

LD&T MINUTES

APRIL 9, 1998

DOCKET NO. 9-11-97 (Jefferson County)

Project Name: Jiggs Produce Market
Location: 7718 Outer Loop
Applicant: Gregg A. Melton and Donna J. Skaggs
Request: Revised Detailed District Development Plan.
Proposed Development: To construct a 5200 square feet pole building .
Staff Case Manager: Chris French, Planner I

PRINCIPAL ISSUES:

1. This site was originally a part of the General District Development Plan for Winn Dixie Louisville, Inc. **Docket No. 9-11-97**. The Winn Dixie development was canceled leaving the subject property open for development.
2. The applicants intend to construct and operate a fruit and vegetable market on the property. The market will operate in a 5200 square feet pole building and will be enclosed with a chain link fence which can be drawn open during the hours of operation.
3. The access roadway encroaches into the 30 foot Landscape Buffer Area (LBA) along the Outer Loop. The applicant requests a Landscape Waiver for this portion of the landscape requirement to allow the roadway access to encroach into the 30 foot LBA.
4. The proposed sign for this development is a 60 square feet in area and six feet tall monument style sign. The sign meets the requirements of the Parkway standards. The sign is located with its leading edge on the front property line according to Article 11 any sign below ten feet in height must be at least five feet from the front property line. The applicant has agreed to move the sign five feet from the front property line.
5. All other requirements appear to be met.

OTHER COMMENTS:

1. The property contains 1.45 acres and is located in the C-1 Zoning District.

DISCUSSION:

Commissioner Herron requested that the applicant comply with the Parkway standards.

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The applicant's representative stated that the access was created by a minor plat that was approved several years ago because the State Highway Department would not approve an access point from Outer Loop. The minor plat was approved prior to adoption of the Parkway standards.

In response to staff's recommendation to relocate the access roadway, the applicant's representative stated that they do not own the property and there is no access easement.

Staff discussed a similar case on today's docket. The applicant is requesting the addition of binding elements to clarify existing and future access points.

Commissioner Herron recommended that the applicant adhere to the requirement for the previous case on this site concerning location of the access roadway.

The committee questioned why access could not be provided for the applicant from one of the two entrances owned by the bank. Bank officials were concerned that traffic would cut through drive-thru traffic for the bank.

The Committee deferred discussion in order for both parties to reach an agreement concerning access.

The Committee reconvened and the following discussion occurred:

River City Bank (Docket No. 9-9-96 currently has two entrances. Representatives for the bank are concerned that an existing entrance is not shown on the plan and that future problems could result in the form of compliance with the approved plan. They are proposing that an existing entrance remains until such time as the neighboring development project (Docket No. 9-11-97 - Jiggs Produce Market) is developed. The Committee was concerned with the number of entrances on the Outer Loop.

Representatives for the bank are also proposing that in the event the site for Docket No. 9-11-97 is ever developed, the property owner will be required to enter into a crossover agreement with them. They are concerned with the piecemeal development of the Jiggs site.

Commissioner Adams recommended that the shared access easement be provided in order to reduce the amount of traffic on the main roadways when traveling between businesses within a development. The Committee did not

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foresee a problem with closing the entrance upon construction of future access if the road is constructed.

In its final recommendation the Committee requested the creation of an access easement through the front of the applicant's property with enhanced landscaping across their frontage compensating for the encroachment into the parkway. Staff will work out the details with the applicant and additional binding elements will be incorporated addressing these issues.

The applicant(s) and/or representative(s) were provided a copy of the proposed comments and binding elements and given the opportunity to discuss them. Staff confirmed that the binding elements were read and agreed upon as approved.

On a motion by Commissioner Adams, the following resolution was adopted:

RESOLVED, That the Land Development and Transportation Committee does hereby **APPROVE** the Revised Detailed District Development Plan for Docket No. 9-11-97 subject to the following 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 and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed 5200 square feet of gross floor area.
3. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 5 feet to front property line. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.

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6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
- 7a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
- 7b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).

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- b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor subdivision plat shall be recorded creating an access easement across the front of the property. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
9. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
10. A certificate of occupancy must be received from the appropriate code enforcement office 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.
11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
13. The applicant shall obtain permission from the State Highway Department to allow the placement of enhanced landscaping within the right-of-way across their frontage to compensate for the encroachment into the parkway.

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The vote was as follows:

YES: Commissioners Adams, Herron, Thieneman, and Wagner

NO: None.

**NOT PRESENT FOR THIS CASE AND NOT VOTING: Commissioner
Dulworth.**

ABSTAINING: None.

**Donna J. Skaggs, Marv Blomquist, Joe Moloney, Bart Stith, Kim Dunaway
and C. Allgeier were present.**