

# Development Review Committee

## Staff Report

August 18, 2021



<b>Case No:</b>	21-DDP-0051
<b>Project Name:</b>	Brownsboro Road Plaza
<b>Location:</b>	10000 Brownsboro Rd
<b>Owner(s):</b>	Hogan Holdings 42 LLC
<b>Applicant:</b>	Hogan Holdings 42 LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Markus Winkler
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Revised Detailed District Development** plan with revisions to binding elements.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a patio for outdoor dining and rearrange a portion of the parking lot for a restaurant in an existing commercial development. The subject site is approximately 1.56 acres within the C-1 zoning district and the Regional Center form district. The site is in northeastern Louisville Metro and was rezoned and originally constructed under docket 9-34-96. A Revised Detailed District Development Plan with a waiver and variance was approved under docket 18DEVPLAN1129.

### STAFF FINDING

The Revised Detailed District Development Plan request is adequately justified and meets the standards of review. The expansion is limited to the area nearest to the road and does will not negatively impact adjacent residential properties.

### TECHNICAL REVIEW

The applicant has submitted a Conditional Use Permit under docket 21-CUP-0125 to allow outdoor dining with alcohol sales in the C-1 zoning district. The Board of Zoning Adjustment must approve the CUP prior to permitting for this proposal.

### INTERESTED PARTY COMMENTS

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

**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.

- 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 Transportation Planning Staff 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. 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 Detailed District Development Plan with revisions to existing Binding Elements**

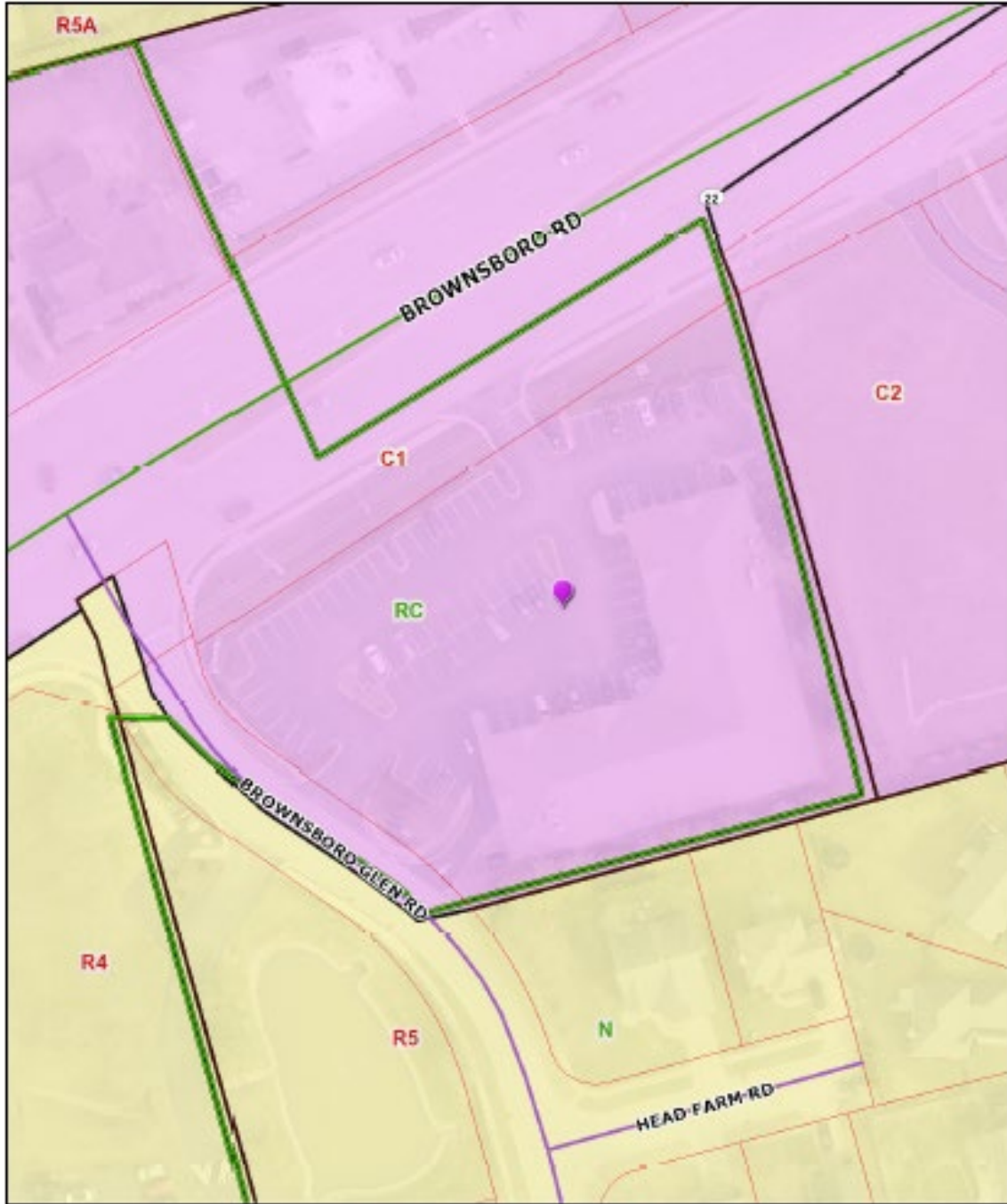
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8-2-21	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



**21-DDP-0051**

Tuesday, August 10, 2021 | 3:57:00 PM



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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



**21-DDP-0051**

Tuesday, August 10, 2021 | 3:55:59 PM



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**3. Existing Binding Elements with proposed revisions**

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 only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area per side and six feet in height (seven feet in height if the elevation is lower than one foot below the right-of-way of Brownsboro Road). No sign shall have more than two sides.
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties.
6. The building exterior shall be faced with brick on all facades and be of the Williamsburg character.
7. Evergreen trees and a six foot tall solid wood fence shall be installed along the south property line to screen adjacent properties. Drainage shall be designed to accommodate the fence and plantings. Trees shall be planted a distance of 10 feet on center apart and shall be a minimum of 8 feet in height at time of planting.
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 Louisville Metro Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - 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. **The appropriate conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.**
9. 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.
10. 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.

11. The dumpster located adjacent to Brownsboro Glen Road on the southern property line shall not be emptied between the hours of 11 PM and 6:30 AM.

**4. Proposed 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.
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