

# Development Review Committee

## Staff Report

December 2<sup>nd</sup>, 2015



<b>Case No:</b>	<b>15DEVPLAN1139</b>
<b>Request:</b>	<b>Revised Detailed District Development Plan</b>
<b>Project Name:</b>	<b>Louisville Memorial Gardens</b>
<b>Location:</b>	<b>4400 Dixie Highway</b>
<b>Owner:</b>	<b>Saber Management LLC</b>
<b>Applicant:</b>	<b>Nathan Grimes</b>
<b>Representative:</b>	<b>Renaissance Design Build Inc</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>3 – Mary Woolridge</b>
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

### REQUEST

- Revised Detailed District Development Plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Zoning District: R-5, R-7 & C-2  
 Form District: Neighborhood & Suburban Marketplace Corridor  
 Existing Use: Cemetery, Funeral Home & Mausoleum  
 Proposed Use: Cemetery, Funeral Home & Mausoleum  
 Plan Certain Docket #: 8643

The applicant is proposing to construct a mausoleum immediately adjacent to an existing mausoleum on the subject property. The mausoleum will be constructed using similar materials and design as the adjacent Chapel mausoleum that was previously approved by the Board of Zoning Adjustment and Development Review Committee. All Land Development Code requirements will be met and previous variances followed with the current proposal.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Cemetery, Funeral Home & Mausoleum	R-5, R-7 & C-2	N & SMC
<b>Proposed</b>	Cemetery, Funeral Home & Mausoleum	R-5, R-7 & C-2	N & SMC
<b>Surrounding Properties</b>			
<b>North</b>	I-264	ROW	ROW
<b>South</b>	Commercial Residential	C-2 R-5	SMC N
<b>East</b>	I-264	ROW	ROW
<b>West</b>	Residential	R-5	N

## PREVIOUS CASES ON SITE

- 14810: Modified Conditional Use Permit and variance heard and approved by the Board of Zoning Adjustment.
- 14549: Revised Detailed District Development Plan approved by Development Review Committee.
- 8643: Rezoning from R-5 to R-7 with a CUP for a Funeral Home and Mausoleum.
- B-72-98: Conditional Use Permit for a Cemetery.

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 does 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 with 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 provisions 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. 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.

### TECHNICAL REVIEW

- There are no technical review issues that need to be addressed.

### STAFF CONCLUSIONS

The standard of review has been met for the proposed mausoleum addition. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a revised detailed district development plan as established in the Land Development Code.

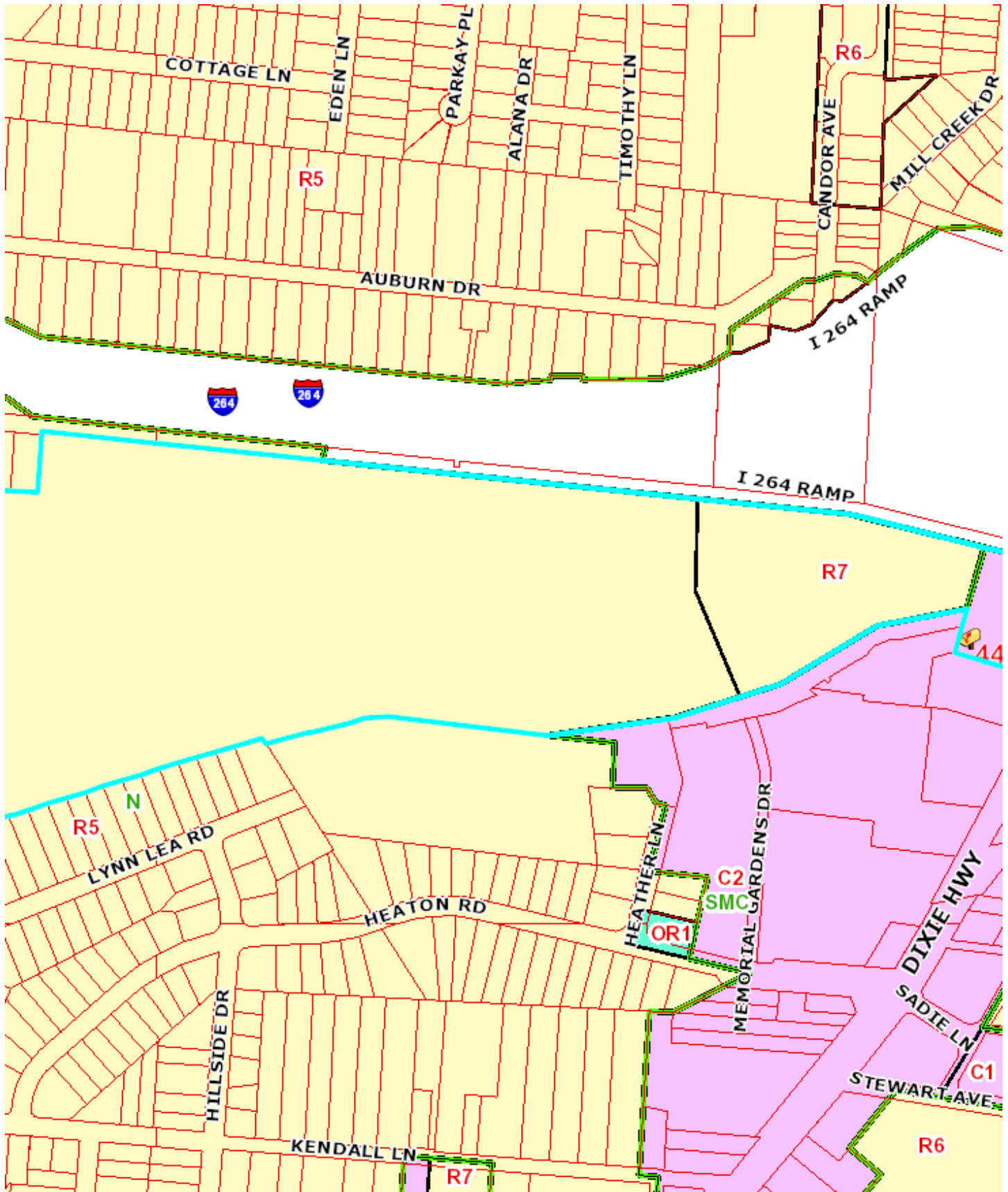
### NOTIFICATION

Date	Purpose of Notice	Recipients
11/18/15	Hearing before DRC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 3 Notification of Development Proposals

### ATTACHMENTS

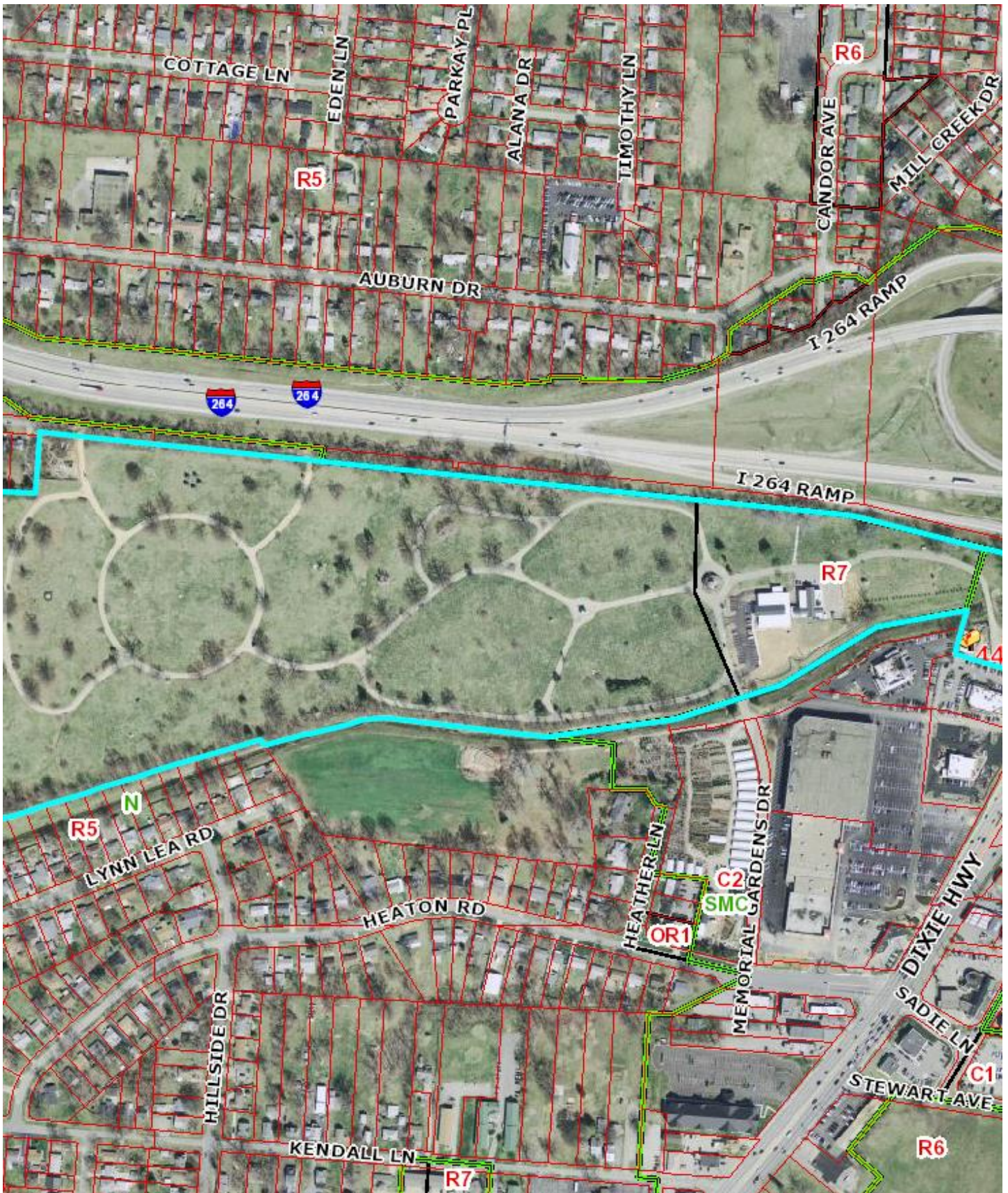
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements

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 38,136 square feet for the mausoleum and office and 9,943 square foot funeral home.
3. Signs shall be in accordance with Chapter 8 of the LDC.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
  - 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 shall 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 and modified conditional use permits shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
7. 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.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 4, 2007 meeting of the City Council of the City of Shively, Kentucky.
10. 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. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
11. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. At no time in the future shall the existing Fireside Chapel on the property be used for funeral services, funeral visitations or funeral wakes. The Fireside Chapel Mausoleum building will be used for committal services only.