

# Development Review Committee

## Staff Report

August 17, 2022



<b>Case No:</b>	22-DDP-0073
<b>Project Name:</b>	Shoppes at Lone Oak
<b>Location:</b>	3501 Outer Loop
<b>Owner(s):</b>	Greer Land Company Smyrna LLC
<b>Applicant:</b>	Greer Land Company Smyrna LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Mark Fox
<b>Case Manager:</b>	Jay Lockett, AICP, Planner II

### REQUEST(S)

- Revised Detailed District Development plan

### CASE SUMMARY/BACKGROUND

The applicant is proposing to revise a portion of a previously approved development plan within a multi-tenant commercial center. The subject site is zoned C-2 in the Neighborhood form district. The development was originally rezoned in 2007 under docket 8818, and most recently revised under docket 18DEVPLAN1095. An existing binding element requires final elevations be reviewed by the Development Review Committee prior to permitting.

### STAFF FINDING

The request is adequately justified and meets the standards of review. The elevations presented are compliant with the Land Development Code.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with the development. MSD and Transportation Planning have approved the preliminary development plan.

### 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: The site has potential for hydric soils, and this has been reviewed along with previous approvals on the site. Wetland mitigation will be provided offsite in accordance with MSD and Army Corps of Engineers requirements.

- (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 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 properties and roadways except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved.

- (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**

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**.

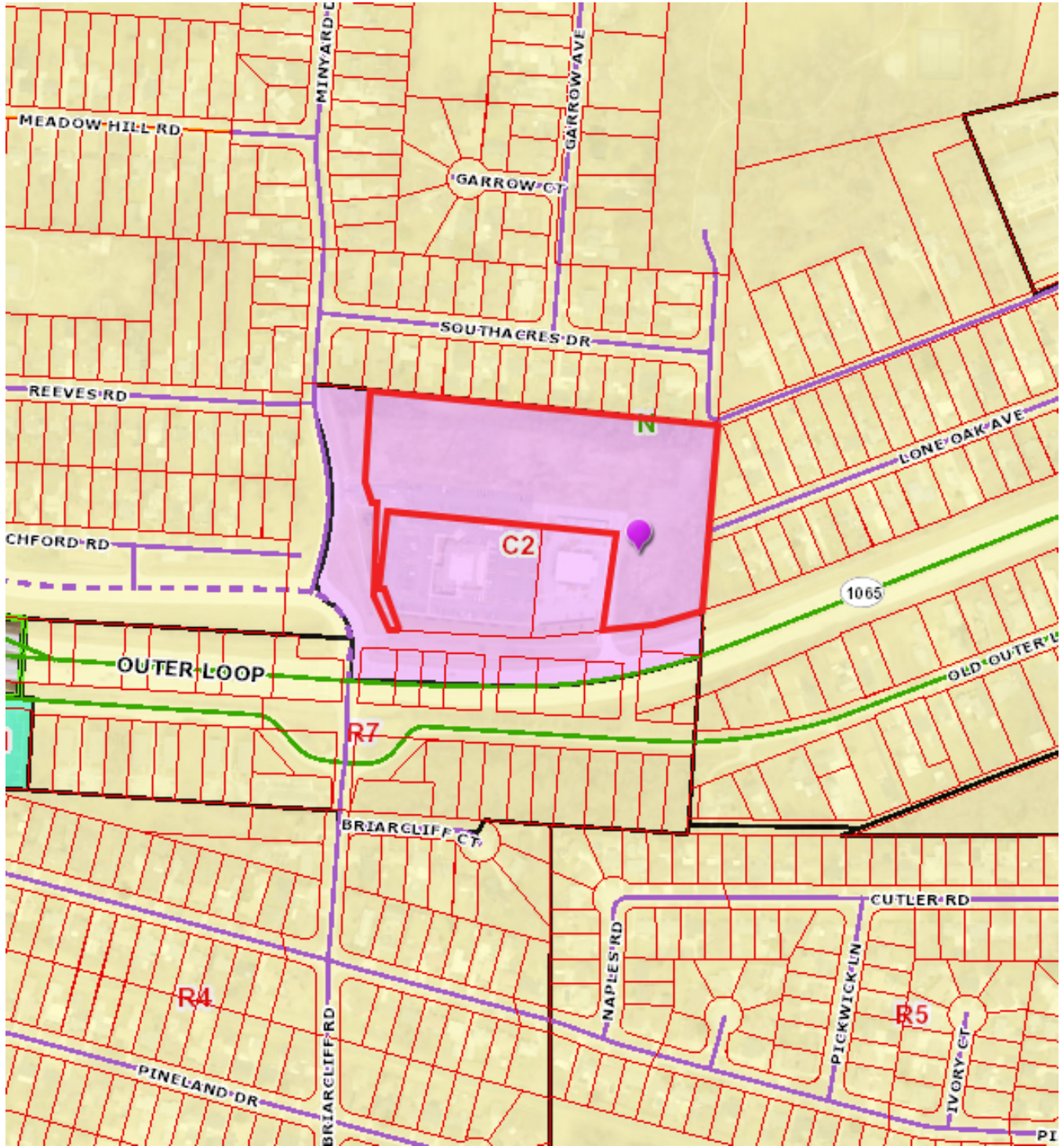
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>8-5-22</b>	Hearing before Planning Commission	1 <sup>st</sup> tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 13

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 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.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. 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.
7. The materials and design of proposed structures shall be submitted to the Planning Commission or Committee for review and approval prior to the issuance of building permits.
8. Prior to any request for the first Certificate of Occupancy in relation to the development plan, the following improvements shall be provided by the developer:

- a. A right-in/right-out shall be provided on Outer Loop for the site.
  - b. A dedicated right-turn lane on Outer Loop to Minor Lane shall be constructed.
  - c. The existing left-turn lane on Outer Loop to Minor Lane shall be extended per length determined by KYTC at the time of construction approval.
  - d. Some mitigation may be required or updated traffic study for the impact at the 65 Northbound ramp to Outer Loop.
9. 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.