

Development Review Committee

Staff Report

October 20, 2021



Case No:	21-CFR-0019 and 21-DDP-0104
Project Name:	Real ID – Willismore
Location:	6202 Willismore Drive
Owner:	Valley Station Towne Center, LLC
Applicant:	Derek Triplett – Land Design & Development Inc.
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Zach Schwager, Planner I

REQUEST(S)

Community Facility Review and Revised District Development Plan for a new 5,018 sq. ft. Kentucky State Government Office Building.

CASE SUMMARY/BACKGROUND

The subject property is located on the west side of Dixie Highway in between Bethany Lane and Greenbelt Highway in Valley Station. It is in the C-1 Commercial Zoning District and the Suburban Marketplace Corridor Form District. The applicant is proposing to construct a new 5,018 sq. ft. Kentucky State Government Office Building. The structure will be one-story with a maximum height of 25 ft.

The subject property was rezoned under case 09-51-03 from R-4 Residential Single Family and R-6 Residential Multi Family to C-1 Commercial. The form district was also changed from Neighborhood to Suburban Marketplace Corridor. The approved plan shows two tracts with two proposed restaurants. The approved plan was revised under case 14971 to add a third proposed restaurant and reconfigure the parking. There were four associated waivers with this plan, which included two landscape waivers, a pedestrian connection waiver, and a sidewalk waiver. The plan was revised again under case 16321 to add a third tract.

STAFF FINDING

Planning & Design staff reviewed the proposed plan against the Community Facility Review guidelines and comments were provided to the applicant that encouraged more compliance with the Land Development Code. Staff noted that variances would generally be required to exceed the front and street side yard setbacks and a waiver would be required to permit parking in front of a structure in the Traditional Workplace Form District. The plan otherwise complies with the Land Development Code.

TECHNICAL REVIEW

The development plan has received preliminary approval from Transportation Planning. This is a Community Facility Review in addition to a Revised Detailed District Development Plan therefore, MSD comments are advisory.

INTERESTED PARTY COMMENTS

No interested party comments were received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- (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: No natural resources are evident 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 within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

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

STAFF: No open space requirements are pertinent to the current request.

- (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 not approved the preliminary development plan. However, adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community will be provided.

- (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 is in compliance with the Land Development Code and is compatible with existing and projected future development in the vicinity.

- (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 Land Development Code, with the exception of previously approved waivers.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Community Facility Review
- **APPROVE** or **DENY** the Revised District Development Plan with **Binding Elements**

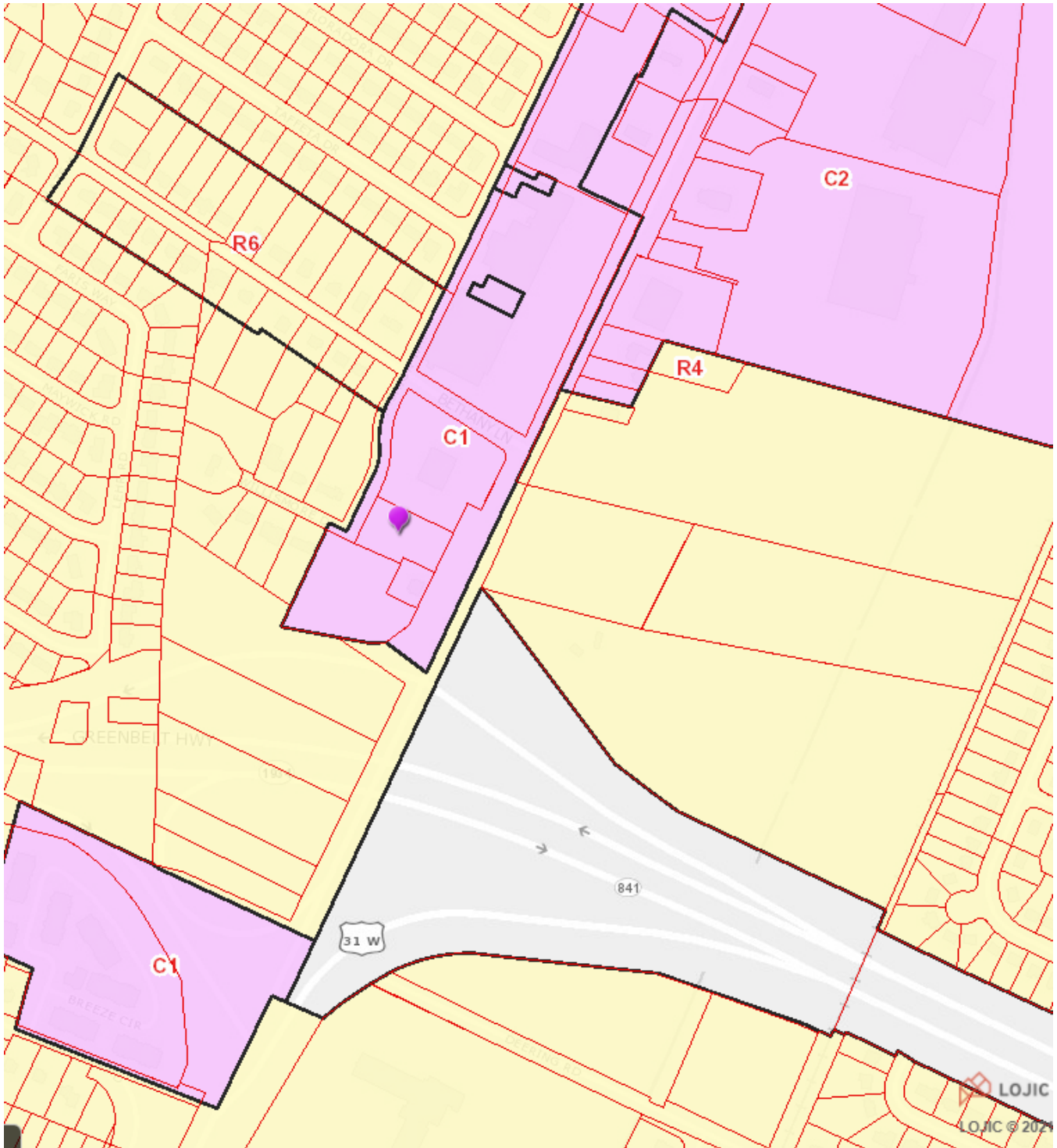
NOTIFICATION

Date	Purpose of Notice	Recipients
10/8/2021	Hearing before DRC	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed 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 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 a restaurant and retail on Tracts 1, 2 and 3. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/LD&T Committee. 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.~~

~~Modified by the DRC on January 12, 2011; Case # 14971~~
~~Modified by Staff on September 14, 2011; Case # 16321~~
3. ~~The development shall not exceed 17,500 square feet of gross floor area of restaurant/retail on Tracts 2 & 3, and 8,960 square feet of gross floor area of a /restaurant on Tract 1.~~

~~Modified by the DRC on January 12, 2011; Case # 14971~~
~~Modified by Staff on September 14, 2011; Case # 16321~~
4. ~~Signs on all tracts shall be in accordance with Chapter 8.~~

~~Modified by the DRC on January 12, 2011; Case # 14971~~
5. ~~No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
6. ~~The existing access points to the adjoining streets are to be closed and access to the site shall be made from the new curb cuts as shown on the development plan. There shall be no direct vehicular access to Dixie Highway.~~

~~Modified by the DRC on January 12, 2011; Case # 14971~~
7. ~~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.~~
8. ~~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. ~~Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
 - c. ~~A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way to Bethany Lane and Fashion Way to provide a total of 40'/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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
- ~~e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.~~
- ~~f. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners (Tract 1, Tract 2 & Tract 3) and recorded. 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.~~
- ~~g. A road closure approval for Willismore Drive shall be approved prior to requesting a building permit.~~

~~Modified by the DRC on January 12, 2011; Case # 14971~~

- ~~9. 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.
Deleted by the DRC on January 12, 2011; Case # 14971~~
- ~~10. 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.~~
- ~~11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.~~
- ~~12. 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.~~
- ~~13. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the January 12, 2011 Development Review Committee meeting.
Modified by the DRC on January 12, 2011; Case # 14971~~
- ~~14. The façade elevations shall be in accordance with applicable form district standards.~~
- ~~15. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level and Light Trespass.~~

16. ~~The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.~~
17. ~~No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.~~
18. ~~Prior to development (includes clearing and grading) of Tracts 2 and 3 (and Tract 1 if different restaurant than Cracker Barrel is proposed) the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. The plan shall be in adequate detail and subject to additional binding elements.
Deleted by the DRC on January 12, 2011; Case # 14971~~
19. ~~Primary access to the site shall be from Bethany Lane. Secondary access from Fashion Way shall be permitted only as shown on the approved development plan.
Deleted by the DRC on January 12, 2011; Case # 14971~~
20. ~~A three-foot landscaped berm shall be created south of Bethany Lane and along the east side of Willismore Drive as shown on the approved development plan. Trees shall be installed as near the top of the berm as possible, as determined by Planning Commission's staff landscape architect, to ensure their survival. Trees on the berm shall consist of a combination of evergreen and deciduous trees. The evergreen trees shall be spaced appropriately for their species and shall have a spacing of no greater than 20 feet on center. Trees shall be planted in a staggered pattern. Smaller evergreen shrubs shall be planted in combination with deciduous trees. The final landscape design will be worked out with the Planning Commission staff landscape architect. All trees and plant materials on the berm shall be maintained by the property owners.
Modified by the DRC on January 12, 2011; Case # 14971~~
21. ~~All buildings on the site shall be limited to one story. No portion of a building may exceed 43 feet in height.~~
22. ~~The Developer, its contractors and subcontractors shall maintain Willismore Drive free of dirt and debris during construction on the site. There shall be no parking of construction vehicles on Willismore Drive.
Modified by the DRC on January 12, 2011; Case # 14971~~
23. ~~Dumpsters shall be enclosed on all sides and covered, and shall be located as shown on the approved development plan. Dumpster pick-up shall not occur earlier than 6:00 a.m., nor later than 10:00 p.m.~~
24. ~~Hours of business operation may occur between 7:00 a.m. and 11:00 p.m., 7 days per week.~~
25. ~~If permission is granted, Developer will install sidewalks along the west side of Fashion Way, connecting to the sidewalk on Bethany Lane.~~
26. ~~The retail building shall be brick. No application for a building permit for the retail building may be filed until renderings are reviewed by LD&T.
Deleted by the DRC on January 12, 2011; Case # 14971~~

- ~~27. The design of the Cracker Barrel restaurant on Tract 1 (if constructed) shall be substantially similar to the restaurant's design depicted in the photographic exhibit submitted at the March 4, 2004 Public Hearing.
Deleted by the DRC on January 12, 2011; Case # 14971~~
- ~~28. A bus stop shall be provided on Dixie Highway, pursuant to requirements of the Transit Authority of River City.
Deleted by the DRC on January 12, 2011; Case # 14971~~
- ~~29. No Sexually-Oriented Business or Adult Entertainment uses shall be permitted on the premises.~~
- ~~30. Landscape buffer areas shall be maintained and replaced as needed perpetually by the owner(s) of the proposed commercial property.~~
- ~~31. Except for landscaping, the Greenway buffer zone will not be encroached upon.
Deleted by the DRC on January 12, 2011; Case # 14971~~
- ~~32. Changes to any of the Binding Elements or the Development Plan shall be in accordance with the public hearing requirements of the Land Development Code.~~
- ~~33. When Church vacates Tract 2, Fashion Way shall not be used for construction traffic.
Deleted by the DRC on January 12, 2011; Case # 14971~~
- ~~34. A dumpster shall be maintained on the property during the construction phase, to dispose of construction debris.~~
- ~~35. First and second tier of the adjoining property owners, and everyone who attended the Public Hearing, shall be notified about detailed district development plans for all tracts.~~
- ~~36. The applicant shall provide road improvements as shown on the plan and the approved road improvement schematic dated January 11, 2011. The applicant shall coordinate with Metro Public Works and the Kentucky Transportation Cabinet to establish an easement along 6208 Bethany Lane to accommodate improvements. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements. Construction plans and bond are required by Metro Public Works prior to construction approval and issuance of Metro Public Works encroachment permit. Developer shall not request a certificate of occupancy until road improvements are complete.
Added by the DRC on January 12, 2011; Case # 14971~~

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. Use of the subject site shall be limited to a restaurant and retail on Tracts 1 and 3. Tract 2 shall be limited to a state government agency office. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. The existing access points to the adjoining streets are to be closed and access to the site shall be made from the new curb cuts as shown on the development plan. There shall be no direct vehicular access to Dixie Highway.
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, 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way to Bethany Lane and Fashion Way to provide a total of 40'/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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners (Tract 1, Tract 2 & Tract 3) and recorded. 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.
7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.

10. The materials and design of proposed structures on Tracts 1 and 3 shall be substantially the same as depicted in the renderings as presented at the January 12, 2011 Development Review Committee meeting. Final elevations/renderings for Tract 2 shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
11. The façade elevations shall be in accordance with applicable form district standards.
12. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level and Light Trespass.
13. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
14. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
15. A three-foot landscaped berm shall be created south of Bethany Lane and along the east side of Willismore Drive as shown on the approved development plan. Trees shall be installed as near the top of the berm as possible, as determined by Planning Commission's staff landscape architect, to ensure their survival. Trees on the berm shall consist of a combination of evergreen and deciduous trees. The evergreen trees shall be spaced appropriately for their species and shall have a spacing of no greater than 20 feet on center. Trees shall be planted in a staggered pattern. Smaller evergreen shrubs shall be planted in combination with deciduous trees. The final landscape design will be worked out with the Planning Commission staff landscape architect. All trees and plant materials on the berm shall be maintained by the property owners.
16. All buildings on the site shall be limited to one story. No portion of a building may exceed 43 feet in height.
17. The Developer, its contractors and subcontractors shall maintain Willismore Drive free of dirt and debris during construction on the site. There shall be no parking of construction vehicles on Willismore Drive.
18. Dumpsters shall be enclosed on all sides and covered, and shall be located as shown on the approved development plan. Dumpster pick-up shall not occur earlier than 6:00 a.m., nor later than 10:00 p.m.
19. Hours of business operation may occur between 7:00 a.m. and 11:00 p.m., 7 days per week.

20. If permission is granted, Developer will install sidewalks along the west side of Fashion Way, connecting to the sidewalk on Bethany Lane.
21. No Sexually-Oriented Business or Adult Entertainment uses shall be permitted on the premises.
22. Landscape buffer areas shall be maintained and replaced as needed perpetually by the owner(s) of the proposed commercial property.
23. Changes to any of the Binding Elements or the Development Plan shall be in accordance with the public hearing requirements of the Land Development Code.
24. A dumpster shall be maintained on the property during the construction phase, to dispose of construction debris.
25. First and second tier of the adjoining property owners, and everyone who attended the Public Hearing, shall be notified about detailed district development plans for all tracts.
26. The applicant shall provide road improvements as shown on the plan and the approved road improvement schematic dated January 11, 2011. The applicant shall coordinate with Metro Public Works and the Kentucky Transportation Cabinet to establish an easement along 6208 Bethany Lane to accommodate improvements. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements. Construction plans and bond are required by Metro Public Works prior to construction approval and issuance of Metro Public Works encroachment permit. Developer shall not request a certificate of occupancy until road improvements are complete.