

Land Development & Transportation Committee

Staff Report

June 27, 2019



Case No:	19DEVPLAN1082
Project Name:	Evansville Teachers Federal Credit Union
Location:	2300 High Wickham Pl
Owner(s):	Stacey Shourd, Evansville Teachers Fed Credit Union
Applicant:	Stacey Shourd, Evansville Teachers Fed Credit Union
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND

The subject site is zoned C-1 Commercial in the Neighborhood form district and C-2 Commercial in the Suburban Workplace Form District. It is located in the southwest quadrant of the intersection of High Wickham Place and Old Henry Road. The subject site is currently undeveloped. The applicant is proposing to construct a one-story, 6,800 square foot Evansville Teachers Federal Credit Union.

Previous cases:

- 9-99-98: Change in zoning from R-4 to R-5A, OTF, C-1 and C-2
- 8735: Change in zoning from OTF to C-2 and C-1
- 9007: Change in form district from SW to N (in conjunction with case 8735)
- 16DEVPLAN1200: Detailed District Development Plan to construct a 3,500 square foot bank in the C-1 zone

STAFF FINDINGS

The Revised Detailed District Development Plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

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 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.

- (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 not provided a review.

- (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.

- (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 Plan 2040 and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE or DENY the Revised Detailed District Development Plan with Binding Element Amendments**

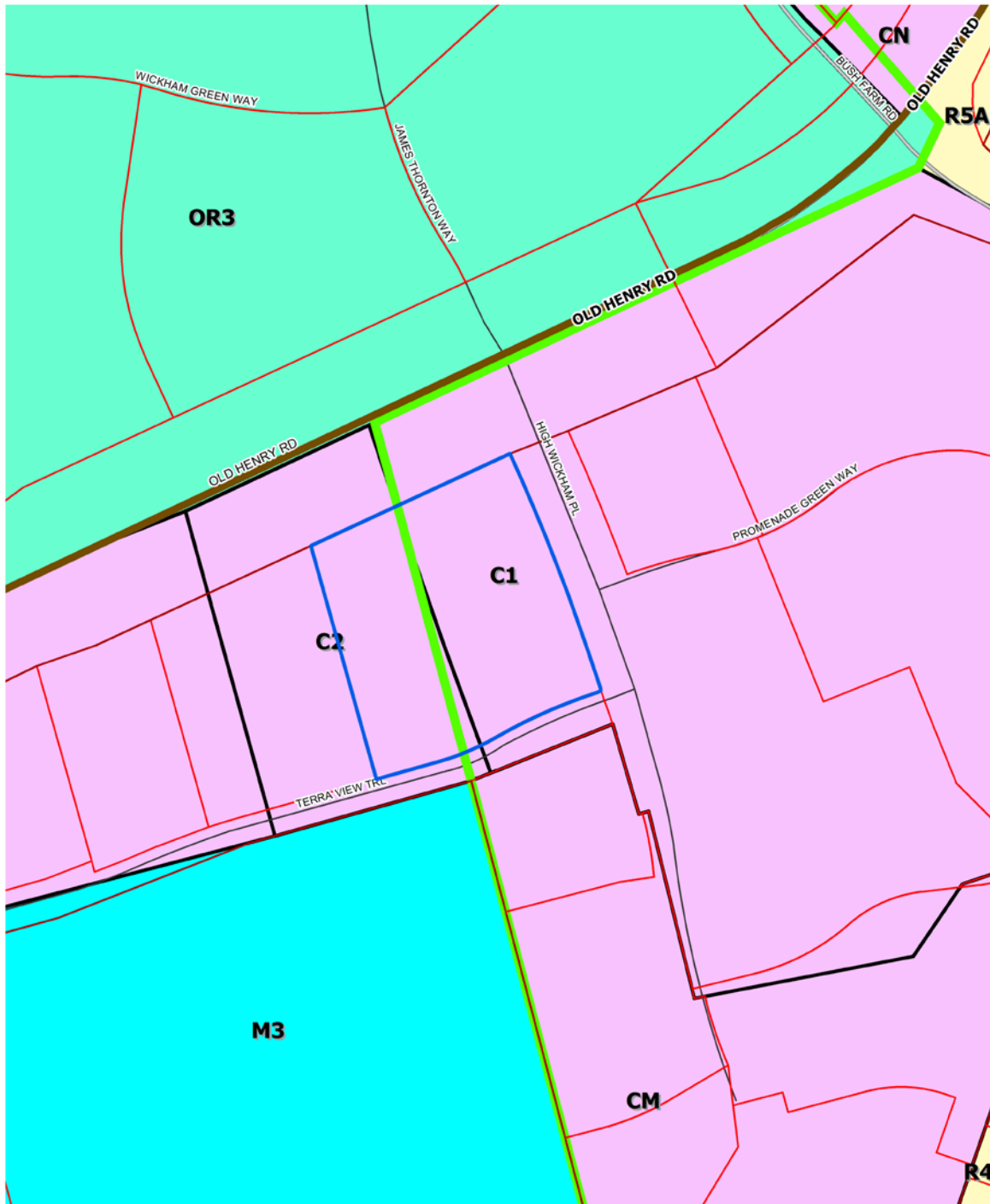
NOTIFICATION

Date	Purpose of Notice	Recipients
6-27-19	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 Plan Binding Elements
5. Proposed General Plan Binding Elements
6. Proposed Site Plan Binding Elements

1. Zoning Map



2300 HIGH WICKHAM PL

feet

190

Map Created: 6/17/2019



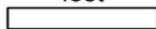
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2. Aerial Photograph



2300 HIGH WICKHAM PLACE

feet



190

Map Created: 6/17/2019



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3. Existing General Plan 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 a 7,500 square foot restaurant on Lot 9A and 9B, a 3,479 square foot bank on Lot 10A and a 5,465 square foot retail building on Lot 10B.
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.
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 (date) LD&T/PC meeting.
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 permit 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. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

12. The applicant shall submit building elevations or renderings of the proposed restaurants on Lots 9A and 9B for Development Review Committee review prior to the issuance of building permits on Lots 9A and 9B.

13. The applicant shall submit a joint cross over and access agreement for the parking shown within the Terra View Trail access easement.

14. An additional binding element stating that they will come back to the Planning Commission for approval of any building designs that have not yet been finalized.

15. Uses shall be limited to restaurants without drive-through services and banks with or without drive-through service on lots 9A, 9B, and 10A. Modification of this binding element will require Metro Council approval.

16. Landscape area interior to the site and along Old Henry Road on the property that is the subject of the change in zoning docket no. 8735 shall be irrigated with an automated irrigation system in all areas viewable by the public. State right-of-way area between the edge of pavement and the north property line shall be irrigated provided the State Transportation cabinet will enter into an agreement allowing the applicant's provision and maintenance of irrigation within said right-of-way area.

4. Existing Site Plan 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 5,520 square feet of gross floor area.~~

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 system 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 must 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. A cross access agreement to run with the land in a form acceptable to the Planning Commission legal counsel shall be recorded prior to construction approval.

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 on the rendering as presented at the Development Review Committee meeting on 12/14/16.~~

10. At the time the 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. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

12. The applicant shall submit a joint cross over and access agreement for the parking shown within the Terra View Trail access easement.

13. Uses shall be limited to restaurants without drive-through services and banks with or without drive-through service on lots 9A, 9B, and 10A. Modification of this binding element will require Metro Council approval.

14. Landscape area interior to the site along Old Henry Road on the property that is the subject of the change in zoning in docket no. 8735 shall be irrigated with an automated irrigation system in all areas viewable by the public. State right-of-way area between the edge of pavement and the north property line shall be irrigated provided the State Transportation cabinet will enter into an agreement allowing the applicant's provision and maintenance of irrigation within said right-of-way area.

5. Proposed General Plan 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. Signs shall be in accordance with Chapter 8 of the LDC.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. 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.
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 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, contracts, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
8. 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 permit 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.

9. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

10. The applicant shall submit building elevations or renderings of the proposed restaurants on Lots 9A and 9B for Development Review Committee review prior to the issuance of building permits on Lots 9A and 9B.

11. The applicant shall submit a joint cross over and access agreement for the parking shown within the Terra View Trail access easement.

12. An additional binding element stating that they will come back to the Planning Commission for approval of any building designs that have not yet been finalized.

13. Uses shall be limited to restaurants without drive-through services and banks with or without drive-through service on lots 9A, 9B, and 10A. Modification of this binding element will require Metro Council approval.

14. Landscape area interior to the site and along Old Henry Road on the property that is the subject of the change in zoning docket no. 8735 shall be irrigated with an automated irrigation system in all areas viewable by the public. State right-of-way area between the edge of pavement and the north property line shall be irrigated provided the State Transportation cabinet will enter into an agreement allowing the applicant's provision and maintenance of irrigation within said right-of-way area.

7. Proposed Site Plan Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. Signs shall be in accordance with Chapter 8 of the LDC.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

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 system 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. 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 must 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. A cross access agreement to run with the land in a form acceptable to the Planning Commission legal counsel shall be recorded prior to construction approval.
- d. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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 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.

8. At the time the 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.

9. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

10. The applicant shall submit a joint cross over and access agreement for the parking shown within the Terra View Trail access easement.

11. Uses shall be limited to restaurants without drive-through services and banks with or without drive-through service on lots 9A, 9B, and 10A. Modification of this binding element will require Metro Council approval.

12. Landscape area interior to the site along Old Henry Road on the property that is the subject of the change in zoning in docket no. 8735 shall be irrigated with an automated irrigation system in all areas viewable by the public. State right-of-way area between the edge of pavement and the north property line shall be irrigated provided the State Transportation cabinet will enter into an agreement allowing the applicant's provision and maintenance of irrigation within said right-of-way area.