

Development Review Committee
Staff Report
May 22, 2019



Case No:	19DEVPLAN1083
Project Name:	Stock Yards Bank
Location:	10421 Taylorsville Rd
Owner(s):	Stock Yards Bank
Applicant:	James King, King Southern Bank
Jurisdiction:	Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Revised Detailed District Development Plan and Binding Element Modification**

CASE SUMMARY/BACKGROUND

The subject site is zoned C-N Neighborhood Commercial in the Town Center form district. It is located in the northern quadrant of the intersection of Taylorsville Road and Fairview Avenue. The subject site is currently a drive-thru only bank. The applicant is proposing to add additional parking for customers, and is requesting the removal of Binding Element #2 which restricts the use to a drive-thru banking branch facility only. Staff also recommends the removal of Binding Element #3 which refers to square footage of the drive-thru bank.

Previous cases:

- 9-45-03V: Change in zoning from R-4 Single Family Residential to C-N Neighborhood Commercial with a variance for a proposed sign to encroach into the required front yard. According to the Planning Commission minutes, the only discussion of the drive-thru feature pertained to how it would complement the existing banking operation which King Southern Bank had recently opened near the subject site on Taylorsville Road. The proposal to add the drive-thru to the new bank on the subject site was meant to accommodate the modern day convenience of drive-thru banking services.

STAFF FINDINGS

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

Staff recommends removal of Binding Elements #2 and #3:

2. Use of the subject site shall be limited to drive-thru banking branch facility only. There shall be no other use of the property unless prior approval is obtained from the Planning Commission and the City of Jeffersontown. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning

Commission/LD&T Committee may require a public hearing on the request to amend this binding element.

3. The development shall not exceed 1,000 square feet of gross floor area of a drive-thru bank.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND BINDING ELEMENT AMENDMENTS

- (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 are 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. KYTC has provided preliminary approval with standard conditions.

- (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 Plan 2040 and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**
- **APPROVE** or **DENY** the **Binding Element Amendments**

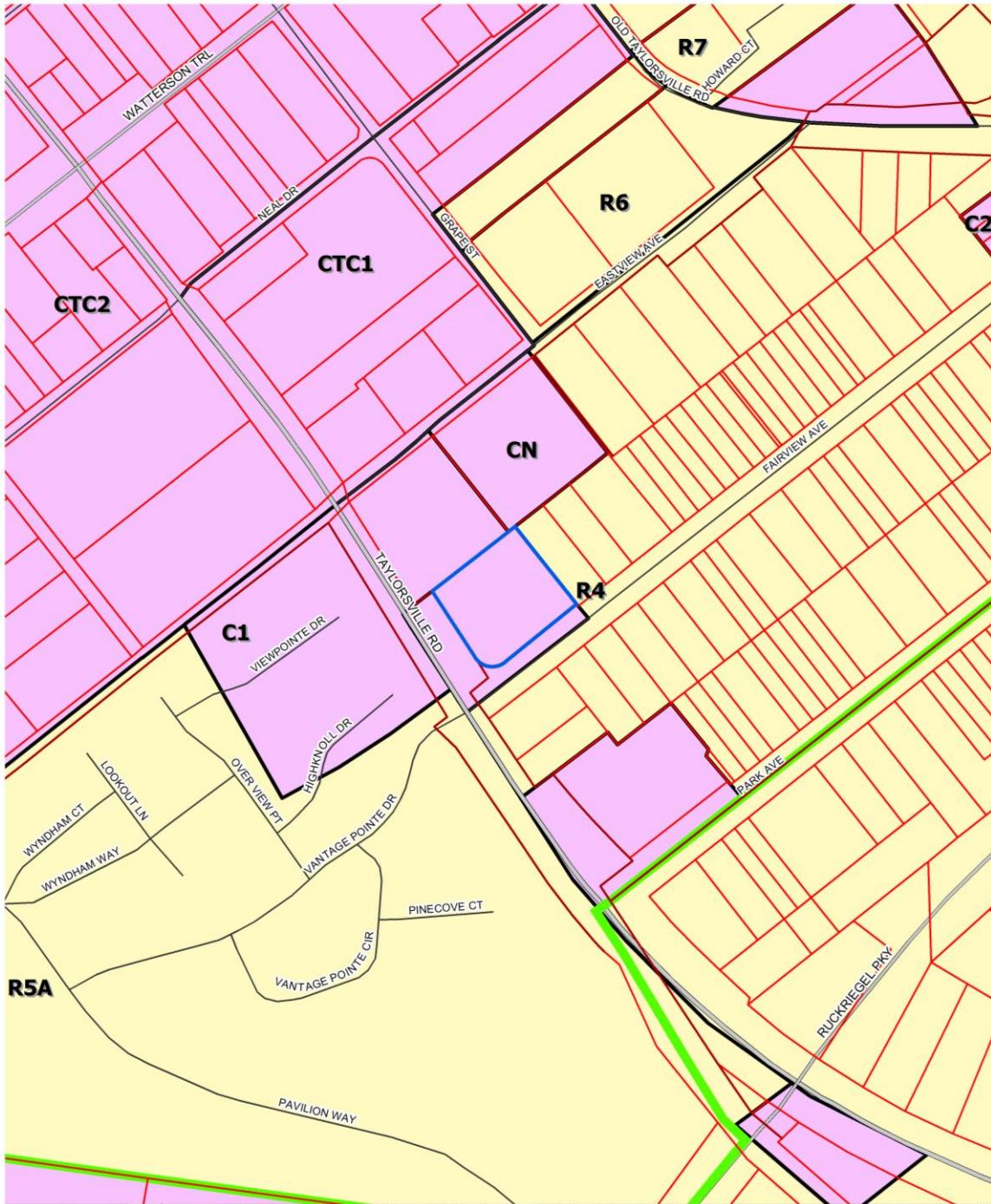
NOTIFICATION

Date	Purpose of Notice	Recipients
5-22-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

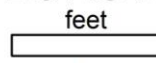
ATTACHMENTS

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

1. Zoning Map



10421 TAYLORSVILLE ROAD

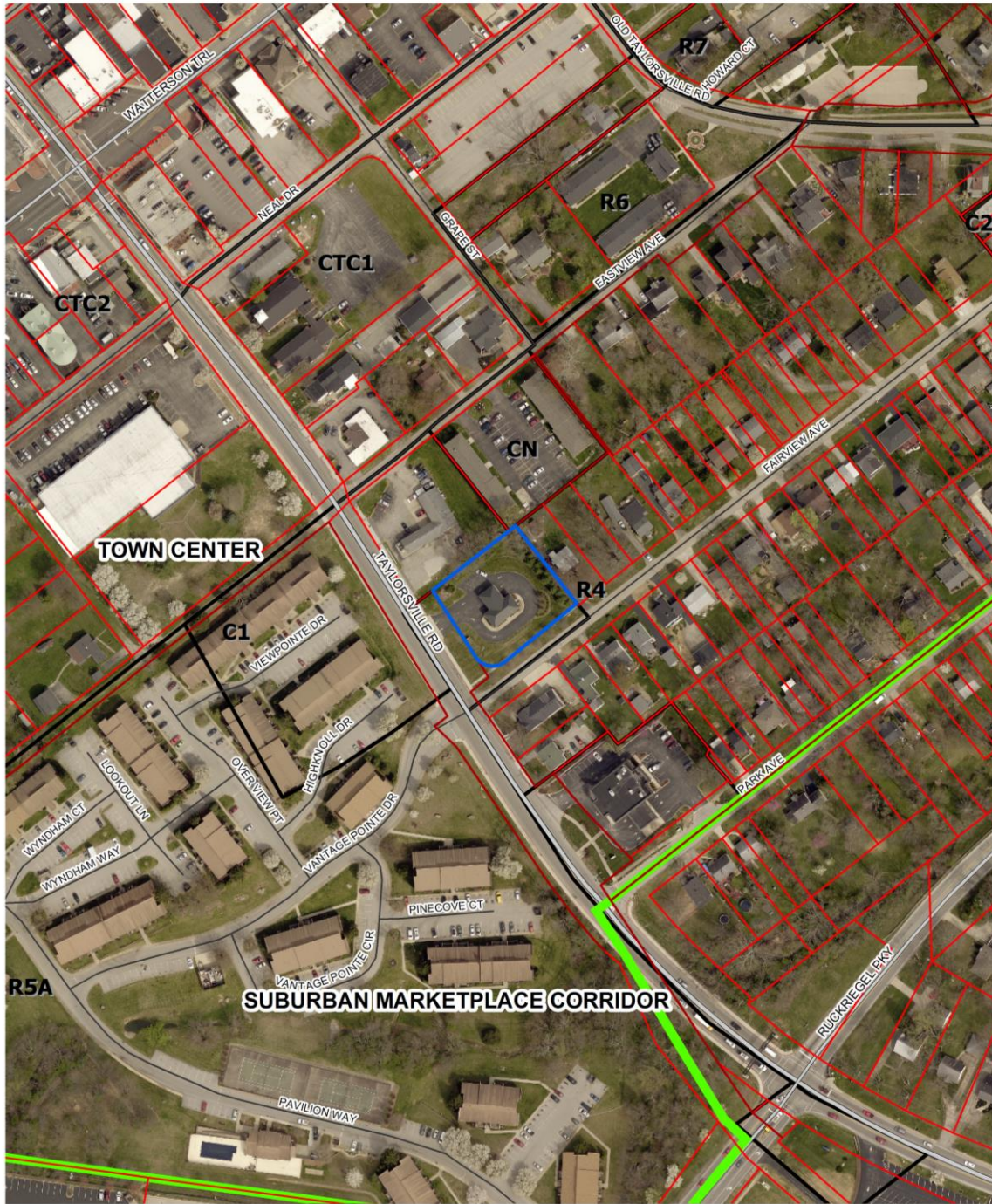


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Map Created: 5/3/2019



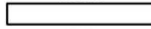
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2. Aerial Photograph



10421 TAYLORSVILLE ROAD

feet



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Map Created: 5/3/2019



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3. 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. Use of the subject site shall be limited to drive-thru banking branch facility only. There shall be no other use of the property unless prior approval is obtained from the Planning Commission and the City of Jeffersontown. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.~~

~~3. The development shall not exceed 1,000 square feet of gross floor area of a drive-thru bank.~~

4. 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.

5. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall extend over the front property line. The sign shall not exceed 48 square feet in area per side and 6 feet in height. No sign shall have more than two sides.

6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

7. There shall be no outdoor storage, display or sales permitted on the site.

8. 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.

9. 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.

10. 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 for by DPDS.

11. 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 Louisville Metro 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 receipt of said instrument.

12. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.

13. 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.

14. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

15. 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.

16. 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.

17. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.

18. 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.

19. 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.

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.

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