

Development Review Committee

Staff Report

March 29, 2023



Case No:	22-DDP-0135
Project Name:	JP Morgan Chase Bank
Location:	2410 Terra Crossing Boulevard
Owner(s):	SSC Terra Crossing, LLC
Applicant:	JP Morgan Chase
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Waivers:**

#1: Waiver from 10.2.4 to Permit More Than 50% Overlap of a Required VUA LBA with a Utility Easement (23-WAIVER-0043)

#2: Waiver from 5.6.1 to Not Provide 50% Clear Glazing Along the Façade That Faces Terra Crossing Boulevard (23-WAIVER-0042)

- **Parking Waiver** (23-PARKWAIVER-0002)
- **Revised Detailed District Development Plan** and Revised Binding Elements

CASE SUMMARY

The subject site is located just North of the intersection of Terra Crossing Boulevard and Old Henry Road, and consists of one undeveloped parcel. The applicant proposes to construct a new 3,333 square foot bank with drive-through.

A portion of the site was rezoned to C-2 under Docket 9419, and the remainder was rezoned to C-2 under Docket 11883. A revised plan to modify the Binding Elements was approved under Docket 12277.

STAFF FINDING

Staff finds that the requested Waivers are adequately justified and meet the Standard of Review. The Parking Waiver is adequately justified and meets the Standard of Review. The RDDDP is adequately justified and meets the Standard of Review.

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4

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

STAFF: The waiver will not adversely affect adjacent property owners as the easement already exists and the provision of the VUA LBA behind the easement is not feasible.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 recommends adequate buffering between uses that are significantly different in density or intensity. The uses around the site are similar in intensity as the proposed use on the site.

- (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 as the easement already exists and unavoidably overlaps the VUA LBA.

- (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 as providing the required VUA LBA behind the easement would make the property largely unusable.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.6.1

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

STAFF: The waiver will not adversely affect adjacent property owners as the adjacent property owners have similar elevations and the proposed building will fit into the neighborhood.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 does not address glazing on façades.

- (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 as providing the additional glazing would afford views into areas of the building that are not intended to be viewed, without any benefit to the public.

- (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 as providing the required glazing would not improve the public experience of the building, because cars will queue in front of that area and would obstruct any additional glazing that might be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER:

- a. The Parking Waiver is in compliance with the Comprehensive Plan;

Staff: The parking waiver is in compliance with the Comprehensive plan since the proposed bank is not located on or near a transit route, necessitating adequate parking for employees and customers. A parking study was performed that showed that a similar facility utilized approximately the number of spaces being provided on the subject site.

- b. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions;

Staff: The applicant conducted a parking study using existing JP Morgan Chase Bank locations. The proposed development is part of a proposed Publix development, and connectivity will be provided between the parking lots.

- c. The requirements found in Table 9.1.3B do not allow the provisions of the number of parking spaces needed to accommodate the parking needs of the proposed use; and

Staff: The requirements found in Table 9.1.3B do not allow for the provision of parking needed to accommodate the parking spaces needs of the proposed use. A parking study was performed for similar facilities that demonstrated a higher parking need than allowed by the Land Development Code.

- d. The requested increase is the minimum needed to do so;

Staff: The requested increase is the minimum needed to do so because the parking study done on other JP Morgan Chase Bank locations shows that more spaces are needed than would be permitted by the Land Development Code.

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: No natural resources are evident 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: No open space provisions are relevant to the 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 would be compatible with the existing and future development of the area. The site is located in the Suburban Workplace form district and is surrounded by a developing commercial and employment center.

- 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 **Waivers**
- **APPROVE** or **DENY** the **Parking Waiver**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

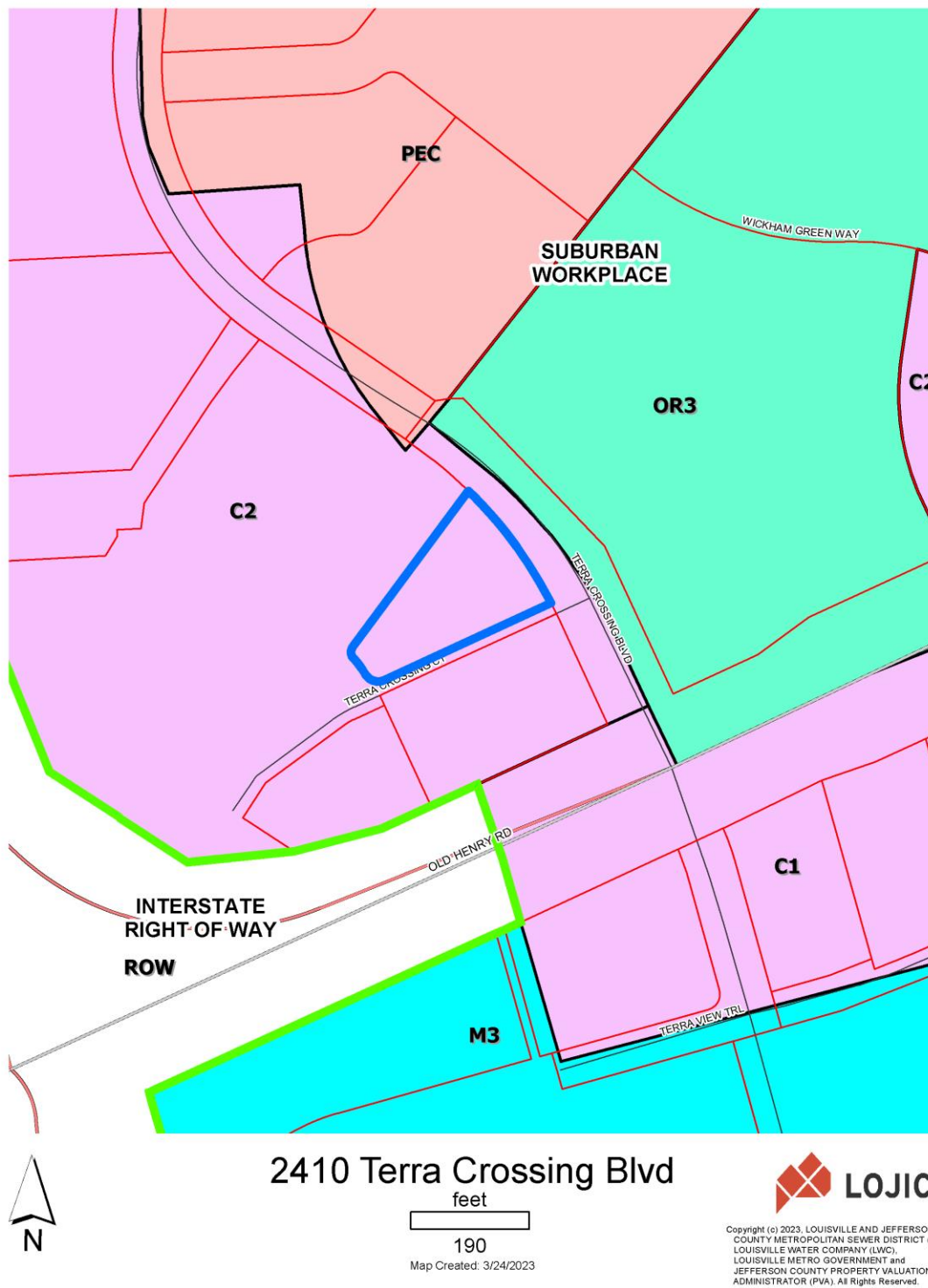
NOTIFICATION

Date	Purpose of Notice	Recipients
03/17/2023	Hearing Before DRC	1 st Tier Adjoining Property Owners and Current Residents Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



2410 Terra Crossing Blvd

feet



190

Map Created: 3/24/2023



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
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JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

3. Existing Binding Elements

BINDING ELEMENTS Applicable to Restaurants 1, 2 & 3 as Shown on the Plan

CASE NO. 9419 & 12277

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 (excluding clearing, grading, roads, utilities, basins and other infrastructure development) 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 may be subject to additional binding elements.
Modified by the DRC on March 4, 2009 under Case # 12277
- ~~3. The square footage of the development shall not exceed 21,000 square feet of restaurant space.~~
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 permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - 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.
7. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
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 in accordance with the procedures outlined in the Design Guidelines & Development Pattern Book for Claiborne Crossings (9-01-07) as presented at the July 19, 2007 public hearing before the Planning Commission.
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 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.
11. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. When a detailed development plan is filed for any of the lots shown on this general plan, developer shall make application for closure of Old Henry Farm Court as shown on the approved general development plan.
13. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Detailed Development/Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
- 14.. Prior to full construction plan approval by Metro Public Works (MPW) for tracts associated with case number 9419, and lots 1-8 (excluding Office Buildings 3, 4, & 5) of the Claibourne Crossing development (9-1-07) up to 65% of total AM and PM peak hour trips anticipated by QK4 June 2007 Traffic Impact Study, as amended March 2008 (QK4 TIS), developer shall construct Old Henry Rd. and Terra Crossings Blvd. Road improvements as shown on the approved traffic study schematic plans.

These improvements will also include funding to signalize the intersection of the Terra Crossings Boulevard/Old Henry Road, with the timing of signal installation to be determined by the Kentucky Transportation Cabinet (KTC); the KTC will provide the signal equipment and developer shall be responsible for signal installation.
15. Development of tracts associated with case #9419 and Lots 1-8 (excluding Office Buildings 3, 4, & 5) of Claiborne Crossings (9-1-07) that represents up to 75% of total AM and PM peak hour trips anticipated by QK4 TIS (as amended March, 2008), shall require the completion of cross-access with Old Henry Crossings Lot 1 development to Old Henry Rd.

16. Updated trip generations, or additional analysis if warranted by change in development character, shall be required per MPW requirements prior to each Detailed Development Plan Approval. The Planning Commission may withhold approval of the revised plan if such analysis reveals an unacceptable level of trip generation with inadequate mitigation by the developer.
17. All facades visible from the public right-of-way in the C-2-zoned portions of the property shall be clad in brick, stone, stucco or glass, or a combination thereof.

CASE NO. 12277

Commissioner Storm moved to **AMEND** binding element number 2 **ON CONDITION** that a landscape plan is approved by Planning and Design staff prior to any clearing of the Gene Snyder buffer area, and **ON CONDITION** that at least 36 additional shrubs over and above the required shrubs are provided in the Gene Snyder buffer area, and 18 additional trees, either dogwood, red buds or equivalent type trees are provided in the Gene Snyder buffer area; based on the staff report, information provided by the applicant and the evidence and testimony provided today. Commissioner Tomes seconded the motion. Motion carried unanimously.

RESOLVED, that the Development Review Committee does hereby **APPROVE** the amendment to binding element number 2

CASE NO. 12710

Commissioner Carlson moved to **GRANT** the landscape waiver of section 10.3.7, to reduce the 50 foot Gene Snyder Buffer Area to 30 feet as shown on the General Plan and the specific area of the waiver is shown on the plan

Binding Elements Applicable to Restaurants 4 & 5 as Shown on the Plan

CASE NO. 11883

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 but excludes roads, utilities, basins and other infrastructure development) 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 may be subject to additional binding elements.
3. ~~The square footage of the development shall not exceed 35,811 square feet of restaurant and patio area space.~~
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 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - 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.
7. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
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 in accordance with the procedures outlined in the Design Guidelines & Development Pattern Book for Claibourne Crossings (9-01-07) as presented at the July 19, 2007 public hearing before the Planning Commission.
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 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.
11. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
12. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Detailed

Development/Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

13. Prior to full construction plan approval by Metro Public Works (MPW) for tracts associated with case number 9419, and lots 1-8 (excluding Office Buildings 3, 4, & 5) of the Claibourne Crossings development (9-1-07) up to 65% of total AM and PM peak hour trips anticipated by QK4 June 2007 Traffic Impact Study, as amended March 2008 (QK4 TIS), developer shall construct Old Henry Rd. and Terra Crossings Blvd. Road improvements as shown on the approved traffic study schematic plans.

These improvements will also include funding to signalize the intersection of the Terra Crossings Boulevard/Old Henry Road, with the timing of signal installation to be determined by the Kentucky Transportation Cabinet (KTC); the KTC will provide the signal equipment and developer shall be responsible for signal installation.

14. Development of tracts associated with case #9419 and Lots 1-8 (excluding Office Buildings 3, 4, & 5) of Claibourne Crossings (9-1-07) that represents up to 75% of total AM and PM peak hour trips anticipated by QK4 TIS (as amended March, 2008), shall require the completion of cross-access with Old Henry Crossings Lot 1 development to Old Henry Rd.
15. Updated trip generations, or additional analysis if warranted by change in development character, shall be required per MPW requirements prior to each Detailed Development Plan Approval. The Planning Commission may withhold approval of the revised plan if such analysis reveals an unacceptable level of trip generation with inadequate mitigation by the developer.
16. All facades visible from the public right-of-way in the C-2-zoned portions of the property shall be clad in brick, stone, stucco or glass, or a combination thereof.
17. The exact location of the dumpsters shall be determined at the time of review and approval of the Detailed District Development Plan for each lot. Dumpsters shall not be located immediately adjacent to the property perimeter or the rights-of-ways or perimeter parkway buffer associated with Old Henry Road unless (a) enclosed with same building materials as for the main structure or by an extension of the building façade and (b) the access gates are oriented to the interior of the development site.
18. An automatic irrigation system shall be provided in the buffer areas adjacent to the Gene Snyder Freeway Ramp and Old Henry Road.
19. Freestanding signs located adjacent to the Old Henry Road right of way shall be limited to six (6) feet in height.
20. The following uses otherwise permitted in Commercial District C-2 shall be prohibited:
 - Auction sales, items transported to site of auction
 - Automobile repair garages
 - Bingo halls and parlors
 - Boat sales and related storage
 - Bookbinding
 - Cleaning, pressing, and dyeing establishments using non-flammable and

non-explosive cleaning fluid

- Flea Market
- Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business
- Indoor paint ball ranges
- Monument sales
- Plasma, blood collection centers, for profit
- Public transportation passenger terminals
- Rubber stamp manufacturing, where products are sold on premises
- Tattoo, body art, and piercing parlors
- Tourist homes
- Uses located totally within the caverns developed under a Conditional Use Permit for Underground Space shall be considered to meet the requirement of confinement within a building
- Auto Sales– new and used / automobile rental agencies
- Contractor's shop indoors-building, electrical, HVAC, landscape, plumbing

21. The applicant shall comply with the parkway buffer standards along Old Henry Road and shall work with the Division of Planning and Design Services staff to enhance the landscaping within the buffer in a manner similar to the landscaping being provided within the Old Henry Road parkway buffer area on the 4 acre site immediately to the south as shown on the RDDDP/Waiver plan dated May 18, 2009 in Case No. 9419 so as to provide a coordinated buffer for both sites along Old Henry Road. Any change to the language of this binding element shall require the approval of the Metro Council.

4. Proposed Binding Elements

All Binding Elements from the Approved General Development Plan(s) 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 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. 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, 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a certificate of occupancy. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 29, 2023 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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.