

Development Review Committee Staff Report

December 3rd, 2014



Case No:	14DEVPLAN1093
Request:	Revised Detailed District Development Plan Development Code Waivers
with Land	
Project Name:	Chick-Fil-A
Location:	4925 Outer Loop
Owner:	GBT Realty Corporation
Applicant:	Corporate Property Services
Representative:	Daryl Johnson GBC Design, Inc
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Christopher Brown, Planner II

REQUEST

- Waiver #1: Waiver from Chapter 5.9.2.A.1.b.i of the Land Development Code to not provide the required pedestrian connection from Outer Loop to the proposed building
- Waiver #2: Landscape waiver from Chapter 10.2.10 of the Land Development Code to eliminate the required 15' VUA LBA adjacent to the access road
- Detailed District Development

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Zoning District: C-2, Commercial
Form District: RC, Regional Center
Existing Use: Vacant
Proposed Use: Restaurant
Minimum Parking Spaces Required: 44
Maximum Spaces Allowed: 110
Parking Spaces Proposed: 58
Plan Certain Docket #: 9893

The applicant is proposing to construct a 4,524 SF Chick-Fil-A restaurant with a 634 SF patio for outdoor dining. Access to the site will be located to the rear from the drive within Jefferson Commons shopping center. All building and parking setbacks will be followed with the previously approved waivers to allow encroachments into the parkway buffer along Outer Loop. The minimum number of parking spaces will be provided on the site. Sidewalks will be provided along the Outer Loop frontage and the initial part of the access road from Outer Loop. The applicant has request to waive the requirement to provide a connection from the Outer Loop sidewalk to the primary building entrance. Pedestrian connections will be provided from the access road sidewalk along the west side of the lot to the outdoor dining area and building entrance. Landscaping will be provided along the street frontage as well as within the interior of the site but the applicant has requested several to waive the buffer area along the access road. The applicant has requested to eliminate the required 15' VUA LBA. The 15' VUA LBA would eliminate 11 parking spaces as well as the handicap parking spaces along the western portion of the lot due to the location of sidewalk along this area as well. The required tree canopy and interior landscape areas will be provided on the site.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-2	RC
Proposed	Restaurant	C-2	RC
Surrounding Properties			
North	Mixed Commercial	C-2	RC
South	Single Family Residential	R-4	N
East	Vacant	R-4	N
West	Mixed Commercial	C-2	RC

PREVIOUS CASES ON SITE

9893: The Planning Commission approved a change in zoning from R-4 Single-Family Residential to C-2 Commercial, as well as an amendment to the form district map from Neighborhood to Regional Center to permit construction of a retail center on the site.

15322: The Development Review Committee approved amendments to binding element #4 and #16 as well as a revised general and detailed district development plan for the site.

13DEVPLAN1052: A revised general/detailed district development was approved for Jefferson Commons shopping center. Variances were approved to allow the buildings to exceed the maximum setback along Outer Loop and pavement to encroach the non-residential to residential setback along the northern property perimeter as well as minor encroachments into the Type B stream buffer at the southwestern corner adjacent to Outer Loop. Landscape waivers were approved to allow utility easement overlaps and a reduction of portions of the required parkway buffer along Outer Loop.

14DEVPLAN1076: A revised general/detailed district development was approved for Jefferson Commons shopping center to accommodate slight changes in square footages for the proposed buildings as well as additional acreage added to the proposed development.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Internal Pedestrian Connection)**

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

STAFF: The waiver will not adversely affect adjacent property owners since internal connectivity for the site will be provided from the access road sidewalk that connects to the sidewalk along the Outer Loop frontage.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since multi-modal access to the site will be provided in the most reasonable means along the street frontage for this property and potential ADA compliance issues.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since a connection will be created along the rear of the property that will connect to the larger shopping center and Shelbyville Road at the shopping center entrance.

(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 and would create an unnecessary hardship on the applicant since the pedestrian connection can be provided in a more accessible manner along the access road from Outer Loop.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (VUA LBA)

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

STAFF: The waiver will not adversely affect adjacent property owners since the landscape buffer is internal access road to the site.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The location is internal to the larger shopping center.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the LBA would reduce the parking, require relocation of the pedestrian access as well as impede circulation to the building.

(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 or would create an unnecessary hardship on the applicant by requiring relocation of the pedestrian connection and a reduction in the parking for the use along the western portion of the property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DEVELOPMENT PLAN 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: 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: The open spaces requirements of the site are met with the landscaping being provided on site.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. The building will follow the proposed pattern book to incorporate the property into the larger Regional Center.

- 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 with the proposed master plan pattern book that establishes a unique character for the development and unifies the appearance of the lots in their building, landscape, amenities and signage design. It meets the requirements of the Land Development Code with the exception of the requested pedestrian connection and landscape waiver. The requested waivers follow the intent of the Comprehensive Plan.

TECHNICAL REVIEW

- No technical review issues need to be addressed.

STAFF CONCLUSIONS

The standard of review for the requested waivers has been met. The proposed detailed out lot follows the established design guidelines and pattern book for the Jefferson Commons shopping center. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a waivers and a revised detailed district development plan as established in the Land Development Code.

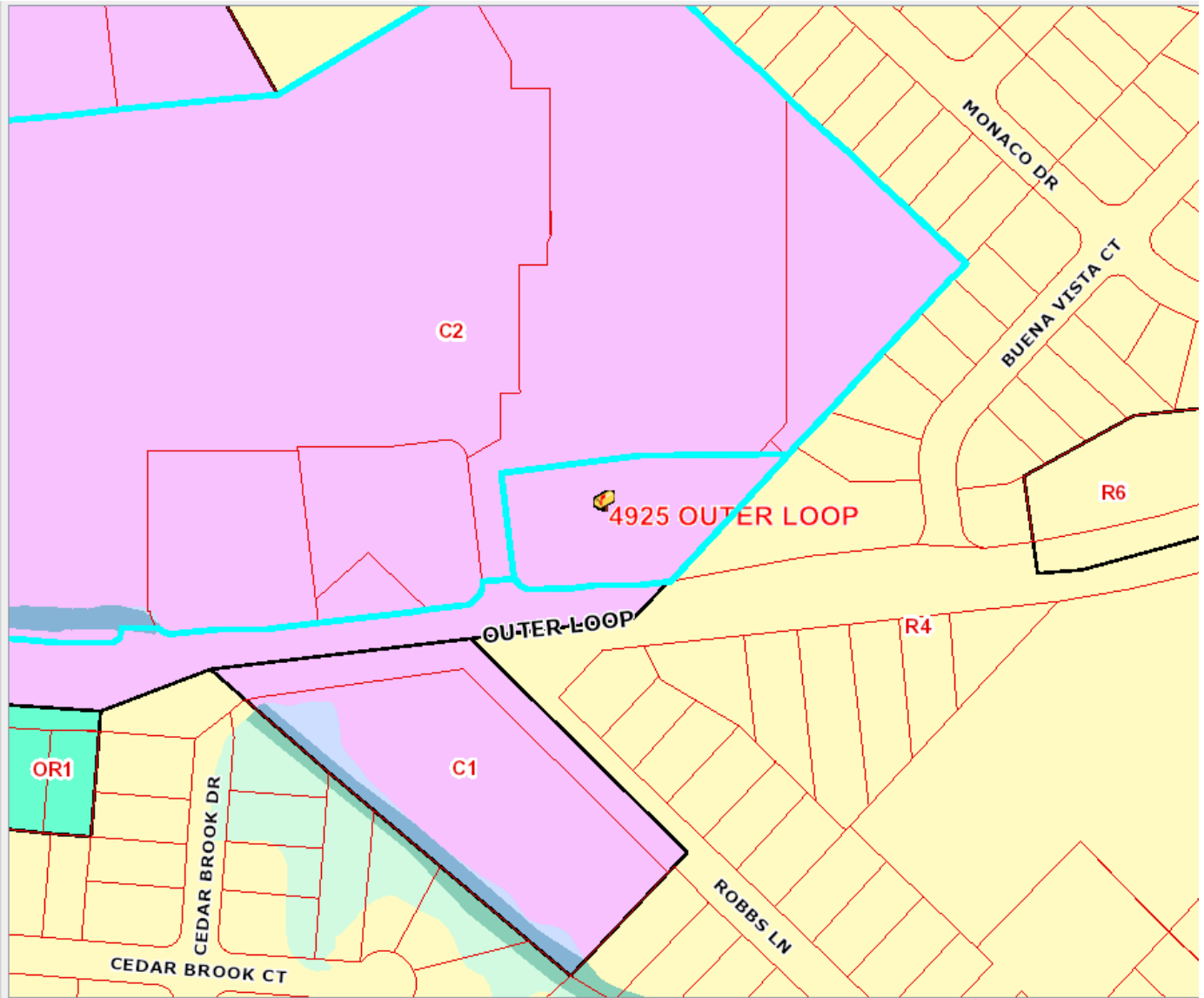
NOTIFICATION

Date	Purpose of Notice	Recipients
11/19/14	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Council District 24 individuals

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. The development shall not exceed 226,855 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing.
4. Before any permit (including but not limited to building, parking lot, change of use, alteration permit is requested:

- a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District for the areas under construction.
 - 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 for the areas under construction. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan and dedicating additional right-of-way. 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 appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. 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 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.
 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. Within 200 feet of the common property boundary of the residential lots fronting on Monaco Drive or Buena Vista Court no building or parking garage shall exceed thirty-five (35) feet in height excluding design/architectural elements which shall not exceed forty-five (45) feet in height.
 8. The perimeter buffer areas shown on the approved General District Development Plan shall be binding on all approved Detailed District Development Plans. The width of the perimeter buffer areas shown on the plan approved on **July 16, 2104** at the **Development Review Committee** meeting shall be deemed minimum widths. Except for tapers and breaks for pedestrian access the minimum height of berms within the perimeter buffer areas shall be as shown on the General District Development Plan.
 9. Loading docks. Loading docks which are located within 200 feet of the common property boundary of the residential lots fronting on Monaco Drive or Buena Vista Court or which face a public right-of-way shall be screened with a wall ("screen wall") which is integrated into the building or building extension through the placement of its façade.
 10. Building materials. The building materials of all facades facing public areas shall be brick, stone, stucco, cementitious siding, glass or a combination thereof.
 11. (A). Prohibited Uses. The following uses otherwise permitted in Commercial District C-2 shall be prohibited:

Auction sales

Automobile repair garages
 Automobile sales agencies
 Billiard parlors, game rooms and similar entertainment uses
 Bingo halls and parlors
 Boat sales and related storage
 Bookbinding
 Contractor's shop, including but not limited to building, electrical, HVAC, landscaping, and plumbing contractors
 Dance halls
 Exposition building or center
 Flea markets
 Fraternities, sororities, clubs and lodges excluding those where the chief activity of which is a service customarily carried on as a business
 Furniture, storage
 Indoor paint ball ranges
 Plasma, blood collection centers, for profit
 Plumbing and heating shops, storage and sales
 Printing, lithographing, or publishing establishments
 Public transportation passenger terminals
 Public utility buildings and facilities
 Refrigerated lockers
 Rubber stamp manufacture
 Sign painting
 Skating rinks (ice or roller)
 Tattoo, body art, and piercing parlors
 Telephone exchanges
 Tourist homes
 Training schools
 Used car sales
 Uses located within caverns developed under a Conditional Use Permit for underground space

- (B). Conditional Uses. Certain uses may be permitted in this district upon the granting of a conditional use permit by the Board of Zoning Adjustment. Refer to Chapter 4 Part 2 of the Land Development Code for a listing of uses and requirements that apply to specific uses.
12. The development shall be substantially in accordance with the "Development Design Guidelines & Pattern Book," as presented at the October 24th, 2013 LD&T meeting. Architectural renderings of proposed structures shall be reviewed by staff.
13. Prior to issuance of a demolition permit or ground disturbance of the site:
- (a). Applicant shall photographically document the subject property using the National Parks Service archival photographic standards (see <http://www.nps.gov/history/nr/policyexpansion.htm#basic>). Applicant shall consult with Landmarks Commission professionals prior to undertaking the documentation of the subject site.
 - (b). Applicant shall also complete a Kentucky Historic Resources Inventory Form available from the Kentucky Heritage Council.

(c). Testing of or probing the ground surface for purposes of environmental, engineering, geo-technical or other analysis shall not constitute ground disturbance.

14. A roadway connection from the development to Private Road "A" of the Jefferson Mall Company II, LLC property shall be made if and when permitted by Jefferson Mall. The location of this connection shall be subject to the prior approval of the Metro Department of Public Works.
15. The applicant shall provide road improvements to Outer Loop, Robbs Lane, and Buena Vista per the approved road schematics and Metro Public Works (MPW), and Kentucky Transportation Cabinet (KYTC) standards. The applicant shall be responsible for final surface overlay, signage, striping, utility relocation and signal modifications associated with the improvements. (KYTC) permit and bond shall be obtained prior to construction approval and issuance of encroachment permit by (MPW). Improvements except those to Buena Vista Court shall be completed prior to the request for certificate of occupancy for the detailed areas being developed in Phase I (west side). Improvements to the southbound approach of Buena Vista Court shall be completed prior to the request for certificate of occupancy for the detailed areas being developed in Phase II (east side).
16. 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.

4. Proposed Binding Elements

2. The development shall not exceed ~~226,855~~ **232,031** square feet of gross floor area.