

Development Review Committee

Staff Report

March 29, 2023



Case No:	22-DDP-0144
Project Name:	Landis Lakes Outlot
Location:	101 South English Station Road
Owner(s):	Ronald Tritschler
Applicant:	Ronald Tritschler
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	John Michael Lawler, Planner I

REQUEST(S)

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND

The applicant is proposing a 4,400 square foot development that will feature a drive-through coffee shop with additional retail space. The current lot is primarily covered with parking, with an access point to South English Station Road to the West, which serves several other lots in the development. The grassy area, centrally located on the site, will be the only part of the site that is changed. All parking and drive aisles already present on the site will remain as-is, with access for the drive-through coming off the drive lane to the South. Additional parking will be provided behind the proposed structure to the East. A Variance is being requested that would allow the proposed structure to exceed the maximum front yard set back, as established by infill regulations. The existing structures to either side of this development are set back 100 to 105 feet from the right-of-way. The applicant has requested their building be set back 175 feet from the right-of-way, a Variance of 70 feet. This Variance request will be heard at the March 27, 2023 meeting of the Board of Zoning Adjustments (BOZA). The site is part of the Landis Lakes Village rezoning that was approved under Docket # 9-20-01.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and the requirements of the Land Development Code.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

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 has 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:

- **APPROVED** or **DENY** the **Detailed District Development Plan**

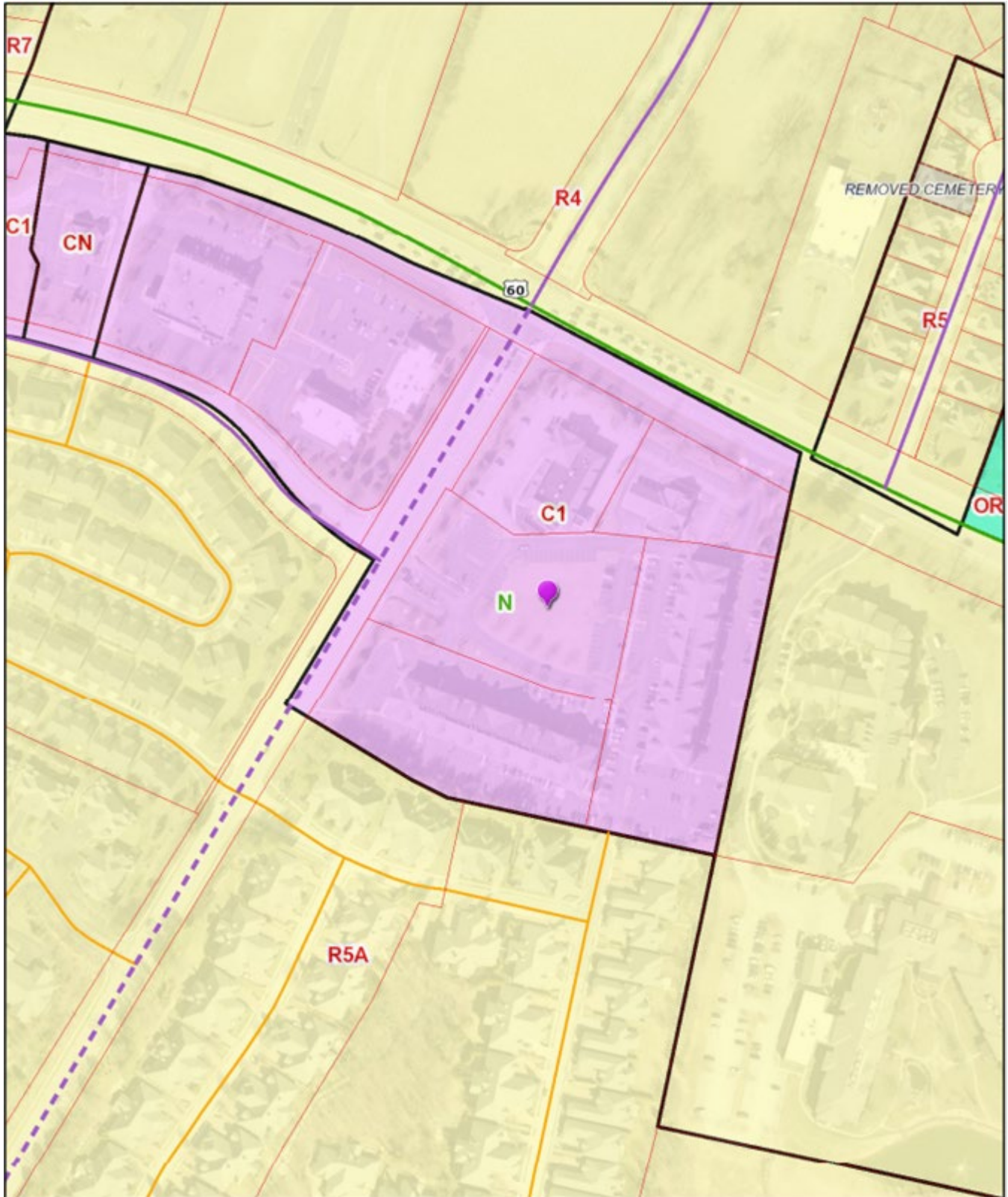
NOTIFICATION

Date	Purpose of Notice	Recipients
3/17/2023	Hearing Before DRC on 3/29/2023	1 st Tier Adjoining Property Owners and Current Residents Speakers at Planning Commission Public Hearing Registered Neighborhood Groups in Council District 11

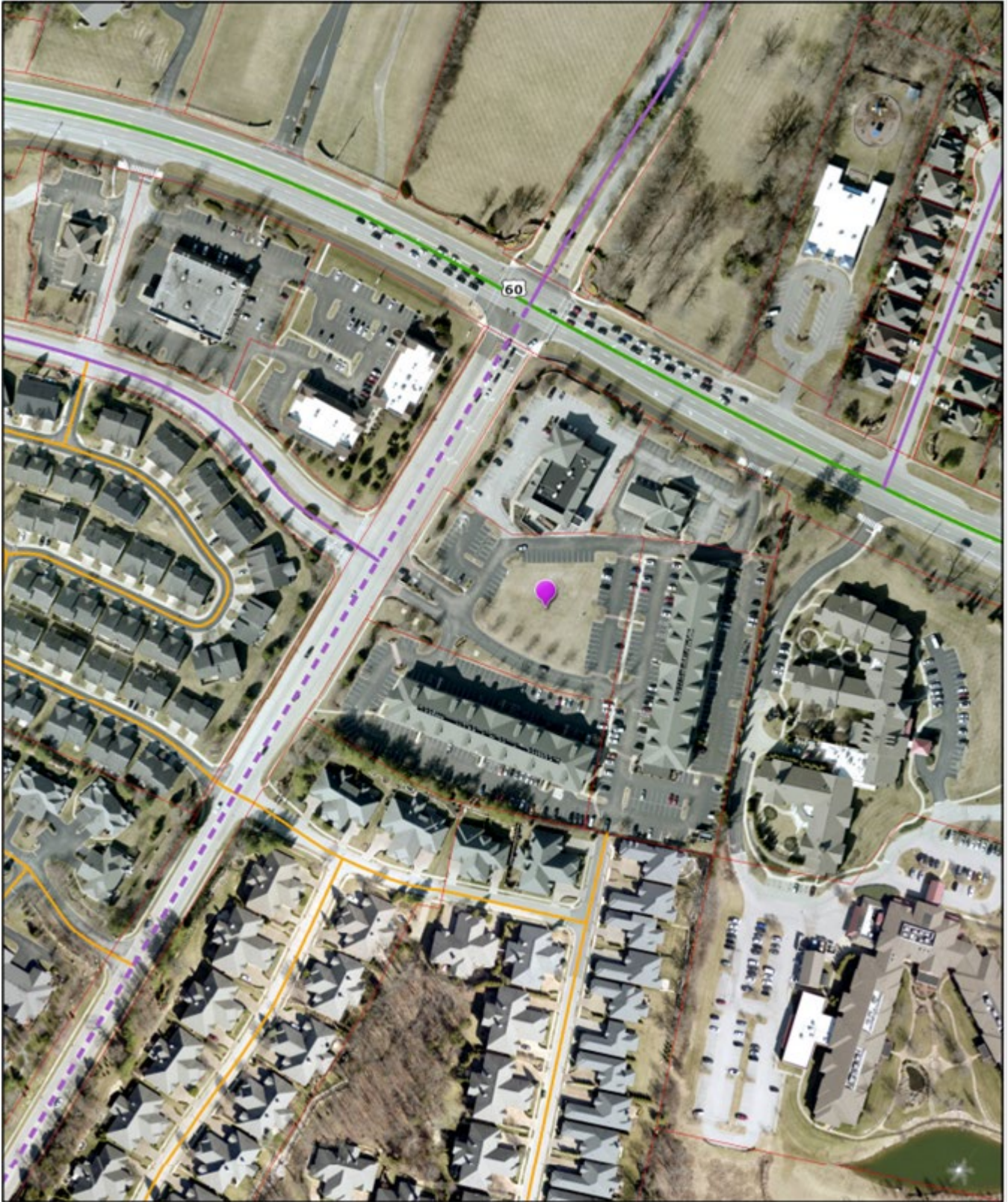
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with Proposed Changes

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, alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid. Alternative land uses allowable in the established zoning district may be allowed so long as there is no additional construction or development.
- ~~2. There shall be no more than 23,000 square feet medical office or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless the applicant, property owner, or developer provides documentation for the DPDS file that parking can meet the requirement of the proposed use.~~
- ~~3. The development shall not exceed 110,907 square feet of gross floor area. Including no more than 43,680 ~~47,000~~ square feet of gross office floor area.~~
4. The only permitted freestanding signs shall be monument style signs, located as shown on the approved development plan or sign plan. The monument sign on S. English Station Road shall not exceed 100 square feet in area per side and 12 feet in height and the sign on Shelbyville Road shall not exceed 74 square feet in area and 8.5 feet in height. The proposed wall sign on S. English Station Road shall not exceed 91 square feet in area and 17.9 feet in height atop the existing ornamental lighting fixture on the wall. No sign shall have more than two sides.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site except that Lot 5 may contain up to 23,800 square feet of outdoor sales and display area (including associated outdoor storage) for a period not to exceed two (2) years from the date the interim development plan is approved.
7. Outdoor lighting 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 .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.
8. 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.
9. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of 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.
10. 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan/dedicating additional right-of-way to S. English Station Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Development 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 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
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 that is 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. 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.
 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 site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.
 16. The property owner shall provide a cross over access easement if the property to the east is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
 17. The dumpster shall not be emptied between the hours of midnight and 6 a.m.
 18. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 31st, 2001 Planning Commission meeting.
 19. The following uses shall not be permitted: audio and video recording studios, automobile rental agencies, adult entertainment, massage parlors, automobile service stations, automobile garages, beer depots (however, liquor stores are permitted), boarding and lodging houses, bowling alleys, car washes, department stores, extended stay lodging, funeral homes, hotels and motels, nursing homes, tattoo shops, and towers (cellular, television or radio).
 - ~~20. The interim development plan shall be in place for Lot 5 until the earlier of two years from the date of approval or the commencement of construction of the previously approved 7,000 square foot retail/restaurant with a 2,000 1,350 square foot outdoor dining/patio area by the Development Review Committee on December 2, 2009.~~