

**Development Review Committee**  
**Staff Report**  
June 3<sup>rd</sup>, 2015



<b>Case No:</b>	<b>15DEVPLAN1058</b>
<b>Request:</b>	<b>Revised Detailed District Development Plan</b>
<b>and</b>	<b>Landscape Waiver</b>
<b>Project Name:</b>	<b>PNC Bank/Panera</b>
<b>Location:</b>	<b>6900 Dixie Highway</b>
<b>Owner:</b>	<b>PNC Bank</b>
<b>Applicant:</b>	<b>Dixie Highway Development LLC</b>
<b>Representative:</b>	<b>BTM Engineering</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>12 – Rick Blackwell</b>
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

**REQUEST**

- Landscape Waiver from Chapter 10.2.10 of the Land Development Code to allow proposed parking to encroach into the required 10' VUA LBA along Dixie Highway
- Revised Detailed District Development Plan

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

Existing Zoning District: C-2  
Existing Form District: Suburban Marketplace Corridor  
Existing Use: Bank  
Proposed Use: Bank/Restaurant  
Minimum Parking Spaces Required: 44  
Maximum Parking Spaces Allowed: 110  
Parking Spaces Proposed: 59  
Plan Certain Docket #: 9-56-97

The applicant is proposing to replace the existing 1,686 SF bank structure on the site with a 7,632 SF building for a bank and restaurant. The restaurant will have a 328 SF outdoor dining patio. All Land Development Code requirements for parking, queuing, setbacks and landscaping will be met with the exception of the requested landscape waiver. The landscape waiver will allow parking to encroach into the required 10' VUA LBA adjacent to Dixie Highway. The encroachment allows the parking requirements to be met on the site.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Bank	C-2	SMC
<b>Proposed</b>	Bank/Restaurant	C-2	SMC
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Commercial	C-1	SMC
<b>South</b>	Bank	C-1	SMC
<b>East</b>	Commercial	C-1	SMC
<b>West</b>	Home Depot	C-2	SMC

## PREVIOUS CASES ON SITE

9-56-97: Planning Commission approved the rezoning from R-4 to C-2 for proposed commercial use.

## INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code  
Dixie Highway Corridor Masterplan

### 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 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.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since appropriate buffering and screening materials will still be able to be provided along the street frontage.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. By providing the extent of the buffer area as much as possible and the required planting materials, the intent of the comprehensive guidelines has been followed on the proposal.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to provide buffering as well as meet the minimum parking requirements on the site.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR  
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring an entire shift of the access and parking areas that would reduce the number of spaces able to be provided as well as the area needed for queuing.

### **TECHNICAL REVIEW**

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

### **STAFF CONCLUSIONS**

The standard of review has been met for the requested landscape waiver. 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 Landscape and Revised Detailed District Development Plan as established in the Land Development Code.

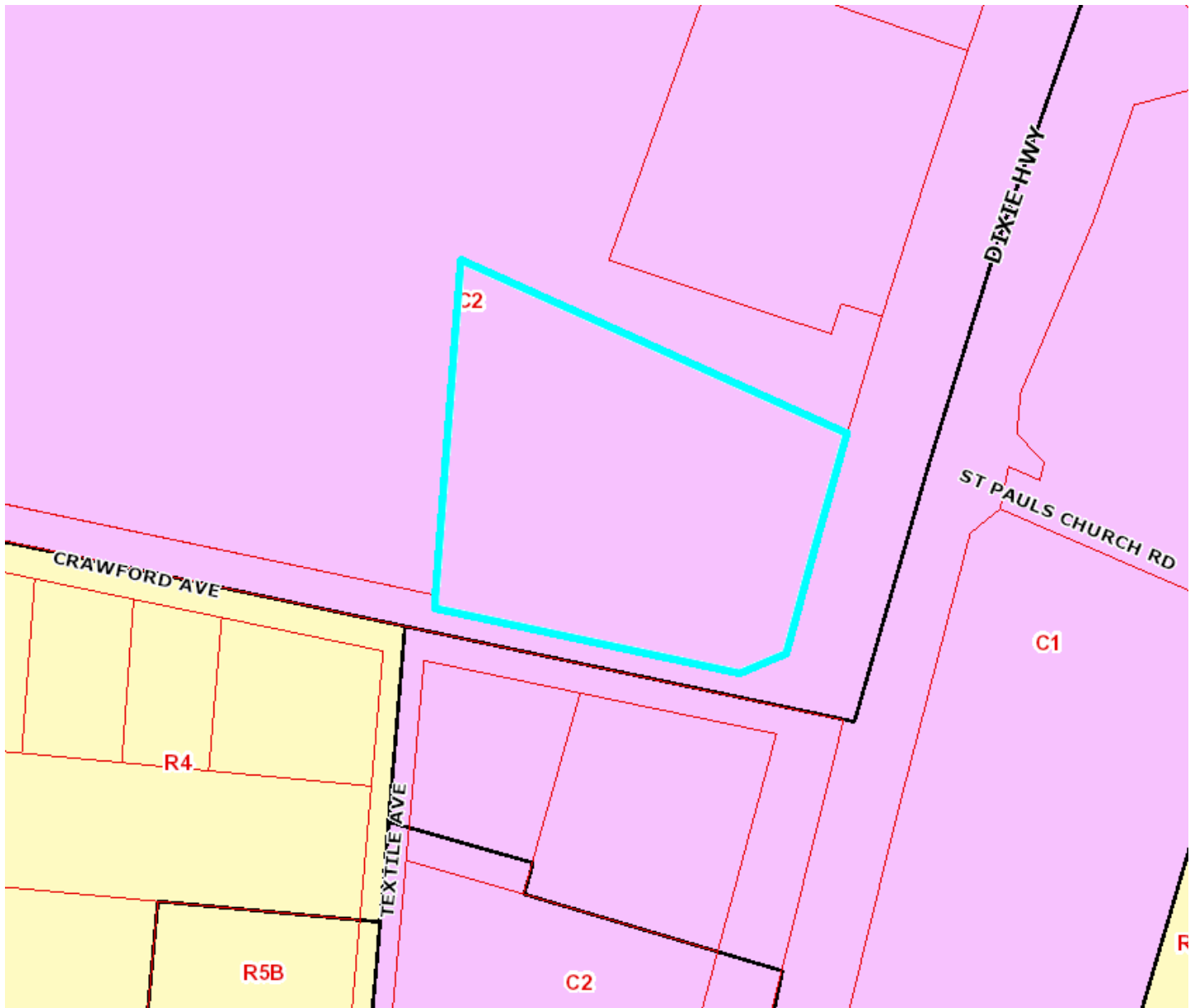
#### NOTIFICATION

Date	Purpose of Notice	Recipients
5/21/15	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 12 Notification of Development Proposals

#### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed 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 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. All future development/redevelopment on the parcel known as Tax Block 1032, Lot 257 shall occur only after review and approval by the Planning Commission, in accordance with Section 8.1 of the Zoning District Regulations. Binding elements may be established as part of that review process.
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
4. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
5. 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.

6. 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. 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.

7. 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.

8. 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.

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

~~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.~~ **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. All future development/redevelopment on the parcel known as Tax Block 1032, Lot 257 shall occur only after review and approval by the Planning Commission, in accordance with Section 8.1 of the Zoning District Regulations. Binding elements may be established as part of that review process.~~

6. 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).~~ **The development plan must receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permits and Transportation Planning Review 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~~ **Chapter 10** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.