

Development Review Committee

Staff Report

January 9, 2019



Case No:	18DEVPLAN1188
Project Name:	L&N Federal Credit Union
Location:	13200 Magisterial Drive
Owner(s):	Stephen C. Gault, Gault Eastpoint, LLC
Applicant:	L&N Federal Credit Union
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Detailed District Development Plan with Binding Element Amendments**

CASE SUMMARY/BACKGROUND

The subject property is located along Old Henry Road, Nelson Miller Parkway, and Magisterial Drive. It is currently vacant/undeveloped, zoned PEC, and surrounded by PEC zoned properties. Across Old Henry Road are C-2, R-4, and M-2 zoned properties. The applicant is proposing to construct an L&N Federal Credit Union bank.

Previous cases:

- 9-5-89: Change in zoning from R-4 Residential Single Family to PEC Planned Employment Center.

STAFF FINDINGS

Staff finds that the detailed district development plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval. MSD requested a downstream sanitary capacity facility request. TARC is requesting a new bus stop, sidewalks, and the proposed binding element:

- The Developer / Owner shall install a bus stop improvement as shown on the approved development plan and then notify TARC when the construction is complete. The Developer / Owner (or designee) shall maintain keep the bus stop clean on a daily or as needed basis.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff.

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. Tree canopy requirements of the Land Development Code will be provided on the subject site. The site is exempt from Chapter 4.9.3 of the Land Development Code requiring a karst survey of the property per the exemptions listed under Chapter 4.9.2.C since the site is part of a subdivision and a plan certain development approved prior to the effective date of the karst regulation as well as the exemption for construction existing on lots show on preliminary plans approved between August 7, 1997 and March 1, 2003 under Chapter 4.6.1.B.6 of the Land Development Code.

- (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 has approved the preliminary development plan. KYTC has provided their preliminary approval. Old Henry Road is a state road.

- (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. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- (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. 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.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

NOTIFICATION

Date	Purpose of Notice	Recipients
1-9-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements
4. Existing Site Binding Elements
5. Proposed Site Binding Elements

1. **Zoning Map**



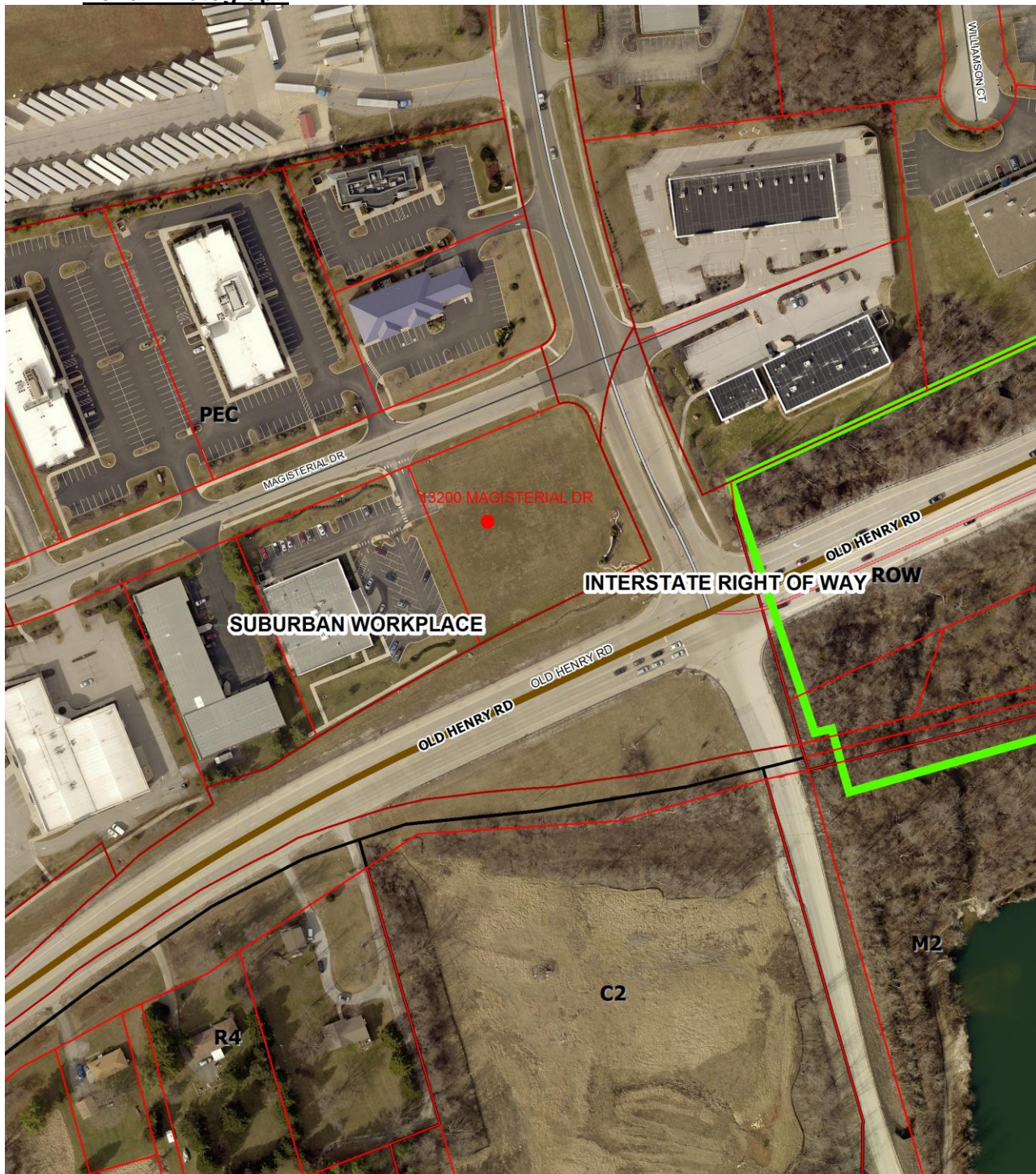
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feet

150

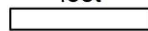
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2. Aerial Photograph



18DEVPLAN1188

feet



150

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3. Existing General Plan Binding Elements

1. Prior to development of each site or phase, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may include, but not be limited to the following items:

- a) Screening, buffering, landscaping.
- b) Density, floor area, size and height of buildings.
- c) Points of access.
- d) Land uses.
- e) Signs
- f) Loading berths.

2. The lots shall be subject to deed of restrictions as recorded in Deed Book 6060 Page 791.

3. Before a building permit is requested:

- a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
- b) A major subdivision plat shall be recorded creating the lots and roadways shown on the approved general district development plan and preliminary subdivision plan.
- c) All necessary recording fees shall be paid.

4. Master Plan Document – Freeway Reserve shall prepare a written and illustrated document to accompany the District Development Plan, which shall serve as a guide for review of Detailed District plans with respect to site and architectural design. Guidance shall be provided for planning and design aspects including but not limited to, the following: loading and parking arrangement, lighting, landscaping, grading, screening, noise, vibration and odor controls.

5. Lighting – As required under Section 7.2, Paragraph 6.a.7 of the Zoning Ordinance, lighting for site and buildings shall be directed towards the individual properties and away from adjacent residential uses. Further, lighting shall be reviewed under the guidelines of the Freeway Reserve Master Plan Document and the Planning Commission Detailed District Development plan review procedures.

6. Landscape Buffer Zones – A Landscape concept plan shall be presented to the Planning Commission to illustrate details of screening, buffering and aesthetic treatment within the required, and proposed Landscape Buffer areas shown on the General District Development Plan.

7. Signage – No billboard (advertising) or high pylon signs shall be permitted in Freeway Reserve. A single project identification monument sign shall be provided at each entry from LaGrange and Old Henry Roads and no more than two monument signs along the Gene Snyder Freeway. All signs shall conform with Ordinance No. 7, Series 1988, relating to signage along Gene Snyder Freeway, (adopted 5-10-88). A concept sign plan shall be prepared for the Planning Commission review prior to construction to illustrate controls on project identification and site identification signs.

8. There shall be no direct access from the Freeway Reserve to English Station Road, nor from individual lots to LaGrange and Old Henry Roads.

9. Outdoor advertising (billboard) and small freestanding (temporary) signs, pennants and banners shall be prohibited on the site.

10. If a building permit is not issued within one year 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.

11. 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 must be implemented prior to requesting issuance of the certificate.

12. The above binding elements may be amended as provided for in the Zoning District Regulations.

13. Any further subdivision of Tracts 1-8 may be created utilizing the minor subdivision plan process in conformance with the rules and regulations governing minor subdivisions. A master subdivision plan shall be provided to the Planning Commission showing all current subdivision lots being created and their associated minor subdivision plat docket numbers. This master plan shall remain in effect for the entire development and including any lots that may reflect changes of existing lots (i.e. shifting property lines).

4. Existing Site Binding Elements

None.

5. Proposed Site 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. Prior to development (includes clearing and grading) of each site or phase of this project, 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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. Use of the subject site shall be limited to a bank and other uses permitted in the PEC zoning district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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.

7. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
8. If a certificate of occupancy (building permit) is not issued within one (two) year(s) 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.
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.
10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
11. 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.
12. The Developer / Owner shall install a bus stop improvement as shown on the approved development plan and then notify TARC when the construction is complete. The Developer / Owner (or designee) shall maintain keep the bus stop clean on a daily or as needed basis.