

Development Review Committee

Staff Report

January 18, 2023



Case No:	22-DDP-0103
Project Name:	10421 Taylorsville Road
Location:	10421 Taylorsville Road
Owner(s):	Stock Yards Bank & Trust
Applicant:	Stock Yards Bank & Trust
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

- Parking Waiver of section 9.1.3 of the Jeffersontown Land Development Code
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND

The applicant is proposing 7 additional parking space in addition to the 5 parking spaces that already exist on the site. In 2003 a change in zoning from R-4 to CN was approved for a drive through only bank under case number 9-45-03. A variance was approved under the same case number to allow a sign to encroach into the front setback. In 2019 a revised detailed district development plan was approved under case number 19DEVPLAN1083 to provide for additional parking and remove binding elements #2 and #3, which would only permit a drive through only bank.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and the requirements of the Land Development Code. The Committee should further discuss whether the parking study provided is enough to justify the need for additional parking. There are currently 5 parking spaces on the site with one space being an ADA parking space. All employees working at the bank park in these 5 spaces. The parking study provided by the applicant indicates that 4 parking spaces were occupied during the time of the study (Monday -Friday, 9am-4pm week of September 26, 2022).

TECHNICAL REVIEW

Land Development Code (2006) Jeffersontown

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments for this case.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING INCREASE WAIVER

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking.

There is no on-street parking permitted available near this site and there is not a connection to the adjacent business. The single-family residential in the area also does not allow for nearby on-street parking.

- (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; and

STAFF: 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 because they have proposed to provide 7 additional parking spaces that meet all requirements of the Land Development Code without requiring additional waivers or variances.

- (c) The requirements found in Table 9.1.2 do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use; and

STAFF: The maximum number of parking spaces are currently provided on the site. The applicant provided photos and information that did not illustrate the need for additional parking spaces.

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

STAFF: The parking study provided by the applicant did not illustrate the need for additional parking spaces on the site.

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.

- 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 and the Kentucky Transportation Cabinet have approved the preliminary development 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. 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:

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Parking Waiver**
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Revised Detailed District Development Plan**

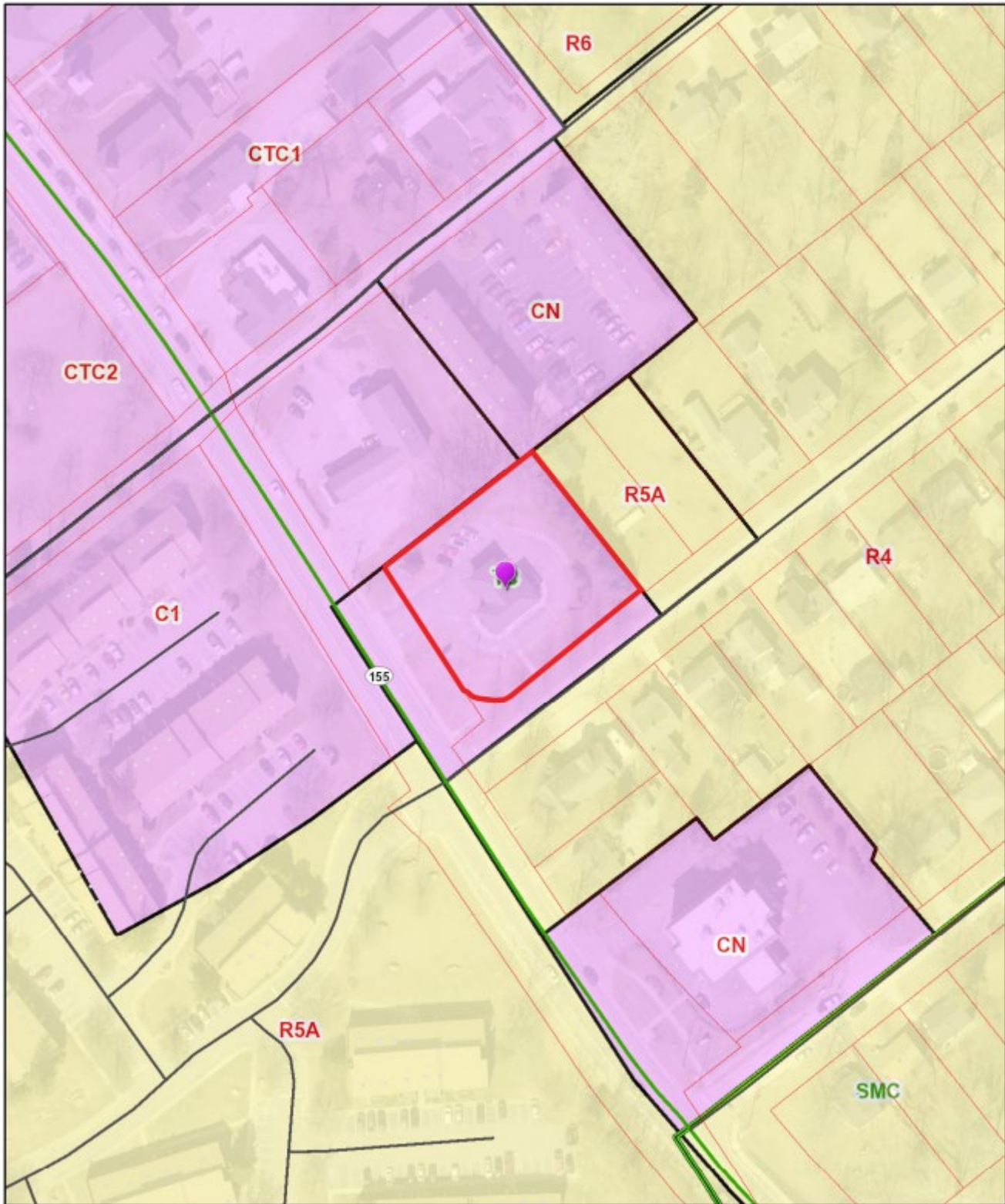
NOTIFICATION

Date	Purpose of Notice	Recipients
01/06/23	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 20

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



4. Existing 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. Any Changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Fairview Avenue. Access to the site shall be made from the new curb-cut as shown on the development plan.
3. All signage on the site shall meet the requirements of the City of Jeffersontown Sign Ordinance.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter. Freestanding light fixtures shall be bollard style fixtures only, not to exceed four feet in height.
7. 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.
8. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The owner/developer shall identify and submit for approval by designated DPDS staff, a plan showing the location of the Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e. clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
9. 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 Jeffersontown Department Public Works and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Taylorsville Road and Fairview Avenue to provide a total of 65/30 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

- d. 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.
 - e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after the receipt of said instrument.
10. 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 other than a drive-thru bank unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of Jeffersonton.
 11. 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.
 12. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
 13. 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. 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.
 14. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
 15. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
 16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 2, 2003 Planning Commission meeting.
 17. 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.
 18. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.