

# Development Review Committee

## Staff Report

November 6, 2019



<b>Case No:</b>	19-DDP-0049
<b>Project Name:</b>	Dutchmans Parkway Retail
<b>Location:</b>	6460 Dutchmans Parkway
<b>Owner(s):</b>	Jack & Joseph Dulworth
<b>Applicant:</b>	Jack & Joseph Dulworth
<b>Jurisdiction:</b>	City of St. Matthews
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

### **REQUEST**

- **Revised Detailed District Development Plan** with removal of existing Detailed Plan Binding Elements and adoption of new Detailed Plan Binding Elements

### **CASE SUMMARY/BACKGROUND**

The subject property is currently developed with a commercial structure. The applicant proposes to redevelop the property with a new commercial structure proposed to house a coffee shop and office uses.

This property was rezoned in 1987 from R-4 Single Family Residential to C-2 Commercial under docket number 9-39-87. The plan at that time was a general plan with the current site part of a larger lot which was intended to be used as a hotel. A detailed district development plan was approved in 1996 to construct a restaurant on the site. This plan was revised in 2012 to allow the construction of a 300 square foot addition on the building under docket 17302. The restaurant is now proposed to be removed and replaced with the new coffee shop and office.

### **STAFF FINDING**

Staff finds that the development plan generally meets the guidelines of the Comprehensive Plan and requirements of the City of St. Matthews Development Code. The Development Review Committee is responsible for making recommendations to the City of St. Matthews.

### **TECHNICAL REVIEW**

Plan 2040

Development Code (2003) City of St. Matthews

The plan has received preliminary approval from all applicable agencies.

### **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

## **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. The site is developed and no natural resources appear to exist on the 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. Louisville Metro Public Works has provided preliminary approval of the 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 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. The subject site is located in a developed area in the Regional Center form. The proposal would be compatible with existing development.

- 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 City of St. Matthews Development Code. No waivers or variances are requested.

## **REQUIRED ACTIONS:**

- **RECOMMEND** to the City of St. Matthews to **APPROVE** or **DENY** the **Revised Detailed District Development Plan and Proposed Binding Elements**

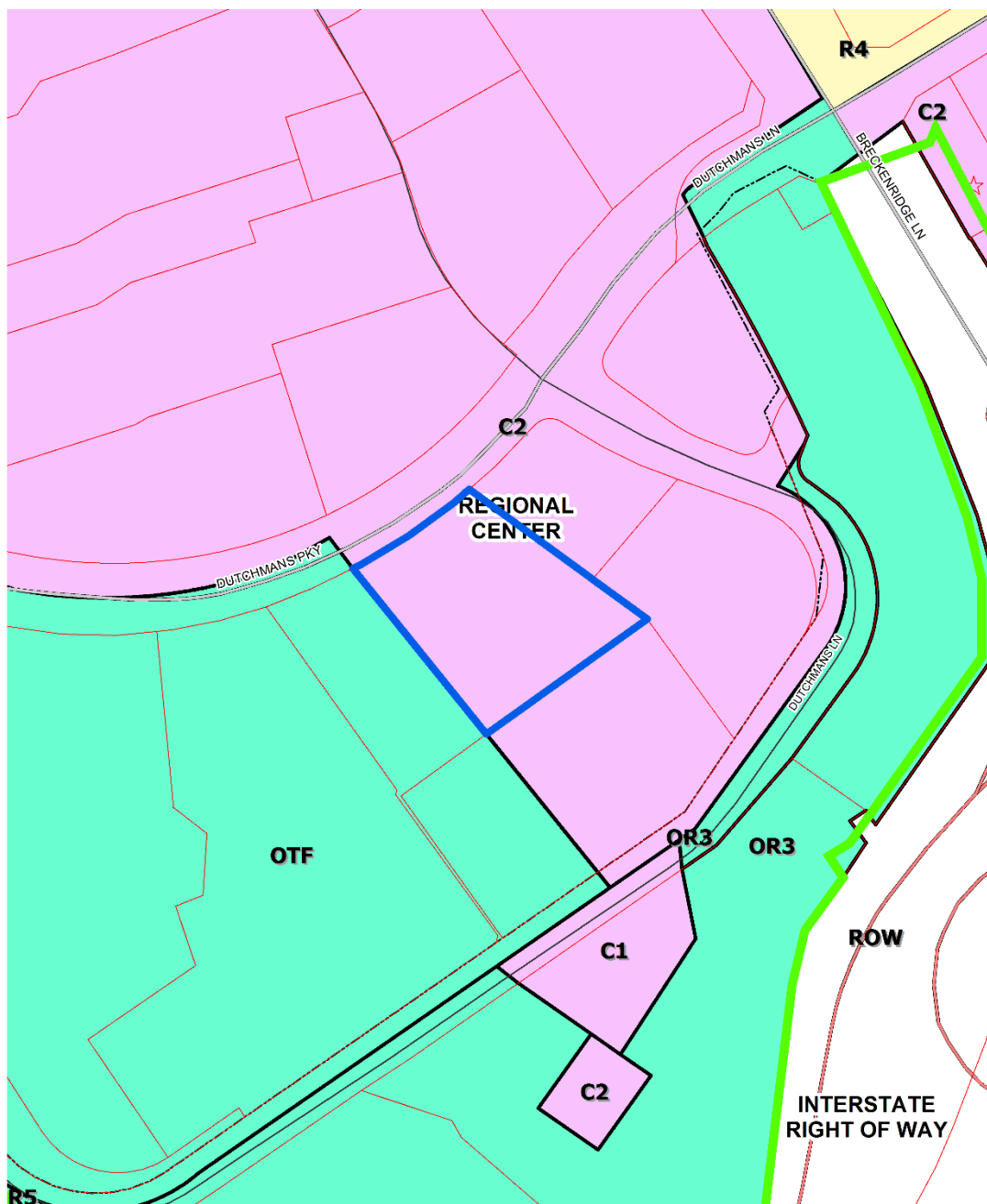
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10/22/2019	DRC Public Meeting	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 26

**ATTACHMENTS**

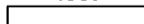
1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements (proposed to be retained)
4. Existing Detailed Plan Binding Elements
5. Proposed Detailed Plan Binding Elements

1. Zoning Map



6460 Dutchmans Parkway

feet



175

Map Created: 10/31/2019



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
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JEFFERSON COUNTY PROPERTY VALUATION  
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## 2. Aerial Photograph



6460 Dutchmans Parkway

feet

175

Map Created: 10/31/2019



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**3. Existing General Plan Binding Elements (proposed to be retained)**

1. Prior to issuance of building permits on each site or phase of the development a detailed district development plan shall be submitted to the Planning Commission and the City of St. Matthews for approval. Each plan shall be in adequate detail to ensure compliance with binding elements of the general district development plan. Each plan may be subject to additional binding elements which may relate to, but not be limited to the following items:
  - a. Screening, buffering, landscaping as described in Article 12.
  - b. Density, floor area, size and height.
  - c. Points of access.
  - d. Land uses.
  - e. Signs.
2. The development shall not exceed the following:
  - a. Residential development 238 dwelling units on 31.4 acres (7.6 units per acre).
  - b. Office development - 301,000 square feet.
  - c. Commercial development 406,500 square feet.
3. The following roadway improvements shall be made:
  - a. Improvements to provide left turn lanes at the intersection of Dupont Lane and Breckenridge Lane (a/k/a Breckinridge Lane) shall be made prior to occupancy of buildings A through G. Design and Standards of construction shall be approved by the Kentucky Department of Highways.
  - b. The construction of "New Dutchmans Parkway" shall be completed prior to occupancy of any structure south of Beargrass Creek. Design and standards of construction shall be approved by the Jefferson County Department of Public Works and Transportation.
  - c. A right turn lane will be constructed at the east leg of the intersection of Dutchmans Lane and Cannons Lane prior to occupancy of buildings south of Beargrass Creek.
  - d. An access easement will be provided and constructed between "New Dutchmans Parkway" and Dutchmans Lane. Construction will be completed prior to occupancy of Building "N" or other buildings requiring access at this point on "New Dutchmans Parkway". The location will be as shown on the general district development plan and preliminary subdivision plan, unless otherwise approved by the Director of the Jefferson County Department of Public Works and Transportation.
  - e. Westbound "New Dutchmans Parkway" will be restricted temporarily to one lane beyond the main shopping center entrance by construction of a physical barrier. The design and location of the barrier shall be approved by the Jefferson County Department of Public Works and Transportation. The balance of the pavement west of the temporary barrier shall be defined as a single lane by paint striping or other means approved by the Jefferson County Department of Public Works and Transportation.
  - f. A 150 foot left turn storage lane for the mid point entrance on Breckenridge Lane will be added prior to making the median cut for the entrance.
4. Access to Breckenridge Lane shall be limited to points shown on the approved district development plan.
- 5.



- a. The mid-point entrance located on Breckenridge Lane shall not be signalized either at the time of construction or in the future.
  - b. If the Chief of District Highway Engineer (KDOH DS) determines that additional traffic control is necessary at the midpoint entrance, a peak hour prohibition of left turns of a barrier median as approved by the Department of Highways shall be installed by the developer. The need for the control shall be based upon a traffic analysis.
  - c. The mid point exit shall be limited to a right turn out only.
6. Access to lots fronting on "New Dutchmans Parkway" shall be as shown on the approved district development plan, unless otherwise approved by the Director of the Jefferson County Department of Public Works and Transportation.
7. The only permitted freestanding signs shall be located as shown on the approved district development plan. The sizes and heights of the signs shall not exceed those shown on the approved plan with exception of the shopping center sign on Dutchmans Lane, which shall not exceed 20 feet in height. The signs shall be shown on each detailed district development plan.
8. The following additional sign regulations shall apply.
  - i. Business identification signs along the pedway shall be of uniform size-and shape.
  - ii. All permanent free standing signs identifying the project, shopping center and buildings shall be monument style and landscaped.
  - iii. "Monument style sign" shall mean a sign where the bottom of the sign forms the base of the sign.
  - iv. No attached building identification sign on an office building shall list individual businesses within the building.
9. Automobile sales and gasoline sales uses shall not be permitted.
10. Building facades shall be made of brick, stone, decorative cementitious products or glass. The building may trimmed in other materials that are compatible with the design. Except for the rear service area of Building G, concrete block siding shall not be permitted. Wood may be sued on the exterior construction of bay windows, balconies, gables, and trim, provided, however, if for restaurant use, Buildings C through F and H through K may be constructed with wood facades provided it is stained or painted brown or grey, and such colors maintained thereafter.
11. Binding element No. 10 (above) shall not apply to single family dwellings.
12. Before a building permit is issued:
  - a. The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation.
  - b. The size and location of any proposed sign must be approved by the Planning Commission and the City of St. Matthews. The Planning Commission may require that the signs must be smaller than would otherwise be permitted by the Zoning District Regulations.
  - c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - d. A major subdivision plat shall be recorded creating the lots and roadways shown on the approved general district development plan and preliminary subdivision plan. Prior to recording the record plat, a maintenance association shall be established to ensure that roadway "B" is maintained in appropriate condition. A Deed of Restriction outlining

maintenance responsibilities shall be executed and recorded simultaneously with the recording of the record plat.

- e. The appropriate variances must be obtained from the Board of Zoning Adjustment to allow the wall encroachment as shown on the approved district development plan.
13. The portion of Dutchmans Lane located from the western terminus of New Dutchmans Parkway at the western property line of The Springs, extending westwardly to Cannons Lane, shall be constructed to a width of three traffic lanes. NTS has agreed to be responsible for 25% of the proposed improvements, for which the City of Louisville is acting as applicant for Federal Aid Urban Systems funding.
14. Where the creek is disturbed, trees will be planted along its banks; a series of very low pools will be created along the channel course. The creek bottom shall be natural rock rather than concrete. Plans shall meet drainage requirements of Water Management.
15. 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.
16. A certificate of occupancy must be received from the appropriate code 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.
17. The above binding elements may be amended as provided for in the Zoning District regulations, upon approval of the City Council.

#### **4. Existing Detailed Plan 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 and city of St. Matthews, except for land uses permitted in the established zoning district.~~
- ~~2. Prior to issuance of a certificate of occupancy, the property owner shall construct a sidewalk along the frontage of the subject site along Dutchman's Parkway.~~
- ~~3. The development shall not exceed 7,000<sup>261</sup> square feet of gross floor area.~~
- ~~4. The only permitted freestanding sign shall be located as shown on the approved district development plan and must be approved by the City of St. Matthews. The sign shall not exceed 34 square feet in area per side and 9 feet in height. No sign shall have more than two sides.~~
- ~~5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners or advertising balloons shall be permitted on the site.~~
- ~~6. There shall be no outdoor storage on the site.~~
- ~~7. 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.~~
  - c. ~~Access and crossover easement agreements in a form acceptable to the Planning Commission legal counsel shall be recorded prior to requesting a certificate of occupancy. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services and to the St. Matthews City Attorney.~~
8. ~~If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the City of St. Matthews and the Planning Commission.~~
9. ~~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 and the City of St. Matthews.~~
10. ~~There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.~~
11. ~~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.~~
12. ~~All commercial trash receptacles shall be enclosed to a height greater than the height of the commercial trash receptacle and permanently maintained.~~
13. ~~The binding elements originally attached to the approved general district development plan, as amended, shall still apply, except as inconsistent herewith. In the event of any conflict between such binding elements, the more strict shall apply.~~
14. ~~The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Council.~~

## 5. **Proposed 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, all applicable sections of the Development Code and agreed upon binding elements unless amended pursuant to the Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's

designee, and the City of St. Matthews, for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use is requested:
  - a. The development plan must receive full construction approval from Construction Review, 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. Access and crossover easement agreements in a form acceptable to the Planning Commission legal counsel shall be recorded prior to requesting a certificate of occupancy. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services.
5. There shall be no outdoor storage on the site.
6. If a building permit is not issued within one year of the date of approval of the plan, 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.
8. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
9. 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.