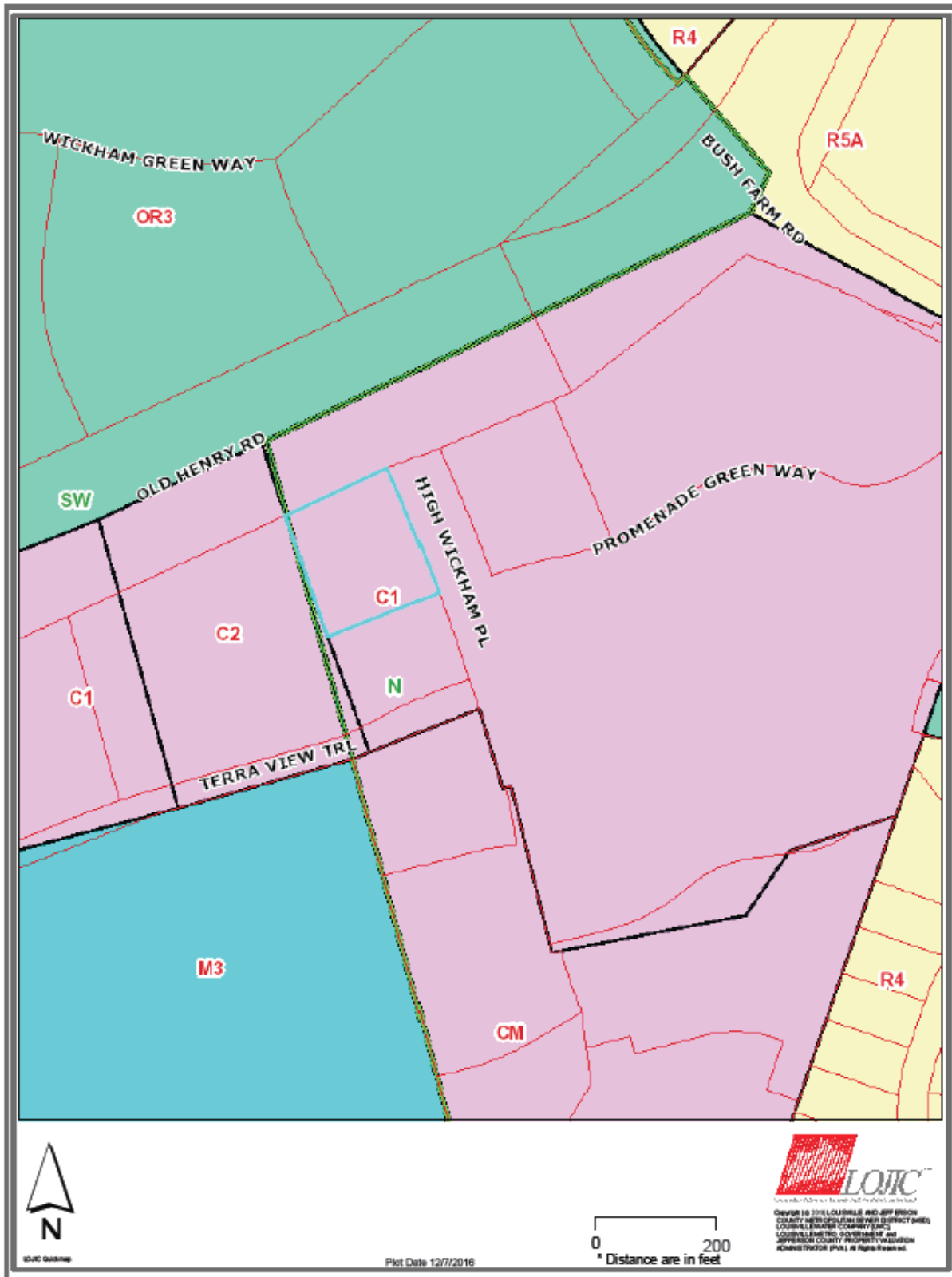
NOTIFICATION

Date	Purpose of Notice	Recipients
11/17/16	Hearing before DRC	Adjoining property owners, applicant, owner, and registered users of Council District 19.

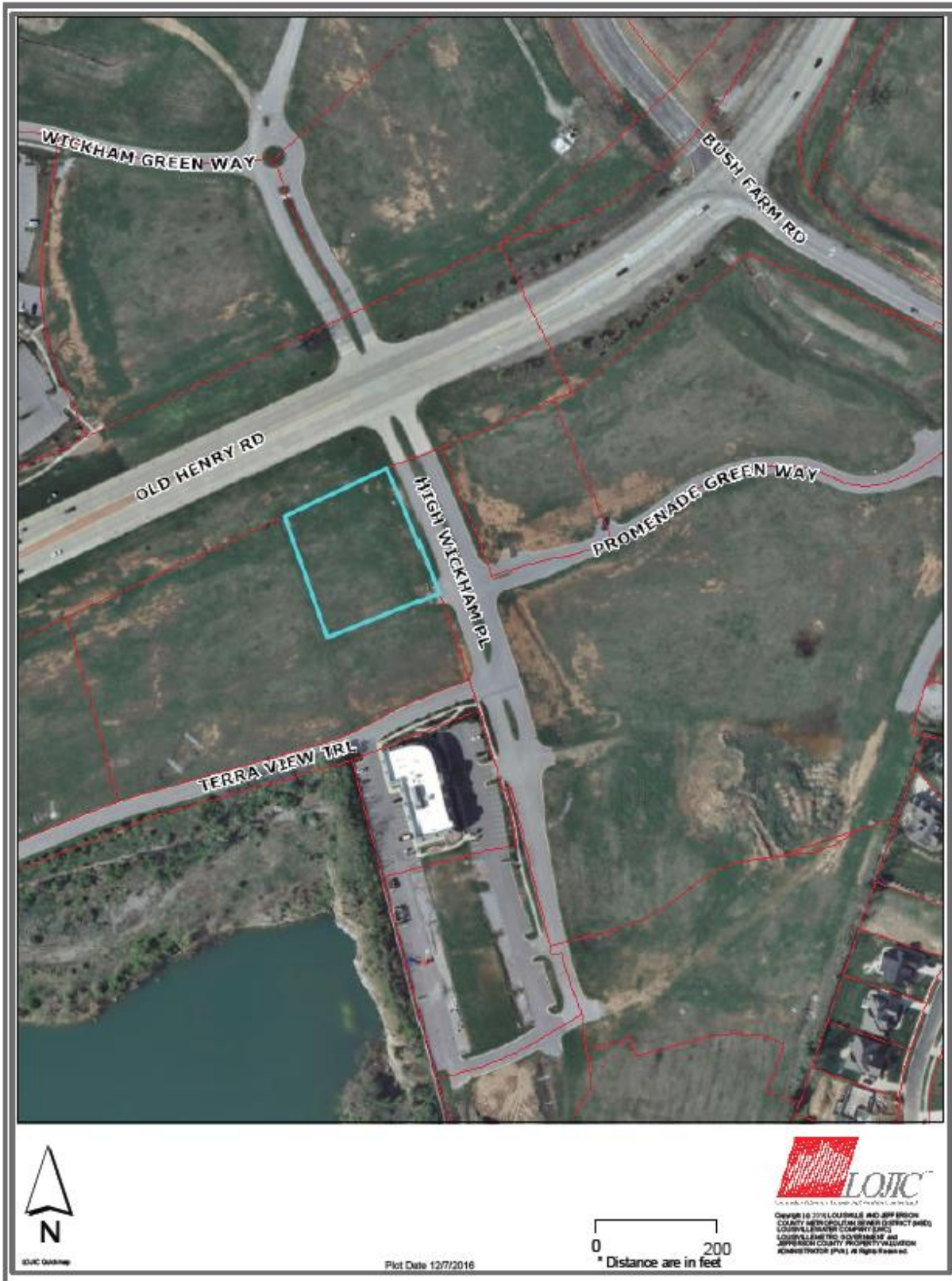
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing GDDP/DDDP Binding Elements
4. Proposed Detailed District Development Plan Binding Elements for Lot 10A (Bank)

1. Zoning Map



2. Aerial Photograph



3. Existing General District Development Plan/Detailed District Development Plan Binding Elements (8735)

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The square footage of the development shall not exceed a 7,500 square foot restaurant on Lot 9A and 9B, a 3,479 square foot bank on Lot 10A and a 5,464 square foot retail building on Lot 10B.
3. Signs shall be in accordance with Chapter 8 of the LDC.
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. Prior to issuance of a 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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 (date) LD&T / PC meeting.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
11. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

12. The applicant shall submit building elevations or renderings of the proposed restaurants on Lots 9A and 9B for Development Review Committee review prior to the issuance of building permits on Lots 9A and 9B.
13. The applicant shall submit a joint cross over and access agreement for the parking shown within the Terra View Trail access easement.
14. an additional binding element stating that they will come back to the Planning Commission for approval of any building designs that have not yet been finalized
15. Uses shall be limited to restaurants without drive-through services and banks with or without drive-through service on lots 9A, 9B, and 10A. Modification of this binding element will require Metro Council approval.
16. Landscape area interior to the site and along Old Henry Road on the property that is the subject of the change in zoning in docket no. 8735 shall be irrigated with an automated irrigation system in all areas viewable by the public. State right-of-way area between the edge of pavement and the north property line shall be irrigated provided the State Transportation cabinet will enter into an agreement allowing the applicant's provision and maintenance of irrigation within said right-of-way area.

4. **Proposed Detailed District Development Plan Binding Elements for Lot 10A (Bank)**

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
- ~~2. The square footage of the development shall not exceed a 7,500 square foot restaurant on Lot 9A and 9B, a 3,479 square foot bank on Lot 10A and a 5,464 square foot retail building on Lot 10B.~~
2. **The square footage of the development shall not exceed 5,520 square feet of gross floor area.**
3. Signs shall be in accordance with Chapter 8 of the LDC.
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. Prior to issuance of a 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. **A cross access agreement to run with the land and in a form acceptable to Planning Commission legal counsel shall be recorded prior to construction approval.**
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 (date) LD&T / PC meeting.~~
- 9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the Development Review Committee meeting on 12/14/16.**
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
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14. Landscape area interior to the site and along Old Henry Road on the property that is the subject of the change in zoning in docket no. 8735 shall be irrigated with an automated irrigation system in all areas viewable by the public. State right-of-way area between the edge of pavement and the north property line shall be irrigated provided the State Transportation cabinet will enter into an agreement allowing the applicant's provision and maintenance of irrigation within said right-of-way area.