

**Planning Commission**  
**Staff Report**  
December 20, 2018



<b>Case No:</b>	18DEVPLAN1184
<b>Project Name:</b>	Taco Bell
<b>Location:</b>	7420 Westport Rd
<b>Owner(s):</b>	Westport Development Partners, LLC.
<b>Applicant:</b>	ABTB Louisville, LLC.
<b>Jurisdiction:</b>	Graymoor-Devondale
<b>Council District:</b>	7 – Angela Leet
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- **Revised District Development Plan** with amendments to Binding Elements.

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to demolish an existing structure and construct a 2,129 SF fast-food restaurant with a drive-thru. The site is approximately .75 acres, zoned C-1 and within the Neighborhood form district. The existing binding elements associated with the 1980 rezoning of the site under docket 9-9-80 are proposed to be replaced.

**STAFF FINDING**

The request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

There are no outstanding technical issues associated with this request.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from any interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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.

- (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:**

- **APPROVE** or **DENY** the **Revised District Development Plan** with revisions to Binding Elements.

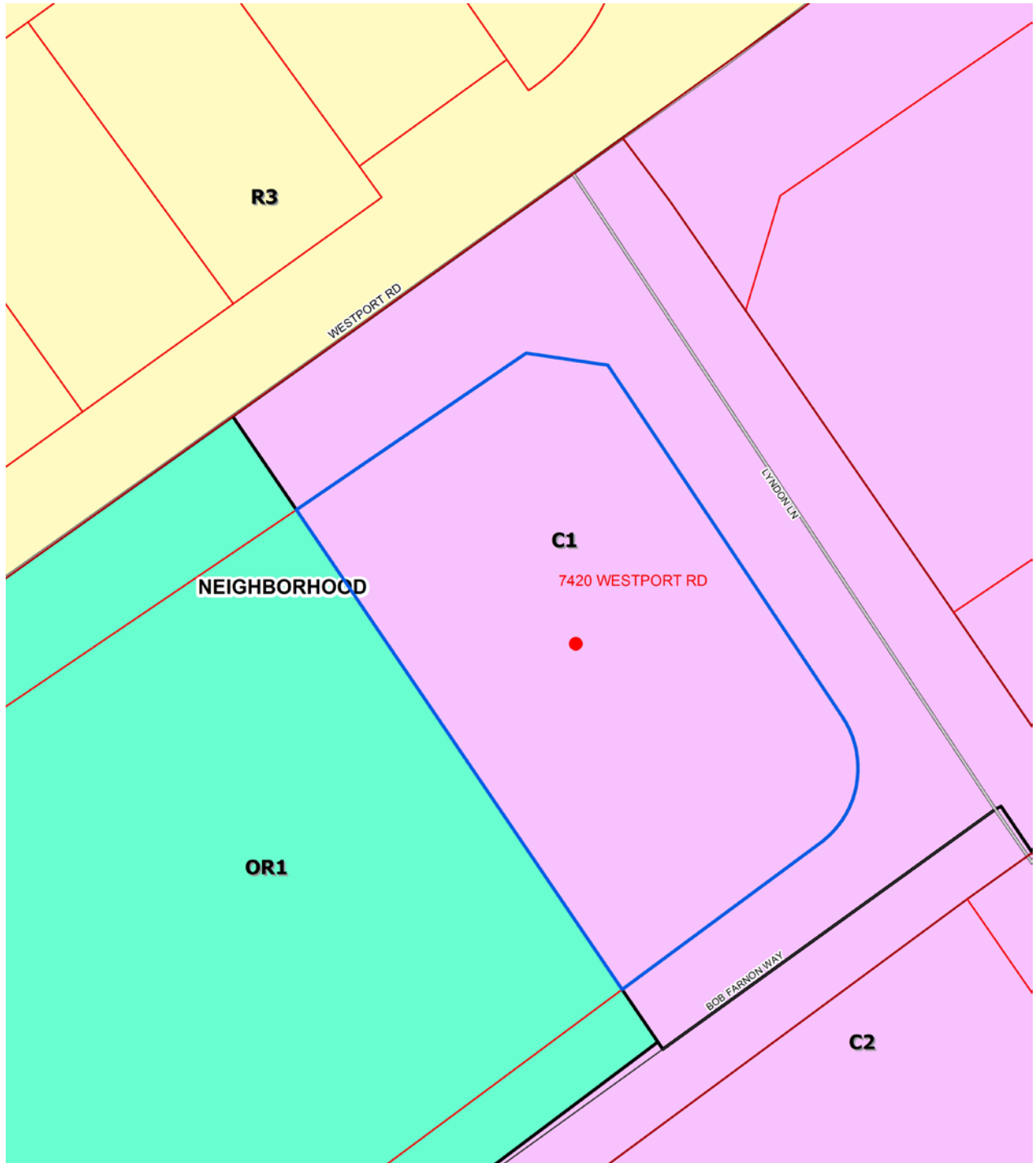
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
12-6-18	Hearing before PC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 7

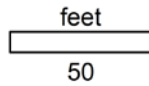
**ATTACHMENTS**

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

1. Zoning Map

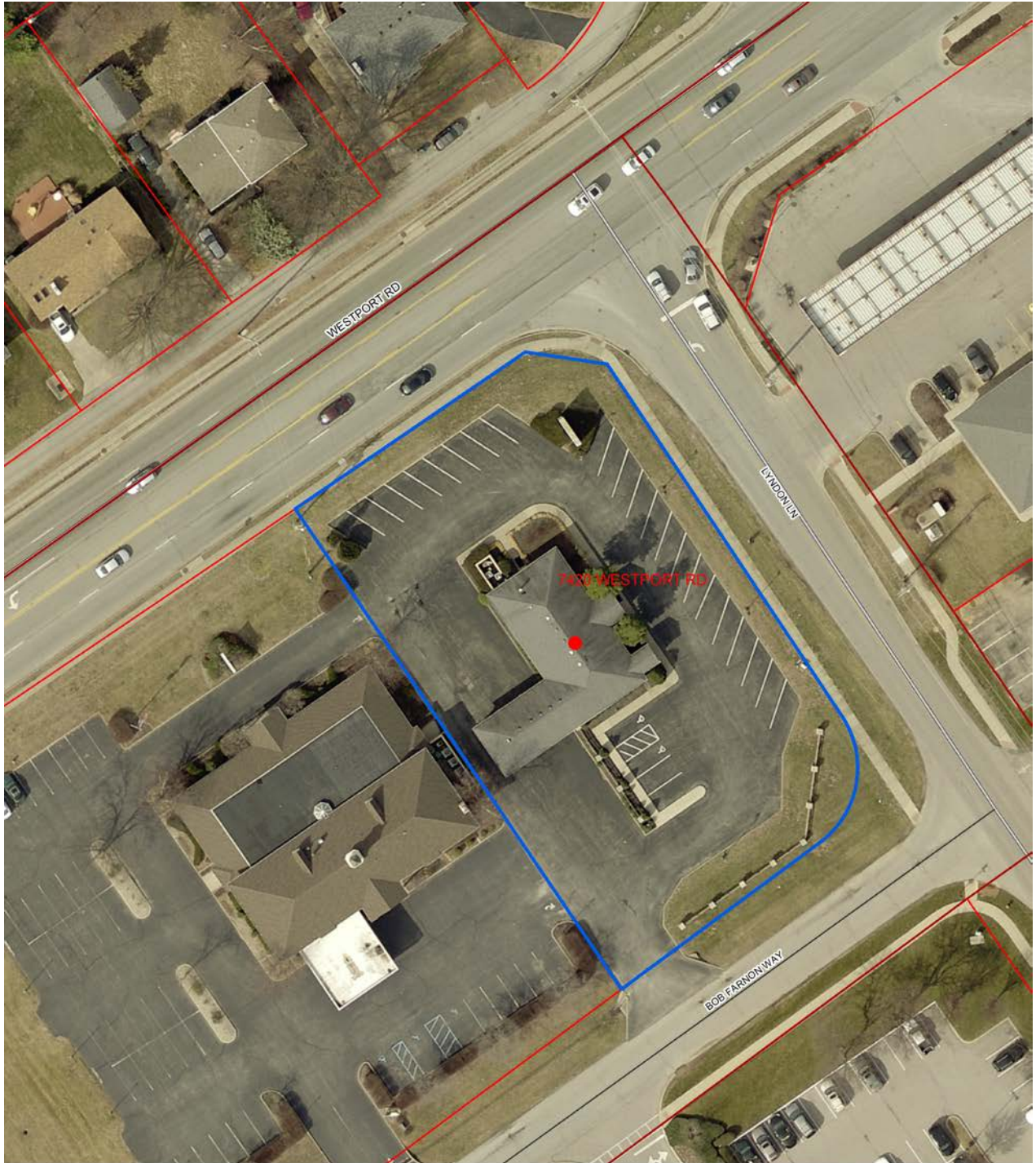


18DEVPLAN1184

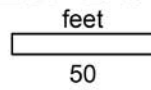


Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



18DEVPLAN1184



Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

### **3. Existing Binding Elements to be replaced**

- ~~1. The property shall be used only as a branch bank facility unless a revised district development plan is submitted and approved by the Planning Commission.~~
- ~~2. Access drives to the site will be constructed as shown on the approved district development plan. No direct access will be permitted to Lyndon Lane or Westport Road.~~
- ~~3. The developer will dedicate additional right-of-way to Lyndon Lane to provide a total of 40 feet from the centerline between Westport Road and Prince Valiant Street. Dedication will be by minor subdivision plat.~~
- ~~4. The developer shall obtain approval from the Executive Director of the Planning Commission of a plan for landscaping of the site prior to issuance of building permits and such plan shall be implemented prior to occupancy and maintained thereafter.~~
- ~~5. The size and location of any business identification sign will be submitted to the Planning Commission for review and approval prior to issuance of any sign permits.~~
- ~~6. The plan must be reapproved by the Water Management, Transportation Engineering, and Fire Safety Sections of the County Works Department before building permits are issued.~~
- ~~7. Unless use in accordance with the approved plan and binding elements have been substantially established within two years from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.~~

### **4. Proposed 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, 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.
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.
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. There shall be no direct vehicular access to either Lyndon Ln or Westport Rd.
8. 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.