

Development Review Committee

Staff Report

Date: May 11th, 2022



Case No:	22-DDP-0002
Project Name:	Derby City Motorcycle Museum
Location:	10203 & 10205 Taylorsville Road
Owner(s):	DLW Holdings, LLC
Applicant:	Land Design and Development, INC
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Waivers:
 1. Waiver from section 5.9.2.C.4 of the Jeffersontown Land Development Code to allow traffic circulation or parking in front of principal buildings.
- Revised Detailed District Development plan with proposed binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposed to reuse the two existing buildings along Taylorsville Road for a coffee shop with a drive thru and an existing dental office. The applicant is also proposing to construct a 1 story 9,306 SF Motorcycle Museum with an existing 2,400 SF automotive repair building attached. A large portion of the property was rezoned under case number 09-12-82 from C-N to C-2 (Now CTC2 under the Jeffersontown Code)

STAFF FINDING

The Revised Detailed District Development Plan and waiver request are adequately justified and meet the standard of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant is proposing a reuse of the existing buildings and keeping the existing access.

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

STAFF: The waiver will not violate Plan 2040

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extend of the waiver of the regulation is the minimum necessary to afford relief to the applicant since they are proposing to reuse the existing buildings and have limited options on access.

- (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 because the applicant is proposing to keep and maintain the existing buildings on the site which gives the applicant limited options on access.

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 APPROVAL** or **DENIAL** of the **WAIVER** from section 5.9.2.C.4 of the Jeffersontown Land Development Code to allow traffic circulation or parking in front of principal buildings, to the City of Jeffersontown
- **RECOMMEND APPROVAL** or **DENIAL** the **Revised Detailed District Development Plan** to the City of Jeffersontown.

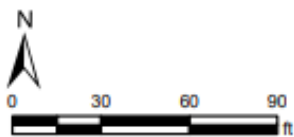
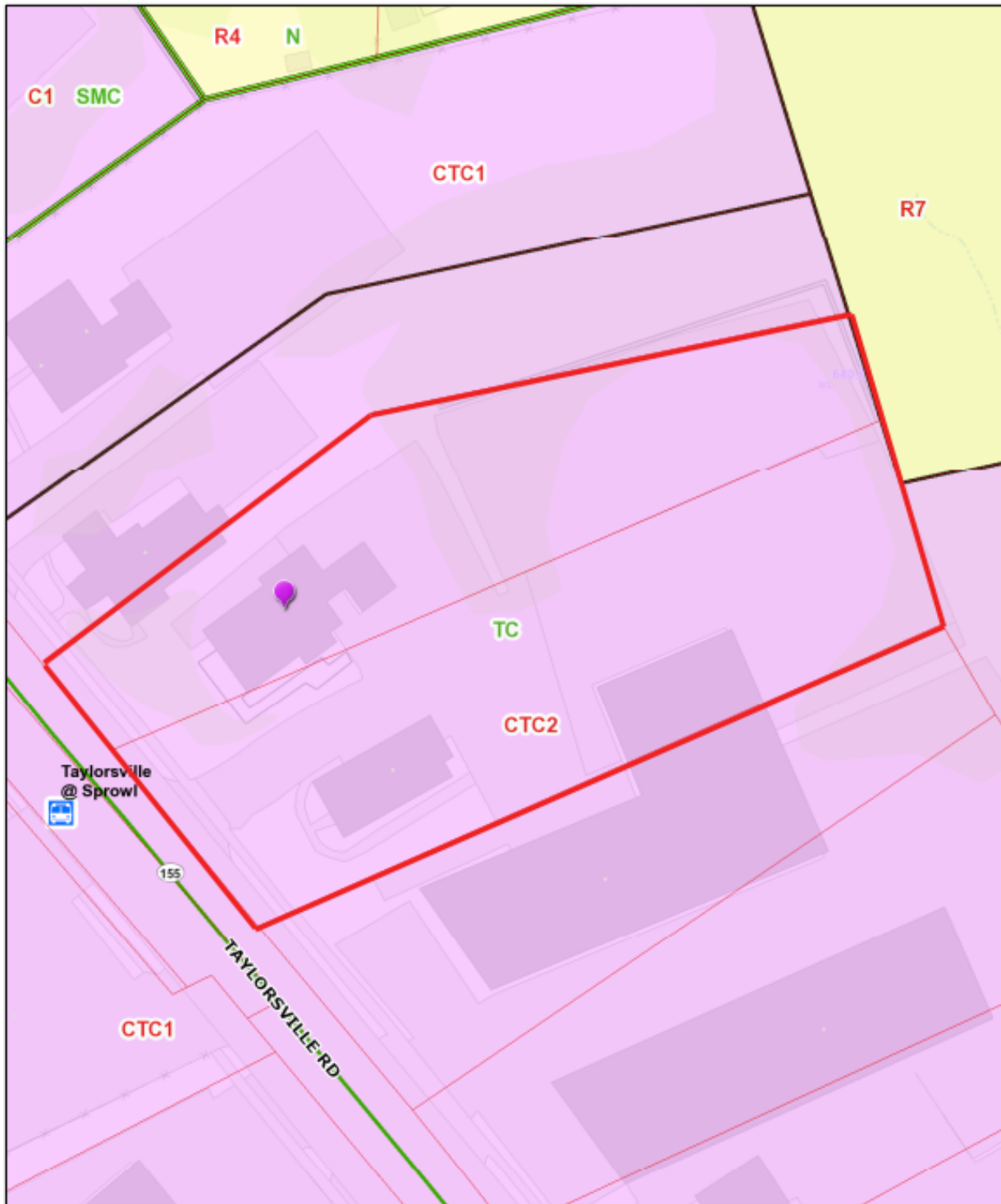
NOTIFICATION

Date	Purpose of Notice	Recipients
4/28/22	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 11

ATTACHMENTS

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

1. Zoning Map



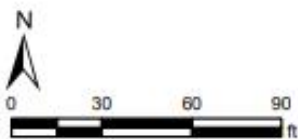
Wednesday, May 4, 2022 | 5:28:32 PM



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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



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3. Existing Binding Elements To Be Removed

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur.~~
- ~~2. Before a certificate of occupancy is issued:~~
 - ~~a. The development plan must be reapproved by the Traffic Engineering, Water Management and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.~~
 - ~~b. Encroachment permits must be received from the Kentucky Department of Transportation Bureau of Highways prior to issuance of any building permit. Reconstruction of the east drive will be according to standard of the Bureau of Highways.~~
- ~~3. There will be no advertising signs on the premises.~~
- ~~4. A certificate of occupancy must be obtained within one year of the date of approval of the plan or rezoning whichever is later or else the property may not be used in any manner.~~
- ~~5. These binding elements may be amended as provided in the zoning regulations.~~

4. Proposed 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. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
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. 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 City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
 - b. Encroachment permit must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. Renderings shall be substantially similar to the renderings presented at the May 11th, 2022 Development Review Committee. A copy of the approved rendering shall be

available in the case file on record in the offices of the Louisville Metro Planning Commission.

7. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a building permit is not issued within two years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of Jeffersontown.
9. 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 and City of Jeffersontown.
10. 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.
11. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.