

Development Review Committee Staff Report

November 5, 2014



Case No:	14DEVPLAN1128
Request:	Revised Detailed District Development Plan Alternative Tree Canopy Compliance
Project Name:	Retail Store
Location:	1890 South Hurstbourne Parkway
Owner:	Outer Loop Investment LLC
Applicant:	Bryan Barnett
Representative:	Michael Tigue, Middleton Reutlinger
Jurisdiction:	Hurstbourne Acres
Council District:	18 – Marilyn Parker
Case Manager:	Christopher Brown, Planner II

REQUEST

- Alternative Tree Canopy Compliance
- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2, Commercial
 Existing Form District: RC, Regional Center
 Existing Use: Restaurant
 Proposed Use: Restaurant and Retail
 Minimum Parking Spaces Required: 58
 Maximum Parking Spaces Allowed: 138
 Parking Spaces Proposed: 80
 Plan Certain Docket #: 9-14-85

The applicant is proposing to construct a 2,118 SF addition to the west of the existing 6,207 SF building on the subject site. The addition will be attached to the existing restaurant structure. It is proposed for a retail use permitted within the existing C-2 zoning for the property. All Land Development requirements will be met on the site with the exception of the required tree canopy. The addition meets the threshold to provide half of the tree canopy requirement for the property. The applicant is going to provide the tree canopy following the alternative tree canopy compliance methods outlined in Chapter 10.1 of the Land Development Code.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Restaurant	C-2	RC
Proposed	Restaurant and Retail	C-2	RC
<i>Surrounding Properties</i>			
North	Shopping Center	C-2	RC
South	Automobile Sales	C-2	SMC
East	Shopping Center	C-2	RC
West	Single Family Residential	R-4	C

PREVIOUS CASES ON SITE

- 9-14-85: Subject site rezoned to C-2 for commercial use as an out lot of the larger surrounding shopping center.
- 10683: Staff approved revised plan to allow an outdoor patio addition for the restaurant use.
- 17435:
- 14DEVPLAN1098: Staff level approved addition to the existing restaurant building for an expansion of the restaurant use.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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 does 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 through alternative tree canopy compliance methods.

- 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: There are no open space requirements with the current proposal. Future multi-family developments proposed on the subject site will be required to meet Land Development Code requirements.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will 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.

TECHNICAL REVIEW

- The applicant has not provided an alternative tree canopy compliance plan but intend to follow the requirements of Chapter 10.1 for their tree canopy plantings. The Committee should add a condition to actions regarding the development plan requiring the alternative tree canopy compliance come back before the Committee prior to landscape plan approval.

STAFF CONCLUSIONS

The standard of review has been met for the proposed building addition on the subject site. The Committee needs to add a condition about the alternative tree canopy compliance to any actions taken on the development plan. The binding element requires final action and approval for changes to the square footage binding element and plan by the City of Hurstbourne Acres. The Committee needs to make a recommendation to the City of Hurstbourne Acres. 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 proposal meets the standards for approving a revised detailed district development plan as established in the Land Development Code.

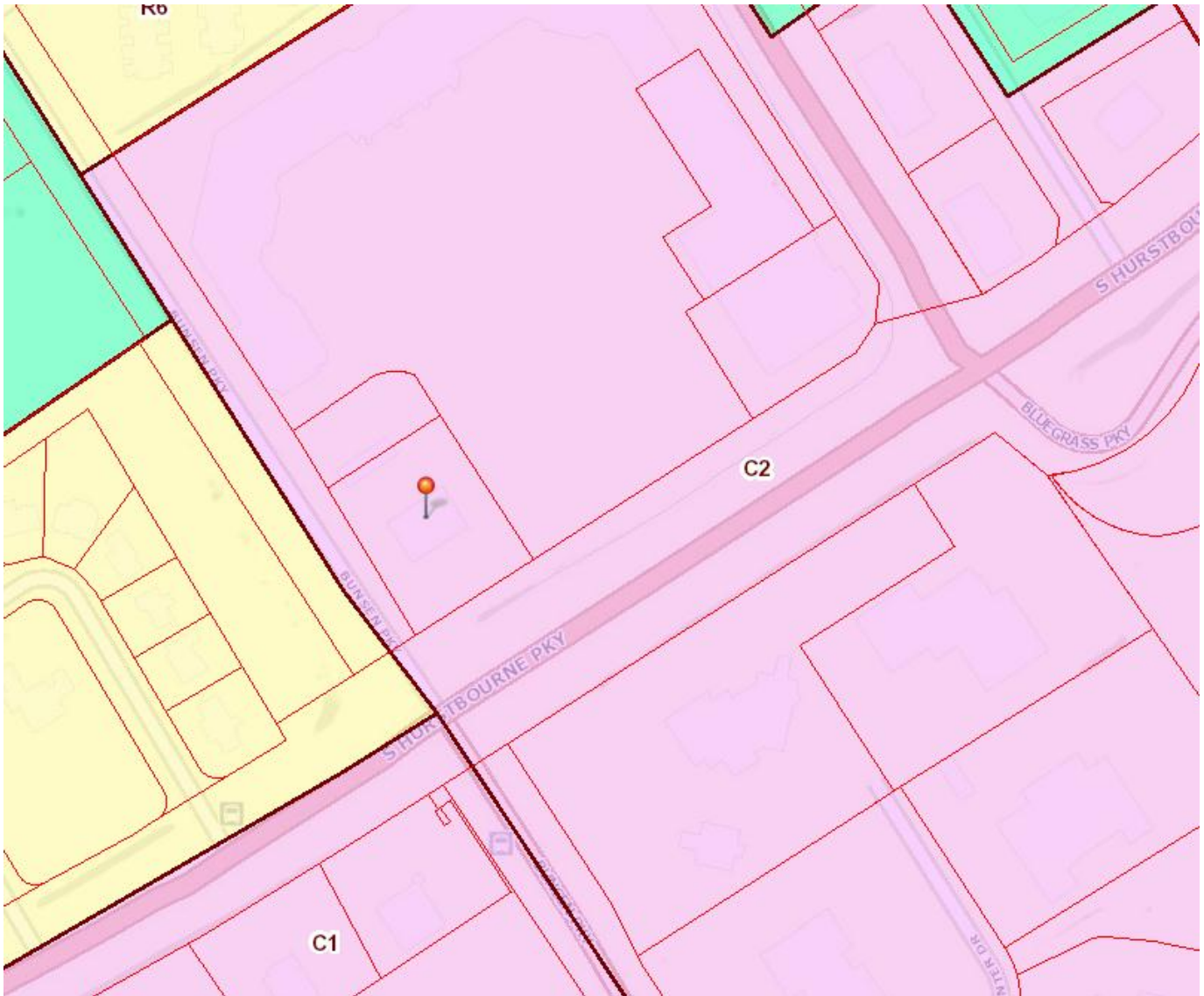
NOTIFICATION

Date	Purpose of Notice	Recipients
10/22/14	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals

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 will be in accordance with the approved district development plan. No further development will occur.
2. There will be no direct vehicular access to Hurstbourne Lane except by the proposed new street. Access will be as shown on the approved district development plan. A major subdivision record plat will be recorded creating the public street providing access to this site. The improvements on the publicly dedicated right-of-way will be constructed as shown on the approved district development plan. Details of the construction will be approved as part of the subdivision construction plans to be submitted to the Jefferson County Public Works and Transportation Cabinet.
3. The development shall not exceed 356,000 square feet of gross floor area for nonresidential uses (140,000 square feet of commercial space and 216,000 square feet of office space).
4. The area designated as "Retail Center and Restaurant" on the District Development Plan is restricted to residential uses and all retail uses (with no manufacturing) except the following uses which are prohibited:

1. Auction sales
2. Automobile service stations
3. Automobile repair garages
4. Automobile sales agencies
5. Automobile washing stations
6. Entertainment establishments of the type commonly referred to as the "strip joint" or road house variety
7. Beer depots
8. Bowling alleys
9. Storage and sales of building materials
10. Dance Halls
11. Government office buildings
12. Ice storage houses
13. Kennels or veterinary hospitals
14. Laundries, except for laundry pick-up locations and self-service "laundrettes"
15. Mobile home sales, storage or service
16. Plumbing and heating shops
17. Printing, lithographing or publishing establishments
18. Restaurants of the type known as "fast food" restaurants, meaning those restaurants where much of the food is consumed outside the building instead of at a table therein, and meaning those restaurants with drive-in facilities or drive-through windows to allow food and drink to be sold or consumed outside the building
19. Rubber stamp manufacturing
20. Skating rinks
21. Storage garages
22. Storage or dispensing of motor vehicles fuels
23. Sewage disposal plant
24. Taverns and saloons, but not cocktail lounges with bars which are included with a restaurant business;
25. Used car sales area; and
26. Utility towers, except those constructed by a utility regulated by the Kentucky Service Commission.

The maximum height for any building constructed on the commercial tract shall not exceed **35** feet. No garbage cans, dumpsters or other refuse collection devices will be located between the buildings on the property and the south property line.

5. The area designated as "Multi-Family Residential" on the District Development Plan shall be used only for single-family or multi-family residential development together with related recreational facilities. The density of this development shall not exceed 17.25 dwelling units per acre (no more than 224 units on Phase I and no more than 216 units on Phase 11). Buildings constructed on this property shall be no higher than two and one-half stories not exceeding **35** feet.
6. The area designated as the "Retirement Community" on the District Development plan shall be used only for a retirement community. There shall be constructed on this property no more than 250 units. The maximum building height shall be no more than four stories. Any buildings constructed on this property shall have a minimum set-back requirement of 375 feet from the property's southern boundary. The set-back area shall be landscaped with trees and shrubs and maintained regularly thereafter by the owner of the property. No parking area and garbage cans, dumpsters or other refuse collection devices will be located between the buildings on the property and the south property line.
7. The area designated as "Office" on the District Development Plan shall be used only for business offices, governmental offices, and professional offices. The maximum height for any building constructed on this property shall be three stories. The minimum setback requirement between the properties' southern boundary and any buildings constructed on this property shall be 225 feet. The minimum set-back requirement between the rear property lines of the lots located on Hurstbourne Circle (adjacent to the tract) and any building constructed on this property shall be 325 feet. The set-back area shall be landscaped with

trees and shrubs and maintained regularly thereafter by the respective owners of the property. No parking areas and garbage cans, dumpsters or other refuse collection devices shall be located between the buildings on the property and the south and east property lines.

8. The area designated as "Water Retention Area and Park" on the District Development Plan (although some of this area may be a part of the office tract) shall be used only for landscaping, open space, or park area, including a retention basin which may be designed to serve all the property described in the application. The area shall be properly landscaped with trees and shrubs pursuant to a landscaping plan approved by the staff of the Louisville and Jefferson County Planning Commission. Any retention basin shall be maintained by applicant until the completion of the office buildings to be located on the "Office Tract" or until July 1, 1989, whichever first occurs. Thereafter, the obligation to maintain a retention basin thereon shall be that of the City of Hurstbourne Acres.
9. The capacity of any retention basin cannot be altered without, written approval from the Jefferson County Public Works and Transportation Cabinet.
10. If the owner of a tract fails to keep the grass mowed to a maximum height of six inches, then the City of Hurstbourne Acres, its successors or assigns, may (but shall be under no obligation to) enter upon the open areas and mow and/or trim. This paragraph is not applicable to the James Graham Brown Foundation.
11. An emergency access shall be provided along Hurstbourne Lane. This access shall be barricaded by a locked gate at all times. The location of the access shall be subject to approval by the Kentucky Department of Transportation, Bureau of Highways.
12. Before building permits are issued:
 - (a) The development plan must be reapproved by the Transportation Engineering, Water Management, and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
 - (b) The size and location of any proposed free-standing tract identification signs must be approved by the Planning Commission. The Planning Commission may require that signs be smaller than would otherwise be permitted by the Zoning District Regulations.
 - (c) Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau Highways.
13. If a building permit is not issued on Phase I within two years of the date of approval of a plan or rezoning, whichever is later, the property shall not be used in any manner unless the revised district development plan is approved or extension is granted by the Planning Commission.
14. A Certificate of Occupancy must be received from the appropriate code enforcement official prior to occupancy of the structure or land of the proposed use.
15. No construction will be permitted in Phase I1 of the district development plan until construction begins on the Blankenbaker Road-Interstate 64 interchange.
16. That portion of Tract 6 which is the north property line of the northernmost residences on Hurstbourne Circle shall contain a visual buffer to add to the existing vegetation at that location. This visual buffer shall consist of either a dense evergreen screen or a solid wall. The plans for either shall be first approved by the staff of the Planning Commission and the City of Hurstbourne Acres.
17. The following free-standing identification signs shall be permitted for the area designed as the "Retail Center and Restaurants."
 - (a) Tract 1 shall be allowed two free-standing signs, one on Hurstbourne Lane and one on the new street at the entrance to the center. The Hurstbourne Lane sign shall be set back 30 feet from Hurstbourne Lane, limited in area to 72 square feet and limited in height to 30 feet. The sign at the shopping center

entrance shall be set back a minimum of 25 feet from the street, limited in area to 50 square feet and limited in height to a maximum of 20 feet.

- (b) One free-standing sign shall be allowed for each of the two lots designated as Tracts 1A and 1B. The sign for each tract shall be limited to an area of 30 square feet, limited to a height of 20 feet and shall be set back from Hurstbourne Lane a minimum of 10 feet. The sign for Tract 1B shall also be set back a minimum of 30 feet from the new street.
- (c) There shall be allowed one off-premises identification sign to identify the office and residential developments. This sign may be placed at the southeast corner of Tract 1B, shall be set back 10 feet from the right-of-way of both streets, shall be limited in area to 30 square feet and limited to a maximum height of 10 feet.

18. The size and detail shall be submitted to the Planning Commission for approval prior to issuance of sign permits.

19. The above binding elements may be amended as provided for in the Zoning District Regulations, provided that some of the above binding elements are a part of separate agreements with the City of Hurstbourne Acres, and these binding elements may be amended only by action of both the Commission's Land Development and Transportation Committee and the City Commission of Hurstbourne Acres.

4. Proposed Binding Elements

- 3. The development shall not exceed ~~356,000~~ **358,118** square feet of gross floor area for nonresidential uses (~~140,000~~ **142,118** square feet of commercial space and 216,000 square feet of office space).