

Development Review Committee

Staff Report

April 5, 2017



Case No:	16DEVPLAN1248
Request:	Revised Detailed District Development Plan and amendment to Binding Elements
Project Name:	Tyler Retail Center Lot 5 Outlot
Location:	3911 Tyler Retail Way
Owner:	NEDCO, LLC
Applicant:	Nicklies Development
Representative:	Heritage Engineering
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Brian Davis, AICP, Planning Manager

REQUIRED ACTIONS

- **Approval or Denial** of the Revised Detailed District Development Plan for 1,300 sq. ft. building on proposed Lot 5 Outlot.
- **Approval or Denial** of General Binding Element #4 regarding allowed square footage within the development.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 1,300 square foot retail/restaurant building on the southwest corner of the Tyler Retail Center property. The proposed lot has frontage on Taylorsville Road and located directly across from Pleasant Glen Drive. The plan shows the existing 25-foot landscape buffer area along Taylorsville Road and the 25-foot landscape buffer along the western property line will be supplemented as needed to meet the requirements of the Land Development Code.

STAFF CONCLUSIONS

The standards of review have been met for the district development plan for the site. 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 the RDDDP and amended General Binding Element.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	Town Center
Proposed	Retail/Restaurant	C-1	Town Center
Surrounding Properties			
North	Retail	C-1	Town Center
South	Single Family	R-6	Neighborhood
East	Commercial	C-1	Town Center
West	Vacant	R-4	Neighborhood

PREVIOUS CASES ON SITE

- 9-12-04: This parcel is located in the Tyler Retail Center, which was the subject of a zoning map amendment from R-4 to C-1 and approved by the Planning Commission on July 7, 2004 along with accompanying subdivision plan, parking waiver and landscape waiver.
- 15DEVPLAN1099: Revised Detailed District Development Plan to create Outlot 5B and for the proposed Kroger expansion (approved by DRC on September 2, 2015).

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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: Some existing trees that are located within the proposed lot will be removed; however, the applicant is proposing to plant trees to meet the minimum 20 percent tree canopy requirement. No other natural features are located on the site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The applicant is proposing a pedestrian connection from Taylorsville Road to the proposed building and vehicular traffic will utilize an internal connection instead of a direct ingress/egress point from Taylorsville Road.

- 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.

- 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 land use and building design are compatible with the existing and future development of the retail center and the 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 generally conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- A binding element has been added stating the applicant will submit building elevations to Planning & Design staff for review prior to building permit approval.

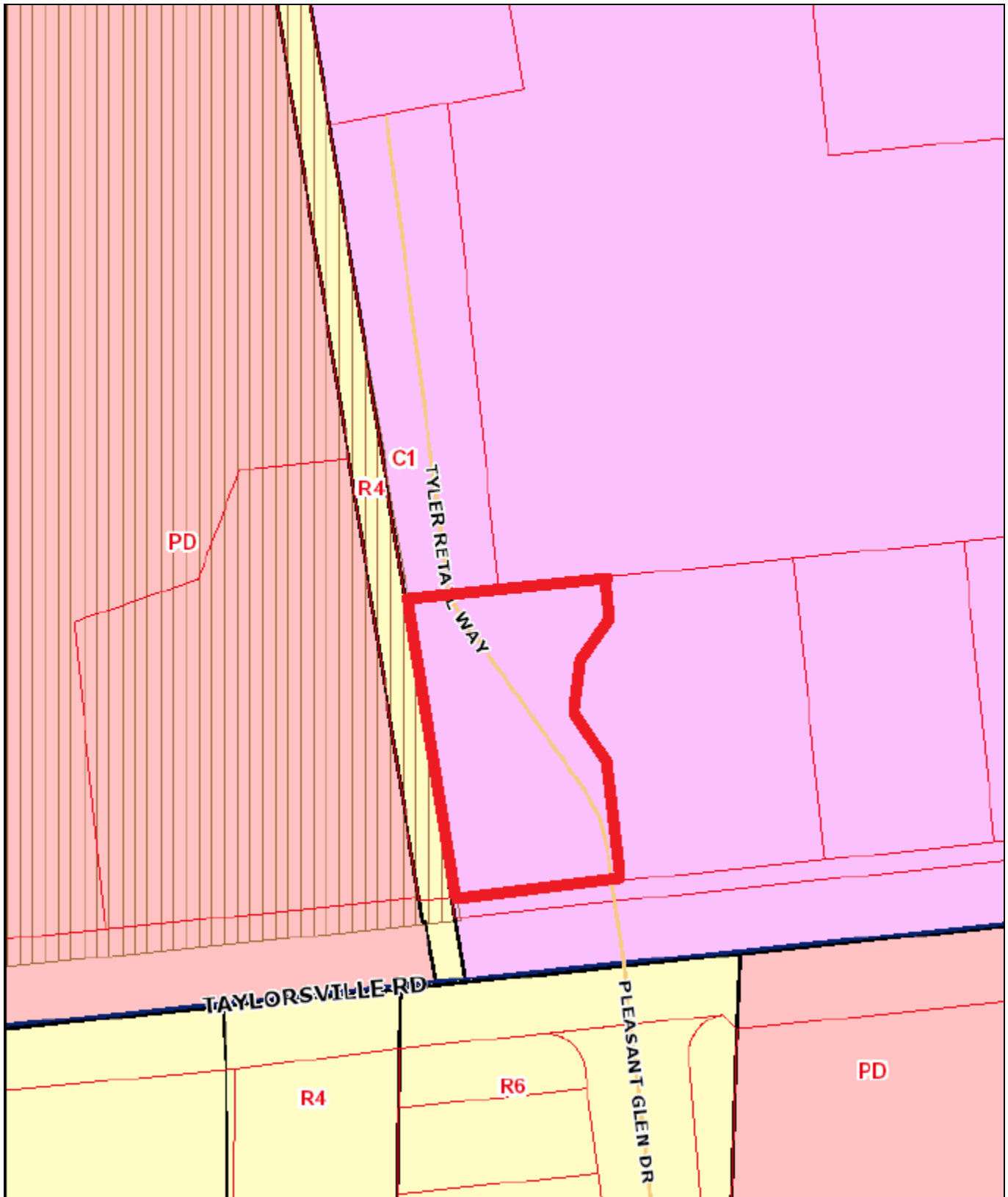
NOTIFICATION

Date	Purpose of Notice	Recipients
03/22/2017	Public Hearing - DRC	1 st tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Forward, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services (transmittal of 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services (transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.)
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
6. 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.
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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering(s) presented at the April 5, 2017 Development Review Committee meeting.

OR

Prior to buiding permit submittal, the applicant shall submit renderings of the proposed building to Planning & Design staff for review for compliance with the form district building design requirements.

The applicant also proposes the following amendment to General Plan Binding Element Number 4:

4. The development shall not exceed ~~199,306~~ **200,606** square feet of gross floor area.