

Development Review Committee

Staff Report

April 2, 2014



Case No:	14DEVPLAN1016
Request:	Revised Detailed District Development Plan and Amendment to Binding Elements for the Shops of Forest Springs, Phase III for a bank and retail use
Project Name:	Shops of Forest Springs, Phase III
Location:	12911 – 13003 Factory Ln.
Owner:	Obannon Station, LLC
Applicant:	Obannon Station, LLC
Representative:	Sabak, Wilson & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	David B. Wagner – Planner II

REQUEST

- Revised Detailed District Development Plan
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is a joint proposal that goes along with a Variance request (#14VARIANCE1012) which will be heard by the Board of Zoning Adjustment (BOZA) on April 7, 2014. The proposal is for Lots 4 and 7 of the Shops of Forest Springs Phase III development. A smaller 4,182 SF bank is proposed for the newly created Lot 7 instead of a previously proposed retail building and a larger 20,676 SF retail building is proposed on the residual Lot 4. The total building footprint will decrease from 27,375 SF to 24,858 SF. The Variances to be heard by the BOZA are to allow the bank and retail buildings to exceed the maximum allowed setback of 80'.

Existing Zoning District: C-1, C-2
Proposed Zoning District: N/A
Existing Form District: Neighborhood
Existing Use: Vacant
Proposed Use: Bank and Retail
Minimum Parking Spaces Required: 155
Maximum Parking Spaces Allowed: 275
Parking Spaces Proposed: 196

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1, C-2	Neighborhood
Proposed	Café, Deli, and Retail	N/A	N/A
Surrounding Properties			
North	Car Wash	C-1, C-2	Neighborhood
South	Vacant	R-4	Suburban Workplace
East	Gas Station	C-1, C-2	Neighborhood
West	Gas Station	C-1	Neighborhood

PREVIOUS CASES ON SITE

- 13DEVPLAN1073: RDDDP and Amendment to Binding Elements to allow the café, deli, and retail uses on Lot 6
- 13VARIANCE1035: Variance to allow the building to exceed the maximum front yard setback of 80' on Lot 6
- 15931: RDDDP and Amendment to Binding Elements to allow the restaurant on Lot 6
- 8696: Re-zoning from R-4 to C-1 & C-2

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries regarding this request.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 are no natural features on the site to conserve.

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

STAFF: An internal sidewalk connecting the buildings to the sidewalk along Factory Lane has been provided. The site has multiple access points to internal access drives within the development that lead out to Factory Lane. Transportation Review has given preliminary approval.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open Space is not required for this 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: MSD has given preliminary approval for the proposed method of drainage for the development.

- 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 proposed bank and retail uses on the site are compatible with the surrounding commercial development. The site fronts on a secondary collector level road and is close to the intersection with a minor arterial level road. Buildings, parking lots, screening, and landscaping are appropriately located on the lot.

- 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 proposal is located close to the intersection of two heavily used streets and an interstate interchange. Although it is located in the Neighborhood Form District, it is within an activity center along major thoroughfares and substantial commercial development and adjacent to a Suburban Workplace Form District.

TECHNICAL REVIEW

- The BOZA will hear the Variance requests on April 7th, 2014, after this staff report was written. Excepting the Variances, this plan complies with the regulations within the Land Development Code.

STAFF CONCLUSIONS

The proposal allows for a bank and retail spaces within a larger commercial development. It lies along a secondary collector level road and close to the intersection of a minor arterial level road. The location of all structures, parking, and landscaping on site are appropriate and the building design meets all regulations.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for granting a Revised Detailed District Development Plan and Amendment to Binding Elements established in the Land Development Code.

NOTIFICATION

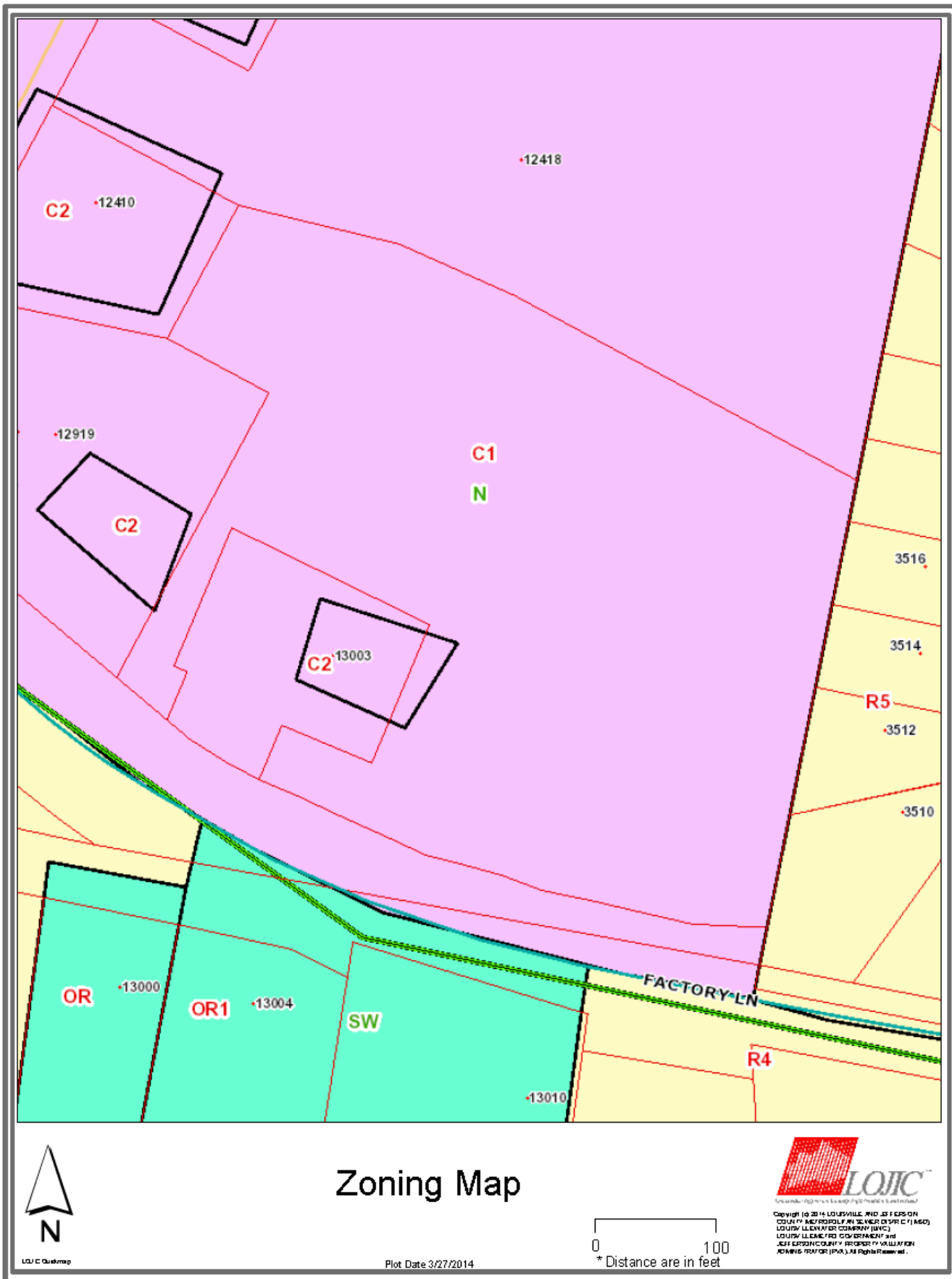
Date	Purpose of Notice	Recipients
3/21/14	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 17 Notification of Development Proposals

ATTACHMENTS

- Zoning Map

2. Aerial Photograph
3. Existing Binding Elements
4. Proposed 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 and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The square footage of the development shall not exceed 31,725 square foot of retail, 176 square foot automobile fueling station and 3,818 square foot restaurant square feet for the Shops of Forest Springs, Phase III development (Lots 4, 5, and 6).
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 with the protected area.
5. 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 Metro Department of Inspections, Permits and Licenses, Louisville Metro Transportation Planning 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. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. 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.
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 as presented at the February 6, 2013 DRC meeting (Lot 4), as presented at the August 10, 2011 DRC meeting (Lot 5), and as presented at the November 20, 2013 DRC meeting (Lot 6).
9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted.

10. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

4. **Proposed Binding Elements**

~~2. The square footage of the development shall not exceed 31,725 square foot of retail, 176 square foot automobile fueling station and 3,818 square foot restaurant square feet for the Shops of Forest Springs, Phase III development (Lots 4, 5, and 6).~~

5. 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 Metro Department of Inspections, Permits and Licenses, Louisville Metro Transportation Planning 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. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

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.

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering ~~as presented at the February 6, 2013 DRC meeting (Lot 4), as presented at the August 10, 2011 DRC meeting (Lot 5), and as presented at the November 20, 2013 DRC meeting (Lot 6),~~ **and as presented at the April 2, 2014 DRC meeting (Lot 7). The materials and design of proposed structures for Lot 4 shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.**