

Planning Commission

Staff Report

August 7, 2014



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| Case No: | 14DEVPLAN1033 |
| Request: | Revised General and Detailed District Development Plan and Amendment to Binding Elements |
| Project Name: | Park Community Federal Credit Union |
| Location: | 7710 Bardstown Rd. & 7509 Cedar Creek Rd. |
| Owner: | Park Community Federal Credit Union |
| Applicant: | Land Design and Development, Inc. |
| Representative: | Wyatt, Tarrant & Combs, LLP |
| Jurisdiction: | Louisville Metro |
| Council District: | 22 – Robin Engel |
| Case Manager: | David B. Wagner – Planner II |

REQUEST

- Revised General District Development Plan
- Revised Detailed District Development Plan
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to build a 4,132 SF credit union on Tract 1 while Tract 2 is shown for conceptual purposes only and will need to have a Detailed District Development Plan approved before any further development occurs on the site. There will be full access to Bardstown Road, with future cross access being provided for the commercially zoned properties to the north and south, and an internal access drive that will pass through Tract 2 and running into Cedar Creek Connector. As noted by Transportation Review's stamp, the fee-in-lieu for sidewalks along Cedar Creek Connector will be utilized since the required sidewalks along Cedar Creek Road will be provided upon development of Tract 2. Both Tracts 1 and 2 have proposed detention ponds as well. The applicant will utilize the Maximum Setback Alternative (LDC Section 5.1.9.A) by including a 15' Landscape Buffer Area (LBA) and sidewalk to connect Bardstown Road with the building entrance and a minimum 4' berm fronting Bardstown Road. The required 30' Parkway Buffer Area will also be provided along Bardstown Road and adequate parking is shown for Tract 1. There will also be three retaining walls on the site with variable heights of eighteen, nine, and one feet, shown along the south lot line.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

Existing Zoning District: C-1
Proposed Zoning District: N/A
Existing Form District: Neighborhood
Existing Use: Vacant Church
Proposed Use: Credit Union
Minimum Parking Spaces Required: 13
Maximum Parking Spaces Allowed: 21
Parking Spaces Proposed: 20

| | Land Use | Zoning | Form District |
|-------------------------------|----------------------------------|----------|---------------|
| Subject Property | | | |
| Existing | Vacant Church | C-1 | N |
| Proposed | Credit Union | N/A | N/A |
| Surrounding Properties | | | |
| North | Vacant/Single Family Residential | R-4, C-1 | N |
| South | Vacant | C-1 | N |
| East | Office/Church/Restaurant | C-1 | N |
| West | Vacant | R-4 | N |

PREVIOUS CASES ON SITE

- 9941: Re-zoning from R-4 to C-1 and Detailed District Development Plan for Tracts 1 and 2 and the property to the south up to Cedar Creek Road
- 1-16-06: Closure of the east section of Cedar Creek Connector

INTERESTED PARTY COMMENTS

Staff has been informed of concerns by the adjoining property owner to the south of this site (Real Properties Plus, LLC). The re-zoning under Case #9941 listed above, included multiple property owners and Tracts 1 and 2 and the adjoining three parcels to the south. The approved plan per the re-zoning showed a unified cross-access amongst all the lots, including a frontage drive that ran parallel to Bardstown Road. Since the re-zoning was approved, the applicant purchased Tracts 1 and 2 and Real Properties Plus, LLC has purchased the three adjoining lots to the south. The adjoining property owner desires the plan be revised that shows cross-access being provided along the Bardstown Road frontage as it is for the cross-access connection with the adjoining property to the north. Both parties have been in contact with each other and with staff for some time and the adjoining property owner has proposed alternative proposals for cross-connectivity. However, the applicant has decided to proceed with the proposal before you today.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RGDDP, RDDDP, AND 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: No natural features are to be found on the subject site. It is in an area of karst terrain and there are no evident existing karst features. The site is an existing church and parking lot and is fully developed.

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

STAFF: Transportation Review has approved the proposal's transportation facilities with a fee-in-lieu of the sidewalks along Cedar Creek Connector. Pedestrian connectivity will be provided by sidewalks throughout the site and along Bardstown Road. Cross-connectivity with adjoining non-residential lots to the north and south are provided and an internal drive will connect Bardstown Road to Cedar Creek Connector.

- 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 approved the drainage facilities for the site.

- 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 proposal is compatible with the surrounding area as it will allow for vehicular and pedestrian cross-connectivity with future adjoining development to the north and south. Appropriate landscaping for the Parkway Buffer Area and Maximum Setback Alternative are provided along Bardstown Road.

- 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 conforms to the Comprehensive Plan and Land Development Code. The proposal is compatible with the surrounding area as it will allow for vehicular and pedestrian cross-connectivity with future adjoining development to the north and south. Neither the Comprehensive Plan nor the Land Development Code require the cross-access points to be located in a certain location for this proposal. Appropriate landscaping for the Parkway Buffer Area and Maximum Setback Alternative are provided along Bardstown Road.

TECHNICAL REVIEW

- The proposal complies with the requirements of the LDC.

STAFF CONCLUSIONS

The proposal allows the development to be developed as a credit union while providing cross-access to future adjoining development. Appropriate landscaping and tree canopy coverage will be provided on site and it will not adversely affect any nearby residential uses.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the proposal for a Revised General District Development Plan, Revised Detailed District Development Plan and Amendment to Binding Elements.

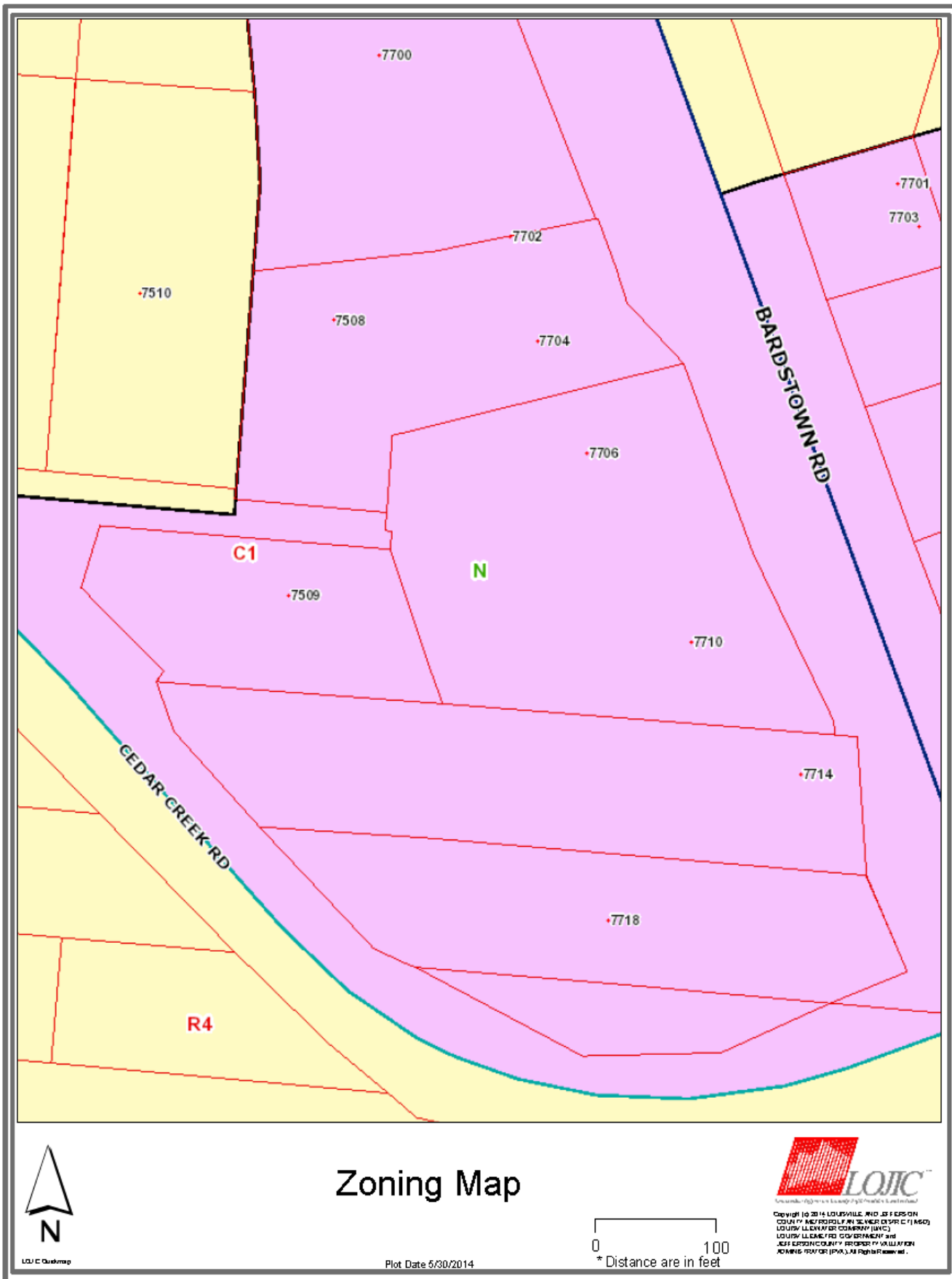
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5/15/14 | Meeting before DRC | 1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 22 Notification of Development Proposals |

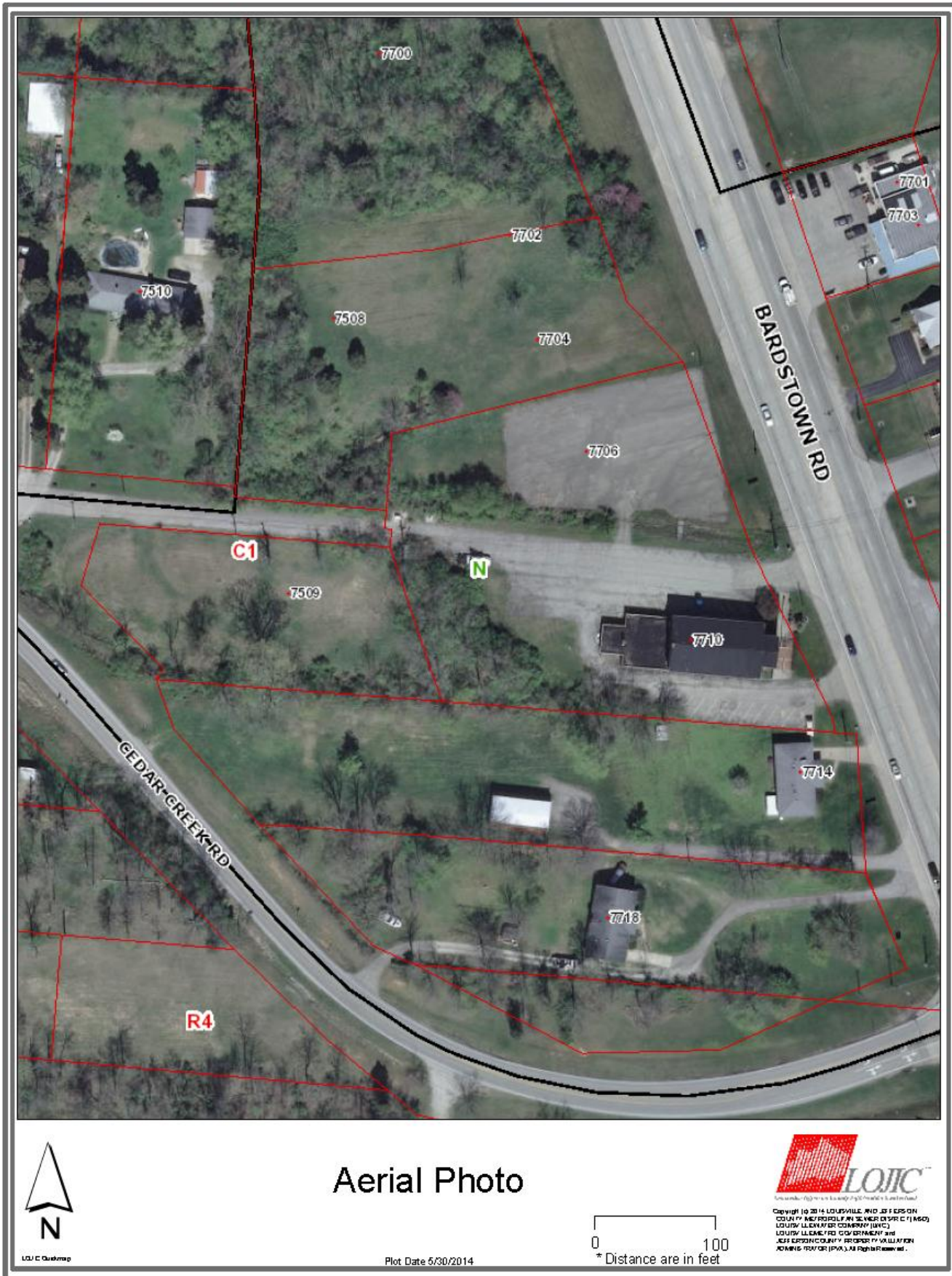
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements for Tracts 1 and 2 ONLY

1. **Zoning Map**



2. Aerial Photograph



3. Existing 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. The development shall not exceed **38,523** square feet of gross floor area. Tract **1** shall not exceed **14,820** square feet, Tract **2** shall not exceed **10,403** square feet, and Tract **3** shall not exceed **13,300** square feet.
3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (**60** square feet in area and **6** feet tall) on Tract 1 and Tract 2 and (**100** square feet in area and **12** feet tall) on Tract 3.
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 Louisville Metro Department of Inspections, Permits and Licenses, 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor subdivision plat shall be recorded (creating the lot lines as shown on the development plan/dedicating additional right-of-way to Bardstown Road to provide a total of 75 feet from the centerline and to Cedar Creek Road to provide a total of **40** feet from the centerline). 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.
 - 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.
5. 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.
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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 7, 2008 Planning Commission Hearing.

4. Proposed Binding Elements for Tracts 1 and 2 ONLY

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. Prior to development (includes clearing and grading) of Tract 2, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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, or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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. A minor subdivision plat shall be recorded creating the lot lines and dedicating additional right-of-way as shown on the development plan. 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.
 - e. 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.
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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 4, 2014 Development Review Committee meeting.
8. The property owner shall provide a cross over access easement if the property to the north and south are ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
9. 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.