

Planning Commission

Staff Report

March 20, 2014



Case No:	13DEVPLAN1128
Request:	Revised Detailed District Development Plan and Amendment to Binding Elements for a proposed McDonald's Restaurant
Project Name:	McDonald's
Location:	3420 Indian Lake Dr. and 10600 Westport Rd.
Owner:	Indian Springs, LLC
Applicant:	CHOP Partners II, LLC
Representative:	Bardenwerper, Talbott & Roberts
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	David B. Wagner – Planner II

REQUEST

- Revised Detailed District Development Plan
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is a joint proposal that goes along with a Variance (#14VARIANCE1011) which was heard by the Board of Zoning Adjustment on March 17, 2014. The proposal is for Lot 1 of the non-residential lots in front of Indian Springs Subdivision along Westport Rd. A 5,258 SF McDonald's is proposed in place of the previously approved retail use. Binding Elements that were approved under the Aldi re-zoning case required the plan, binding elements, and building elevation for this site to be approved by the Planning Commission in a public hearing instead of the Development Review Committee. The McDonald's will include a dual drive-thru lane along the north, east, and south side of the building. A drive will connect to the Aldi's lot to the east and complete the frontage drive that parallels Westport Road. A 25' LBA will be provided along the south and west property lines and a cross-over agreement will be recorded between the two lots. The variance proposed is to allow the restaurant to setback further than is required due to the drive-thru and driving aisle additions.

Existing Zoning District: C-1
Proposed Zoning District: N/A
Existing Form District: Neighborhood
Existing Use: Golf Course
Proposed Use: Drive-thru Restaurant
Minimum Parking Spaces Required: 42
Maximum Parking Spaces Allowed: 105
Parking Spaces Proposed: 45
Plan Certain Docket #: 14627

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Golf Course	C-1	N
Proposed	Drive –Thru Restaurant	N/A	N/A
Surrounding Properties			
North	Restaurant/Retail	C-2	RC
South	Golf Course	R-4	N
East	Vacant (future Aldi's)	C-1	N
West	Vacant	R-6	N

PREVIOUS CASES ON SITE

- Docket 9-74-92/10-42-92: Re-Zoning from R-4 and R-7 to R-4, R-6, & R-7, General District Development Plan, and Preliminary Major Subdivision to create the Indian Springs Golf Community
- Case 12393: Pre-Application to re-zone the site from R-4 to C-2 expired
- Case 14627: Re-Zoning from R-4 to C-1, Variances, Revised General/Preliminary Major Subdivision, and Detailed District Development Plan to allow a grocery store and retail development
- Case 13DEVPLAN1064: Revised Detailed District Development Plan to revise the entrance on Indian Lake Drive to correspond with the proposed hotel entrance across the street

INTERESTED PARTY COMMENTS

- Staff received an inquiry from Diane Gibson, an Indian Springs resident according to her email. Staff answered her general questions about the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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: Little Goose Creek is to the west of the property but the 100' stream buffer only crosses the property at the corners of the west side lot line. The required tree canopy coverage and landscaping will be provided 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 around the development has been provided by cross-over agreement with Aldi's and Westport Road. The applicant has provided a connection between the building and the public sidewalk along Westport Road, yet PDS and Transportation staff would prefer a better pedestrian connection from the parking

spaces that parallel Westport Road to the building. Metro Public Works has approved the preliminary development plan but would like to discuss pedestrian connectivity.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open Space is not required for this 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 provisions 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. Landscaping will be provided to screen adjacent properties and roadways.

- 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 appears to conform to the intent of guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

- This plan complies with the regulations within the Land Development Code. However, the Planning Commission should discuss the pedestrian connectivity from Westport Road.

STAFF CONCLUSIONS

The proposal allows for a drive-thru restaurant on a minor arterial level street close to an interstate interchange that lies across from a large commercial development. The location of all structures, parking, and landscaping on site and the building design meet all regulations.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Planning Commission must **APPROVE** or **DENY** the proposal for a Revised Detailed District Development Plan and Amendment to Binding Elements.

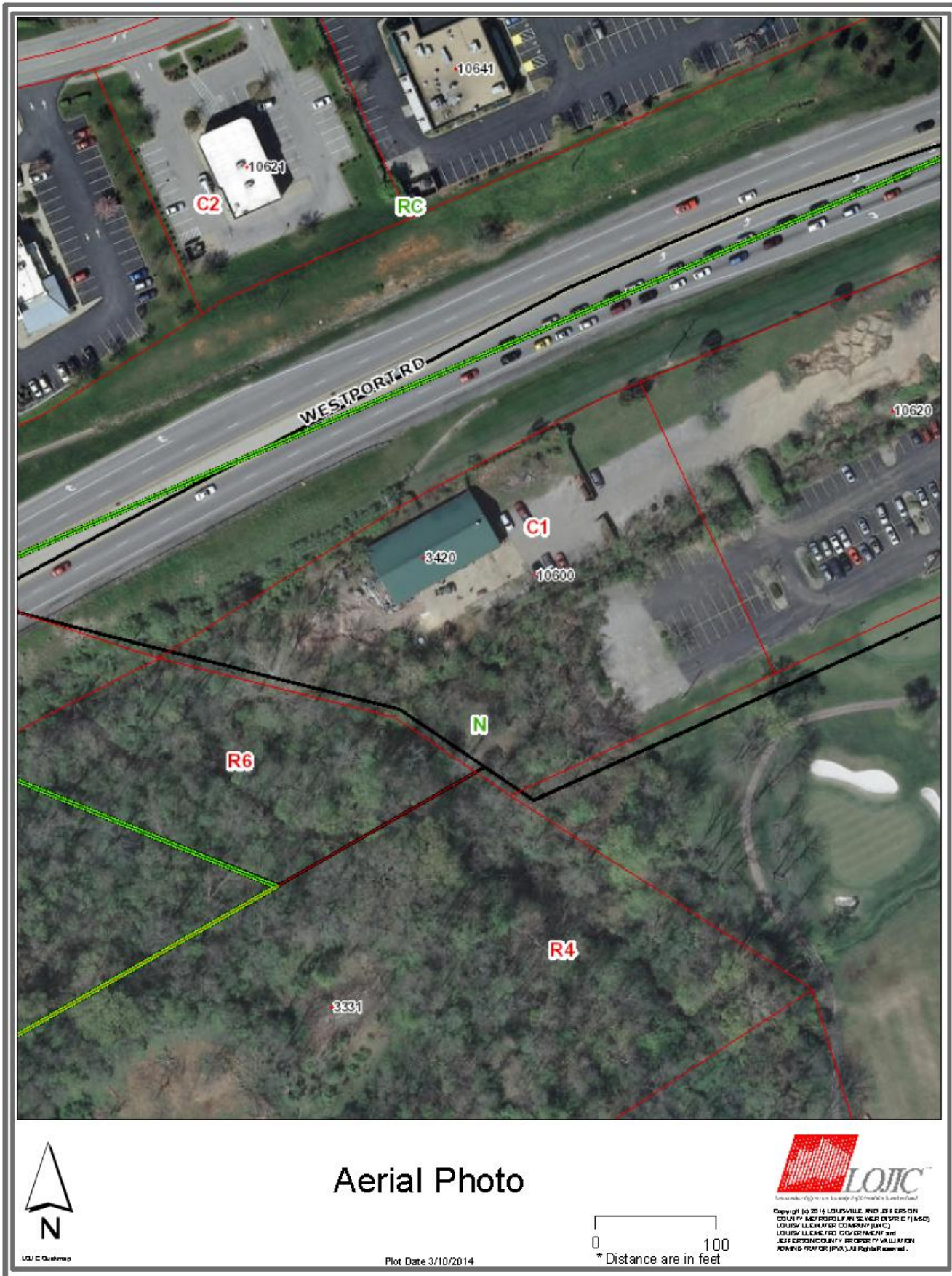
NOTIFICATION

Date	Purpose of Notice	Recipients
03/06/14	Hearing before PC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 17 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements from Case #13DEVPLAN1064
4. Proposed Binding Elements for McDonald's Site Only

2. Aerial Photograph



3. Existing Binding Elements from Case #13DEVPLAN1064

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. The development shall not exceed **25,583** square feet of gross floor area, including **9,775** square feet of gross floor area on Lot 1 and **15,808** square feet of gross floor area on Lot 2.
3. Signs shall be in accordance with Chapter 8 – business signs per lot with dimensions of (**80** square feet in area and **10** feet in height) are permitted.
4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
5. 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 *Louisville Metro Department of Inspections, Permits and Licenses, 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 building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A reciprocal access and crossover easement agreement in a form acceptable to Planning Commission legal counsel shall be secured from the adjoining property owner and recorded prior to construction approval. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - d. A minor subdivision plat shall be recorded creating the lot-lines as shown on the development plan. 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.
 - e. A contribution of \$46,000 shall be made to the Frey's Hill/Westport Road intersection improvement project at the time of its funding for construction. The contribution shall be paid within 60 days of request by Director of Metro Public Works or the Kentucky Transportation Cabinet.
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 materials and design of existing/proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the **January 31, 2012** Planning Commission public hearing.
8. The following uses shall be prohibited:
 - a. dry cleaning establishment, provided, the foregoing restriction shall not include an establishment for dry cleaning drop-off and pick-up only, with no cleaning services being performed at the subject property;
 - b. a pet store;
 - c. auto repair shop;
 - d. gasoline station;

- e. adult book store;
- f. bingo parlor;
- g. a school, academy or learning center having more than twenty students at any one time;
- h. a video game parlor or amusement arcade;
- i. a business which would emit or produce noxious fumes or gases or loud noises;
- j. a mortuary;
- k. an establishment selling or exhibiting pornographic materials;
- l. a nightclub, discotheque or dance hall;
- m. a lot for the sale of used motor vehicles;
- n. a pool or billiard hall (unless operated as part of a large scale family recreation or entertainment facility);
- o. a use or operation which is generally considered to be an environmental risk to any portion of the Property or surrounding properties;
- p. a store dedicated to the sale of tobacco products;
- q. Automobile rental agencies
- r. Boarding and lodging houses
- s. Bowling alleys
- t. Car washes
- u. Extended stay lodging
- v. Funeral homes
- w. Hotels and motels
- x. Retail nurseries
- y. Pawn shop
- z. Tents, air structures and other temporary structures
- aa. Establishments holding a retail malt beverage license, but that do not allow consumption on the premises;

- 9. Hours of operation for Lot 2 shall be limited to 9 AM to 9 PM.
- 10. All exterior lighting shall comply with the lighting provisions as outlined in the Land Development Code.
- 11. No trash pick-up, exterior construction, deliveries, loading or parking lot cleaning (except ice or snow removal) shall occur between 10 PM and 7 AM.
- 12. No storage shall be allowed on exterior of site on ground or in containers after construction has been completed.
- 13. No trucks or delivery vehicles shall be parked overnight on the site after construction has been completed.
- 14. No truck or delivery access shall be allowed to or from Indian Lake Drive.
- 15. No signage shall be allowed at the Indian Lake Drive intersection.
- 16. No lighted attached signage shall be allowed on the south elevations of any building.
- 17. The existing four-board fence and the stone entrance walls along Indian Lake Drive and Westport Road shall be preserved.
- 18. The mature trees and vegetation at the southwest corner of Westport Road and Indian Lake Drive shall be preserved.
- 19. No construction traffic shall be allowed to use Indian Lake Drive.

20. The applicant will prepare a detailed development plan and building elevation for Lot 1 for review and approval by the Planning Commission prior to issuance of a building permit.
21. No future changes to the Binding Elements shall occur without a Public Hearing before the Louisville Metro Planning Commission.
22. The final location of the golf cart crossing south of the access drive on Indian Lake Drive shall be subject to the approval of Metro Public Works and the local Fire Department. Signage and/or other traffic control devices (except flashing lights) shall be installed per the requirements of Metro Public Works, which shall receive input from the Indian Springs Community Association prior to construction approval.

4. **Proposed Binding Elements for McDonald's Site Only**

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.
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