

Land Development & Transportation Committee

Staff Report

October 28, 2021



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| Case No: | 20-ZONE-0025 |
| Project Name: | PRP Town Centre |
| Location: | 8523 Terry Road |
| Owner(s): | PRP Retail Opportunity Fund, LLC |
| Applicant: | Urban Growth Capital, LLC – Tyler Divin |
| Representative(s): | Tyler Divin; CARMAN – John Carman |
| Jurisdiction: | Louisville Metro |
| Council District: | 14 – Cindi Fowler |
| Case Manager: | Joel P. Dock, AICP, Planning Coordinator |

REQUEST(S)

- **Change-in-Zoning** from C-1 to C-2, Commercial
- **Detailed District Development Plan**

CASE SUMMARY

The applicant requests a change in zoning from C-1 to C-2 to allow for an expansion of permitted uses within an existing activity center. The center is located roughly 1.5 miles west of Dixie Highway. It is served by TARC route #63 and sidewalks are present on Terry Road, but not along W. Pages Lane. Pedestrian connectivity will be added at the intersection at Seaforth Drive and W. Pages Road and from Terry Road into the center. Interior landscape islands have been added recently by the developer/applicant to break up surface parking areas. The rear of the site will be improved to contain a landscape screen along Seaforth Drive to screen loading and refuse collections areas and access will be reduced. Bike parking and a drive-through will be also be added to the center.

STAFF FINDING

The proposal is in order and ready for the next available public hearing before the Planning Commission.

TECHNICAL REVIEW

- Preliminary plan approval has been received from MSD and Transportation Planning.

STANDARD OF REVIEW FOR ZONING DISTRICT CHANGES

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Plan 2040; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

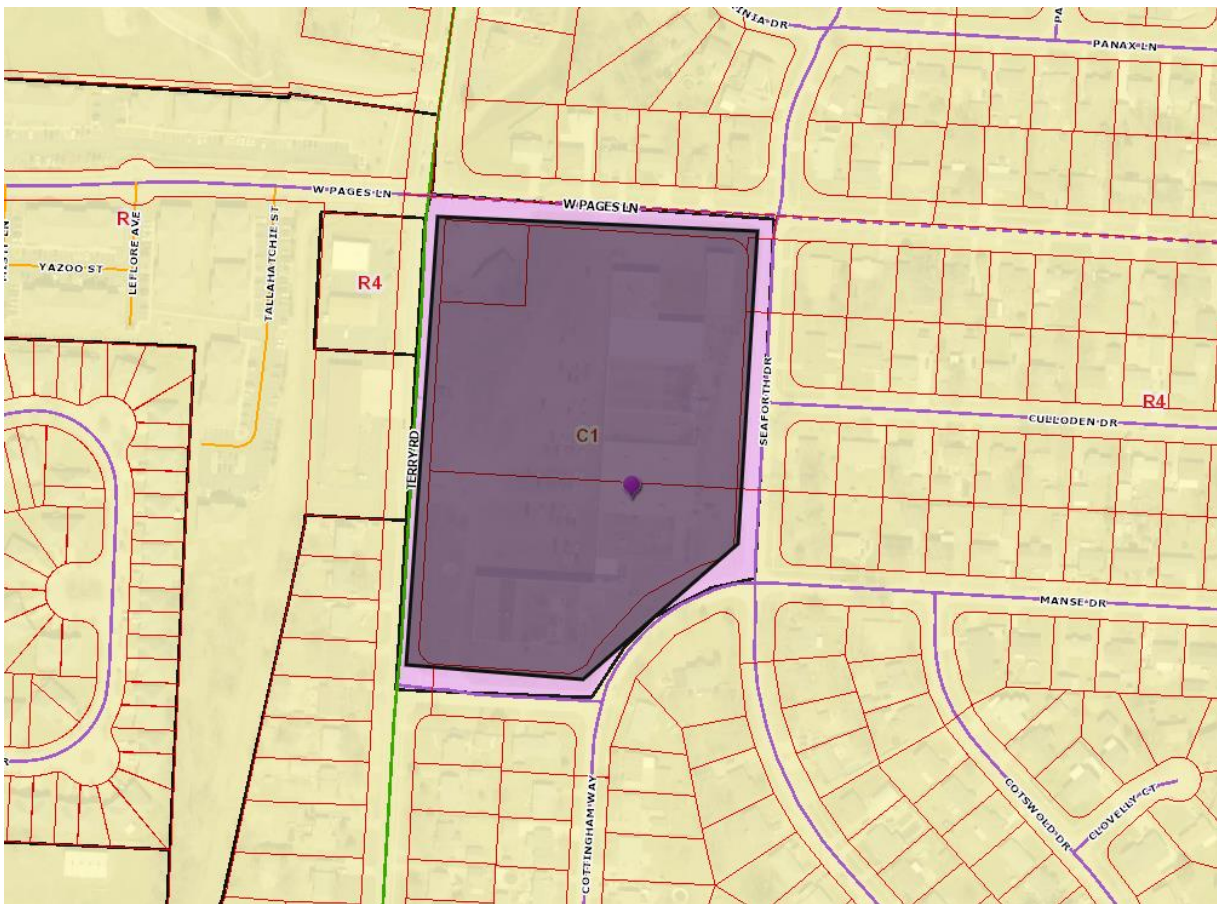
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|------------------------------------|---|
| 10/14/21 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 14 |
| | Hearing before Planning Commission | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 14 |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

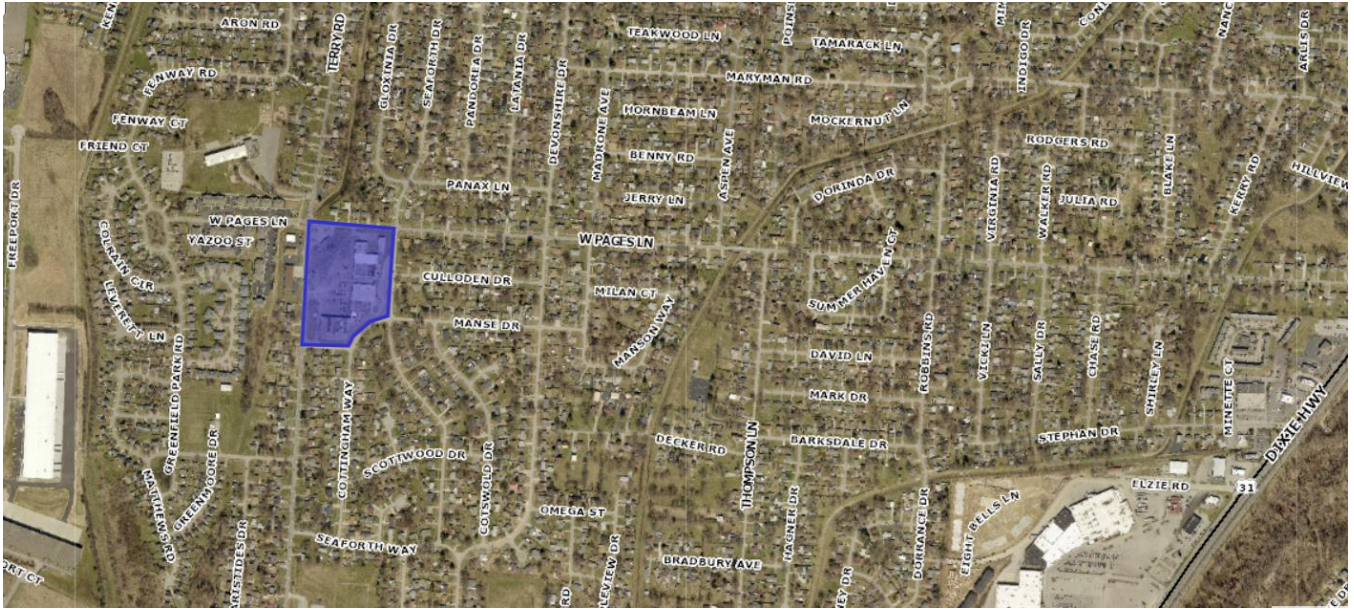
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. **Proposed Binding Elements**

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) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) which is substantially similar to the screening and landscaping depicted on the approved development plan and described in note #8 thereon prior to requesting a building permit. Such plan shall be implemented within 1-year of final action by Louisville Metro Council and shall be maintained thereafter.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
3. 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.
4. 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.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. Pedestrian connections and bike parking as shown on the approved development plan shall be installed within 6-months from the date of final action by Louisville Metro Council