

DEVELOPMENT REVIEW COMMITTEE

August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

Request:	Revised Detailed District Development Plan for a 3-story medical office
Project Name:	Chamberlain Pointe
Location:	4640 Chamberlain Lane
Owner:	Julep Holdings, LLC
Applicant:	Julep Holdings, LLC
Representative:	William Bardenwerper, Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel

Case Manager: **Joel Dock, Planner I**

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

03:09:49 Joel Dock presented the case and showed the site plan (see staff report and recording for detailed presentation.)

03:15:42 Mr. Dock read a revised binding element into the record:
“The development shall not exceed 155,199 square feet of gross floor area.”

The following spoke in favor of this request:

William Bardenwerper, Bardenwerper Talbott & Roberts PLLC, 1000 North Hurstbourne Parkway, Louisville, KY 40222

Summary of testimony of those in favor:

03:17:04 William Bardenwerper, the applicant’s representative, presented the applicant’s case and showed a Power Point presentation (see recording for detailed presentation.)

The following spoke in opposition to this request:

No one spoke.

DEVELOPMENT REVIEW COMMITTEE

August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

The following spoke neither for nor against the proposal:

No one spoke.

03:21:50 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the proposed development is in a location of mixed commercial and office uses abutting Brownsboro Road and the Gene Snyder Expressway. Scenic views from the Gene Snyder expressway will be mitigated with a 50' landscape buffer area and an architectural style along the façade facing the expressway that compliments the overall development of the area; and

WHEREAS, the Committee further finds that provisions for safe and efficient vehicular and pedestrian transportation within the development and the community is provided through a pedestrian connection to the public sidewalk and an internal network of walks and amenities, as well as unified circulation preserved through the recording of a cross access agreement prior to building permits. Crosswalks and pedestrian connection to the public sidewalk are provided, as well as bike racks for the proposed medical office expansion; and

WHEREAS, the Committee further finds that the development site provides landscape buffer areas and outdoor amenities for the enjoyment of patrons and the public; and

WHEREAS, the Committee further finds that 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; and

WHEREAS, the Committee further finds that the overall site design and land uses are compatible with the existing and future development of the area as the development is in a location of mixed commercial and office uses abutting Brownsboro Road and the Gene Snyder Expressway. The architectural style of the proposed building compliments surrounding developments in both scale and design; and

WHEREAS, the Committee further finds that the development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code (LDC), with the exception of those requirements that have been previously waived or variances granted. Guideline 2, Policy 5 encourages a

DEVELOPMENT REVIEW COMMITTEE

August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

mixture of compatible commercial uses in order to reduce trips and provide a sense of place. The proposed development incorporates a mixture of commercial and office uses that can be accessed with a single trip to the site; including, banks, convenience store, gas, restaurants, retail, and medical offices; and

WHEREAS, the Committee finds that, based the staff report and on the evidence and testimony presented today, that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** the requested Revised Detailed District Development Plan, **SUBJECT** to the following binding elements:

Proposed Binding Elements 9-21-05. 9-18-95. 9-110-77

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/alternations not so referred shall not be valid.

2. ~~The site shall be developed with the following square footages and uses:~~

~~A. Building A. 114,798 square feet of retail, office and restaurant~~

~~B. Building B. 5,875 square feet of bank~~

~~C. Building C. 1,250 square feet of bank~~

~~D. Building D. 3,750 square feet of convenience store~~

~~E. Building E. 12,000 square feet of retail~~

~~TOTAL: 137,673 SQUARE FEET.~~

~~A. Building A. 84,352 square feet of office~~

~~B. Building B. 27,140 square feet of retail, office, and restaurant~~

~~C. Building C. 21,200 square feet of retail, office, and restaurant~~

~~D. Building D. 5,507 square feet of bank~~

~~E. Building E. 1,250 square feet of bank~~

~~F. Building F. 3,750 square feet of convenience store & gas~~

~~G. Building G. 12,000 square feet of office~~

~~TOTAL: 155,199 SQUARE FEET~~

2. The development shall not exceed 155,199 square feet of gross floor area

DEVELOPMENT REVIEW COMMITTEE

August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site, except for those permitted by the Land Development Code, EXCEPT THAT pennants may be affixed to parking lot lighting poles provided they do not advertise a product or service sold on site or state a brand name. Prior to the display of pennants the planning commission general counsel must determine that the pennants are permitted by the LDC.
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 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.
6. If a 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.
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.

DEVELOPMENT REVIEW COMMITTEE

August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

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 renderings presented at the November 15, 2005 and December 1, 2005 Planning Commission meetings, **and the Development Review Committee meeting on August 3, 2016.**
10. The façade elevations shall be in accordance with applicable forms district standards and shall be approved by PDS staff prior to construction permit approval.
11. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit – 16 feet.
 - b. Luminaire Shielding – 100% cut-off at 90 degrees.
 - c. Canopy Lighting Level – 50 FC maximum. d. Light Trespass – 0.3 FC maximum.
12. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
13. **Outdoor Activity.** No loading, trash pickup (i.e., dumpster loading and unloading, pallet or trash removal from the site), trash compacting audible beyond a residential property line, or outdoor construction or maintenance, parking lot cleaning or sweeping (except snow and ice), or drive-through window operation shall occur on the property between the hours of 10 PM and 7 AM.
14. **Deliveries.** No deliveries shall be made to or on the site between the hours of 10 PM and 7 AM.

DEVELOPMENT REVIEW COMMITTEE

August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

15. **Delivery Truck Parking On-Site.** (a) No delivery trucks shall be allowed to park on the property within 180 feet of the Old Brownsboro Gardens property line between the hours of 10 PM and 7 AM.

(b) The property owner shall post signs at appropriate locations on the rear of the shopping center building prohibiting delivery truck parking as described in (a).
16. **Vehicle Noise.** No vehicle shall be allowed to park on the property at any time between the hours of 10 PM and 7 AM with its engine running or sound system operating if the engine or sound system is audible beyond a residential property line.
17. **Freestanding Shopping Center Identification Sign.** The freestanding shopping center identification sign shown as being located in the right-of-way adjacent to KY 22 shall not be erected until the right-of-way comes under the same ownership as the shopping center.
18. **Fence.** The main component of the fence to be placed along the boundary of the site adjacent to Old Brownsboro Gardens shall be wood, unless the Old Brownsboro Gardens Homeowners Association expresses to Applicant its preference for a vinyl fence product in lieu of wood. Any such preference shall be stated in writing with copy to the Department of Planning and Design Services.
19. Signs on the west (Snyder Freeway) side and the south (rear) side of the main shopping center building prohibited; one exception. (a) No attached sign on the western side of the main shopping center building shall face Snyder Freeway.
(b) Except for the signs on the south (rear) side of the main shopping center building referred to in Binding Element No. 15, the rear of the main shopping center building (facing Old Brownsboro Gardens) shall have no attached sign.
20. **Regarding the 14 parking spaces shown on the original "Humphrey Tract" which have been deleted on the approved general/detailed district development plan; landscaping and shopping center ID sign.** (a) 14 parking spaces all shown as partially located within the state right-of-way on the original general/detailed district development plan filed with the zone change application on April 5, 2005 may be approved by DPDS staff; staff approval of a revised plan showing parking spaces (and landscaping and a shopping center ID sign) may be granted upon proof of acquisition of the title of this right-of-way from the Commonwealth of Kentucky ("Commonwealth").

DEVELOPMENT REVIEW COMMITTEE

August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

- (b) Until acquisition of right-of-way and approval of the revised general/detailed district development plan referred to in (a) above the development square footage shall be reduced to the extent of the 14 parking spaces. "Shell" building permits may be issued for construction of the development as is attributable to the 14 parking spaces prior to acquisition of the right-of-way provided no occupancy of the space attributable to the 14 parking spaces occurs until the 14 parking spaces are available for use.
21. **Temporary limitation on occupancy of 4000 SF general office space.** (a) The property owner/developer shall not request a certificate of occupancy for 4,000 square feet of general office space as shown on the approved general/detailed district development plan for Planning Commission Docket No. 9-21-05 on file with Louisville Metro Planning and Design Services until government funding for the construction of roadway improvements on KY 22 between Chamberlain Lane and HWY 1694 has been included in the Six Year Plan in accordance with Kentucky Transportation Cabinet plans.
- (b) Prior to the approval of government funding referred to in (a) above, "shell" building permits may be issued for the construction of the 4,000 square feet of general office space.
22. **Shopping Center Identification Signs** (a) "Monument Sign – 1" and "Monument Sign – 2" may be internally lit to the extent of the portion of the sign cabinet relating to the shopping center name. The remainder of these signs shall be externally lit. (b) The shopping center identification sign/gas sign "Monument Sign – 3" at Brownsboro Road and Chamberlain Lane may be internally lit.
23. **"Changeable copy signs/reader board signs."** Changeable copy signs/reader board signs shall not be permitted within the 30 foot buffer along Brownsboro Road.
24. **"Changing Image Signs."** Changing Image signs shall not be permitted within the 30 foot buffer along Brownsboro Road.
25. **Height of the berm adjacent to Ky. 22.** The height of the berm shall be measured from the grade of Ky. 22 (rather than measured from the grade of the parking lot).

The vote was as follows:

YES: Commissioners Brown, Kirchdorfer, Peterson, Smith, and Tomes.

DEVELOPMENT REVIEW COMMITTEE
August 3, 2016

NEW BUSINESS

CASE NO. 16DEVPLAN1057

NO: No one.

NOT PRESENT: No one.

ABSTAINING: No one.