

Development Review Committee

Staff Report

January 04, 2023



Case No:	22-DDP-0099
Project Name:	Scooter's Coffee
Location:	10515 Taylorsville Road
Owner(s):	DVSJ Holdings, LLC
Applicant:	DVSJ Holdings, LLC
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Clara Schweiger, Planner I

REQUEST(S)

- Revised Detailed District Development Plan.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 664 square foot drive through only coffee shop on 1.98 acres in the CN (Neighborhood Commercial) zoning district and SMC (Suburban Marketplace Corridor) form district. The site is proposed to be subdivided into two lots with the proposed coffee shop on Lot 1 and Lot 2 being reserved for future development. In 2018 a change in zoning from R-4 to C-N to allow for a pharmacy/retail store was approved under case number 17ZONE1057. A variance and a waiver were approved under the same case number.

STAFF FINDING

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

TECHNICAL REVIEW

Land Development Code (2006) Jeffersontown

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments for this case.

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. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- 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 **Revised Detailed District Development Plan**

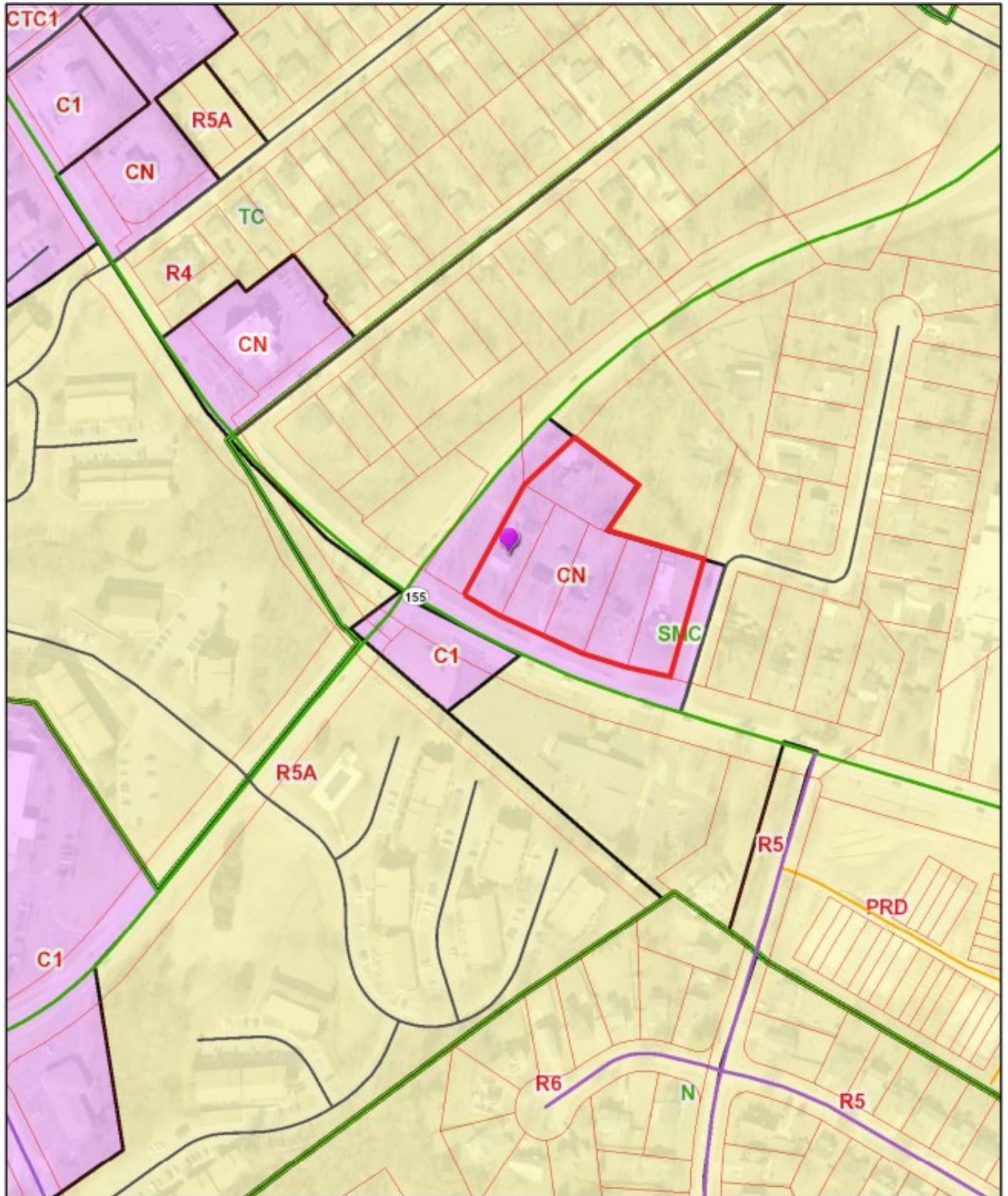
NOTIFICATION

Date	Purpose of Notice	Recipients
12/23/2022	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



3. Existing Binding Elements

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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The size and location of any proposed freestanding sign(s) must be in compliance with the City of Jeffersontown Sign Ordinance.
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 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.
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 the City of Jeffersontown and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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.
 - d. 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 receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for the site disturbance.
5. 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 or City of Jeffersontown.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 to the property shall at all time 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. Prior to obtaining a certificate of occupancy for the development, the applicant shall have: (i) installed the landscaping as shown on the Enhanced Landscape Buffer Exhibit presented at the January 4, 2018 Planning Commission public hearing with the Serbian Spruce and Green Giant Arborvitae shown thereon being a minimum height of 8-10 feet tall at time of installation; and (ii) installed the 9 foot wood privacy fence as shown on the Enhanced Landscape Plan.

9. The hours of operation are limited to 7 a.m. to 11 p.m. for all 7 days a week, excluding the drive thru pharmacy which can be open 24 hours (provided the store is closed between 11 p.m. and 7 a.m. with only the drive thru open).
10. In addition to the Land Development Code lighting requirements, half of the lights on the property shall be turned off after normal store hours from 11 p.m. to 7a.m.
11. There shall be no signage on the Candlewood Way (East) side of the building other than a directional sign for the drive thru.
12. The applicant shall install trash cans along Taylorsville Road and Ruckriegel Parkway (working with the City of Jeffersontown as to the style and design).
13. Prior to obtaining a building permit, the applicant shall obtain approval from the Planning Commission and City of Jeffersontown for the proposed building elevations and renderings.