

Development Review Committee

Staff Report

August 14, 2019



Case No:	18DEVPLAN1076
Project Name:	Springhurst Towne Center
Location:	4300 and 4400 Towne Center Dr
Owner(s):	Springhurst, LLC.
Applicant:	Springhurst, LLC.
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Revised Detailed District Development plan** with removal of existing binding elements and adoption of proposed binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct two restaurants within an existing movie theater parking lot, as well as construct an addition to an existing retail structure. The site is zoned C-2 in the Regional Center form district. It is part of the larger Springhurst Towne Center commercial development, located near the interchange of Westport Rd and Interstate 265 in northeastern Louisville Metro.

STAFF FINDING

The request is adequately justified and meets the standard of review. The development adds additional commercial options in an existing commercial center, and is consistent with development in the area.

TECHNICAL REVIEW

The applicant needs to revised the development plan to show proper design and easements for the relocated sewer system

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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, and Metro Public Works and the Kentucky Transportation Cabinet have 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 will approve 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. The applicant will need to revise the site plan to satisfy MSD requirements prior to final approval.

- (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 Detailed District Development plan** with removal of existing binding elements and adoption of proposed binding elements

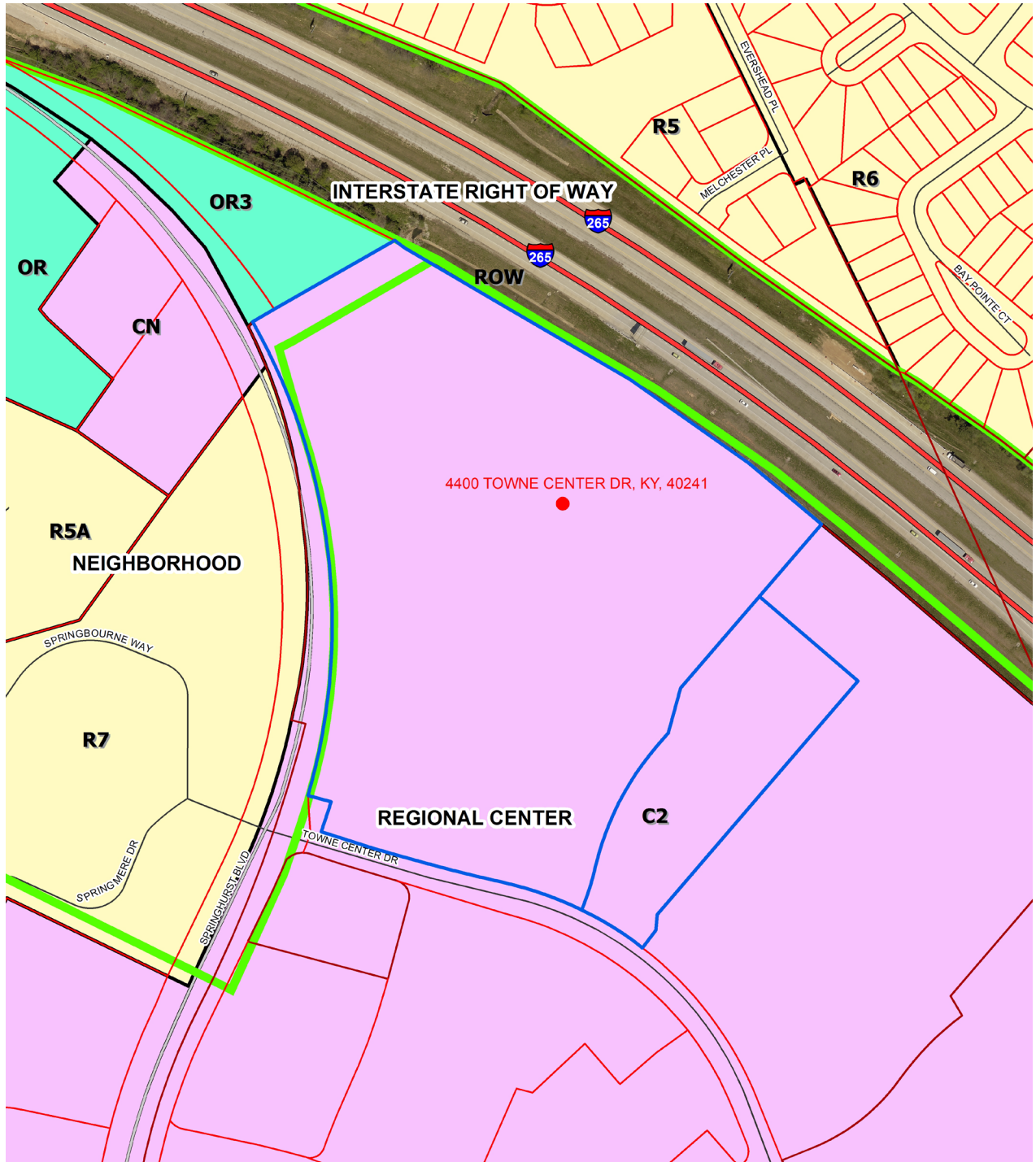
NOTIFICATION

Date	Purpose of Notice	Recipients
7-29-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 17

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements to be replaced
4. Proposed Binding Elements

1. Zoning Map



18DEVPLAN1076

feet

200

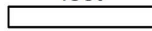
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2. Aerial Photograph



18DEVPLAN1076

feet



200

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- 3. Existing Detailed Plan Binding Elements to be replaced** (applicable to the area of this plan only. Other portions of the Springhurst Towne Center Development have binding elements per approved development plans.)
- ~~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 on the Detailed District Development Plan.~~
 - ~~3. There shall be no direct vehicular access to Springhurst Boulevard, 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 photo 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. ~~A minor subdivision plat shall be recorded for each lot or group of lots, creating the lot lines and necessary easements as shown on the Development Plan or required as a condition of approval. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services for approval prior to issuance of a certificate of occupancy for construction within each lot or group of lots subject to the minor plat.~~
- c. ~~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.~~
- d. ~~An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from all adjoining property owners and recorded. A copy of the recorded instrument(s) 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.~~
11. ~~If a building permit is not issued within one year of the date of approval of Development 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.~~
12. ~~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.~~
13. ~~There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on any lot within the area governed by this Development Plan.~~
14. ~~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.~~
15. ~~The use of any lot or shop subject to this Development Plan shall not commence 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 created by record plat, including dedication of that portion of "Private Roadway 'B'" that crosses the R-7 zone, and has been opened to traffic from Westport Road to Hurstbourne Parkway.~~

~~16. The developer 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.~~

~~17. A detailed sign plan shall be submitted and approved by staff in conformance with the approved master sign plan prior to requesting a Certificate of Occupancy.~~

4. Proposed Binding Elements (applicable to the area of this plan only. Other portions of the Springhurst Towne Center Development have binding elements per approved development plans.)

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat shall be recorded for each lot or group of lots, creating the lot lines and necessary easements as shown on the Development Plan or required as a condition of approval. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services for approval prior to issuance of a certificate of occupancy for construction within each lot or group of lots subject to the minor plat.
 - 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. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from all adjoining property owners and recorded. A copy of the recorded instrument(s) 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.

- e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
- 5. 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.
- 6. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on any lot within the area governed by this Development Plan.
- 7. 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.
- 8. The developer 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.
- 9. There shall be no direct vehicular access to Springhurst Boulevard, 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.