

Development Review Committee

Staff Report

March 20, 2019



Case No:	19DEVPLAN1022
Project Name:	Springhurst Commercial Outlot
Location:	4100 Towne Center Drive
Owner(s):	Matt Levitt, Meijer Stores LTD PTR
Applicant:	Matt Wilson, Wilson Development Group
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **General Plan Binding Element Amendments**
2. **Revised Detailed District Development Plan**

CASE SUMMARY/BACKGROUND

This site is zoned C-2 in the Regional Center Form District. It is located on the north side of Westport Road and the west side of the Gene Snyder Freeway (I-265). The applicant is proposing a 8,230 square foot building, with 3,805 square feet allotted to restaurant use and 3,990 square feet allotted to retail use.

Previous cases:

- 9-6-89: Change in zoning from R-4 Residential Single Family to C-2 Commercial on the west quadrant of Westport Road and I-265 (Gene Snyder Freeway)
- 14739 (from 2010): Freestanding sign and Revised Detailed District Development Plan for a restaurant

Staff recommends removal of General Plan Binding Element #2:

- The development of all “lots” and “shops” shall not exceed 862,800 square feet of gross floor area. Also, development of any individual “lot” or “shop” shall not exceed the gross floor area indicated in the Detailed District Development Plan (Revised by LD&T action on 5/22/97).

STAFF FINDINGS

The Revised Detailed District Development plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works has provided preliminary approval. MSD preliminary approval is pending minor notes to be added to the plan.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

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 do 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 on the subject site.

- (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. Public Works has provided preliminary approval. MSD preliminary approval is pending minor notes to be added to the 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. Future multi-family development 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 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. 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.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

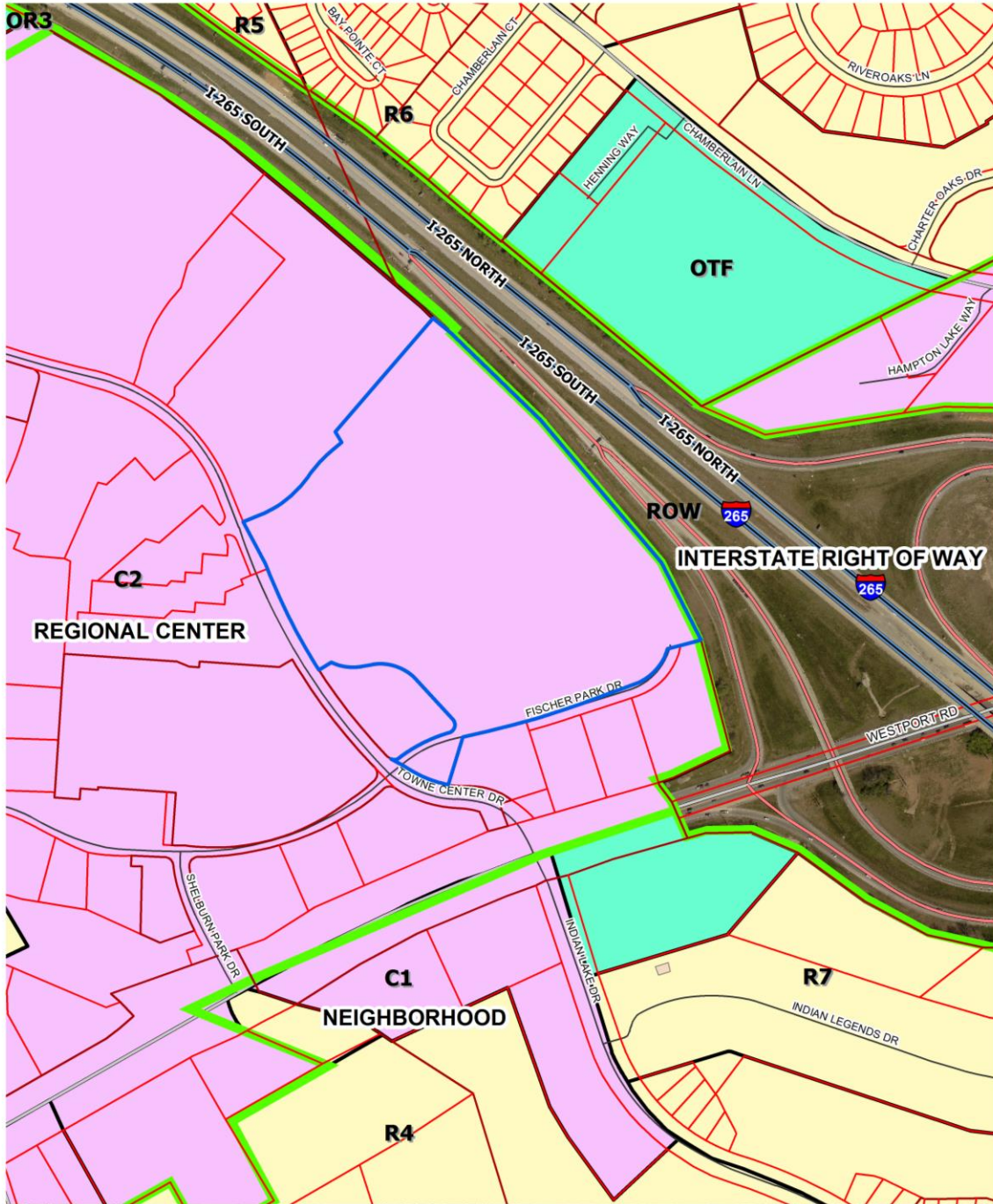
NOTIFICATION

Date	Purpose of Notice	Recipients
3-20-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17

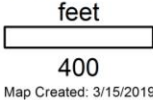
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements
4. Proposed Site Binding Elements

1. Zoning Map



4100 TOWNE CENTER DR

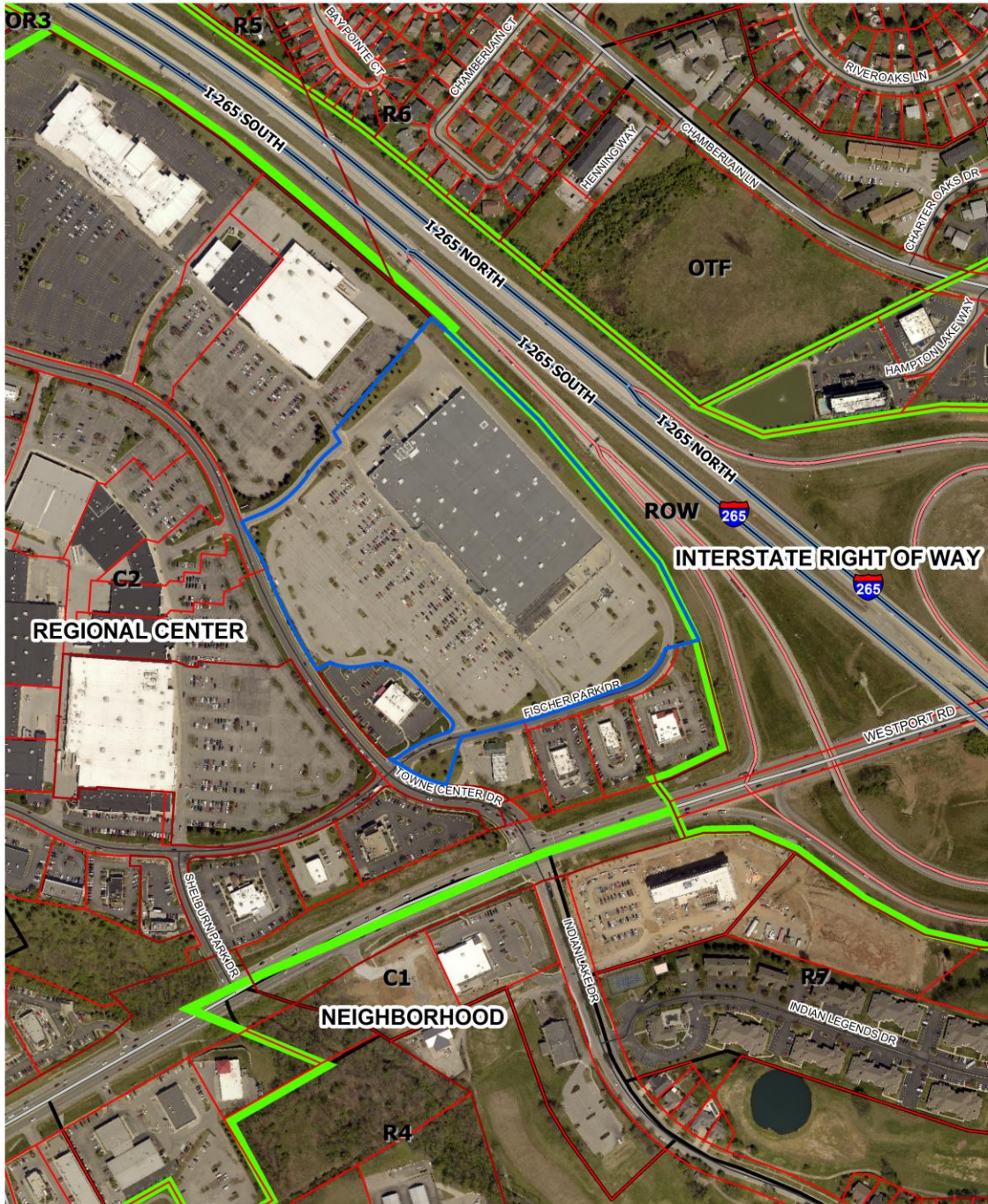


Map Created: 3/15/2019



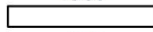
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2. Aerial Photograph



4100 TOWNE CENTER DR

feet



400

Map Created: 3/15/2019



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3. Existing General Plan Binding Elements

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 of all "lots" and "shops" shall not exceed 862,800 square feet of gross floor area. Also, development of any individual "lot" or "shop" shall not exceed the gross floor area indicated in the Detailed District Development Plan (Revised by LD&T action on 5/22/97).~~
3. There shall be no direct vehicular access to Springhurst Boulevard or Private Roadway "A" or "B", except as indicated on the Development Plan. All other access locations shall be approved by the Department of Public Works.
4. The only permitted Business Identification and Shopping Center Identification signs shall be located as shown on the approved district development plan. The Business Identification signs shall not exceed 60 square feet in area and 6 feet in height. No sign shall have more than two sides. Shopping Center Identification signs shall not exceed 72 square feet in area and 8 feet in height. A Variance from the Board of Zoning Adjustment will be required for the Shopping Center Identification Sign at the intersection of Private Roadway "B" with Springhurst Boulevard in order for the sign to extend into the front yard of lot "L".
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties.
8. 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.
9. 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 phot or LOJIC maps.
 - d) Location of construction fencing for each tree/tree mass designated to be preserved.

10. 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)
- 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.

11. Prior to requesting a Certificate of Occupancy:

- a) A minor subdivision plat 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 Development Services, transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- b) An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. 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.
- c) A detailed sign plans shall be submitted and approved by staff in conformance with the approved master sign plan.

12. 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.

13. 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.

14. There shall be no outdoor music (live, piped, radio or amplified) outdoor entertainment, or outdoor PA system permitted on the site.

15. 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.

16. The shopping center in Lot 707 shall not be opened for business until the additional right-of-way for Westport Road and intersecting streets, including four through lanes from Freys Hill Road to Hurstbourne Parkway has been acquired, utility relocation is substantially complete, and construction funding has been approved, and Springhurst Boulevard (Road A) has been opened to traffic from Westport Road to Hurstbourne Parkway.

17. The Springhurst Development will provide storm water detention in excess of the minimum amount required by the Metropolitan Sewer District in order to accommodate a reduction in the pre-

development storm water flow through the City of Ten Broeck. The reduction will amount to 15% for the 2-year storm and 10% for the 10 and 100 year storm.

4. Proposed Site Plan 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works 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 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. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. If a certificate of occupancy (building permit) is not issued within one (two) year(s) of the date of approval of the plan or rezoning, whichever is later, 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.

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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.

9. 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.