

# Development Review Committee

## Staff Report

January 19, 2022



<b>Case No:</b>	21-DDP-0122
<b>Project Name:</b>	St Matthews Galleria
<b>Location:</b>	4101 Oechsli Ave
<b>Owner(s):</b>	KDC Galleria, LLC.
<b>Applicant:</b>	KDC Galleria, LLC.
<b>Jurisdiction:</b>	St Matthews
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Jay Lockett, AICP, Planner II

### REQUEST(S)

- **Revised Detailed District Development plan** with replacement of existing binding elements.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to rebuild a mixed commercial center using the existing building footprint. The subject site was originally developed as a mixture of office, retail and restaurant under docket 9-58-78. The structure had a fire and has been partially demolished. The proposed development will be a similar mixture of uses, with a more modern architecture and development style. The previous structure was a single story, and the new structure is proposed to be partially 2-stories. The applicant is also proposing to move a vehicular access point for the rear parking lot in order to improve pedestrian and vehicular circulation.

### STAFF FINDING

The Revised Detailed District Development Plan is adequately justified and meets the standards of review. It allows for a variety of neighborhood serving uses in an established commercial activity center. The existing binding elements are outdated, and updated ones are being proposed to go with the new development.

### TECHNICAL REVIEW

No outstanding technical issues are associated with 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 have been provided. Transportation Planning 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.

- 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 the Comprehensive Plan. The proposed uses are in keeping with other development and the general character of the area. Adequate screening and buffering will be provided around the subject site. Provisions have been made for safe vehicular and pedestrian maneuvering around the subject site.

**REQUIRED ACTIONS:**

- **RECOMMEND** that the City of St Matthews **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with replacement of binding elements.

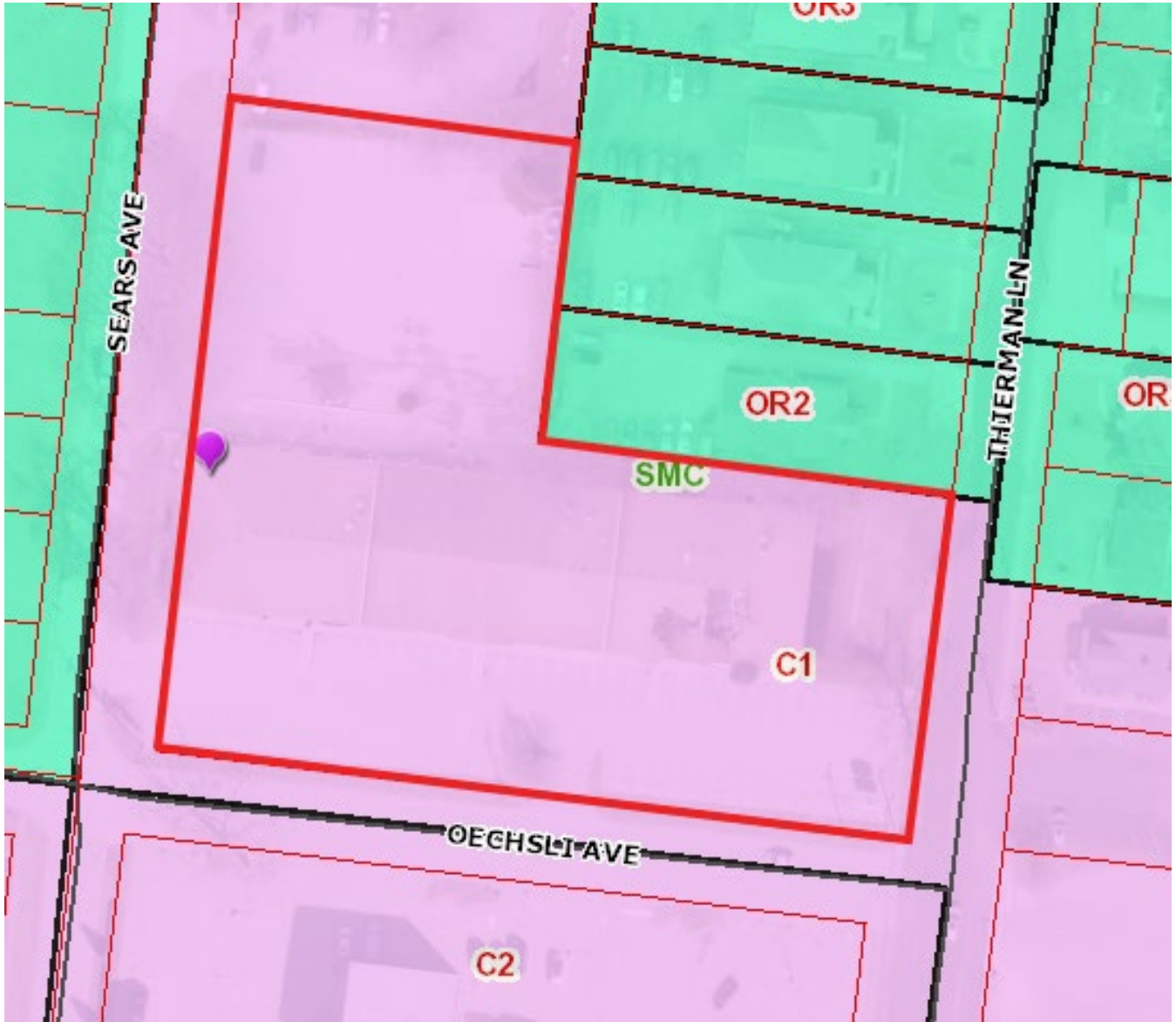
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1-5-22	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 9

**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph



### **3. Existing Binding Elements to be replaced**

- ~~1. Twenty feet of additional right of way will be dedicated to Sears Ave and five feet of additional right of way will be dedicated to Thierman Ln. Dedication will be by minor subdivision plat.~~
- ~~2. The development will be constructed on the approved development plan as revised.~~
- ~~3. Access will only be from the locations shown on the approved district development plan.~~
- ~~4. The proposed building is limited to one story in height 22,800 square feet in area. The proposed restaurant will not exceed 3,200 square feet in size.~~
- ~~5. There will be no drive-in service facilities of any type.~~
- ~~6. No further development will occur on the balance of this site until a Detailed District Development Plan is approved by the Planning Commission.~~
- ~~7. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department, the Traffic Engineering Department and the Fire Protection Program before building permits are issued.~~
- ~~8. Unless use in accordance with the approved development plan has been substantially established within two years from the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner until such time as a district development plan has been approved by the Planning Commission.~~

### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved development plan, all applicable sections of the Saint Matthews Development Code, Land Development Code and agreed upon binding elements unless amended pursuant to the Saint Matthews Development Code and 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 and to the City of Saint Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no further development of the site unless and until a Detailed District Development Plan is reviewed and approved by the Planning Commission, or the Planning Commission's designee, and the City of St. Matthews.
3. No outdoor advertising signs, pennants, balloons, or banners shall be permitted on the site. All signs shall be in accordance with the St Matthews Development Code.
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 permit) is requested:

- a. The development plan must receive full construction approval from Develop Louisville, 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 19, 2022 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
  7. If a certificate of occupancy or building permit is not issued within two years 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 and the City of St Matthews.
  8. 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.
  9. 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.