

Development Review Committee Staff Report

July, 2016



Case No:	16DEVPLAN1075
Project Name:	Chick-fil-A
Location:	3408 Bardstown Road
Owners:	Playa Plaza, LLC
Applicant:	Corporate Property Services – Daryl Johnson
Representative(s):	Chick-fil-A, Inc. – Dan Ludlam
Project Area/Size:	1.0 acres
Existing Zoning District:	C-2, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Detailed District Development Plan (RDDDP)** for proposed restaurant with drive-thru.

CASE SUMMARY

The applicant proposes a 4,561 SF (112 seats) restaurant with drive-thru and outdoor dining area on an out-lot of the proposed Costco site that is currently under construction. The site is located along Bardstown Road, South of Interstate-264, and North of Hikes Lane. Adequate facilities for vehicular and bike parking will be provided on-site, as well as pedestrian access to the public sidewalk through an internal walkway. The proposed structure will be predominately brick with windows affording views into the dining space and indoor play area from the public street. The outdoor dining area will afford views to this public street, as well. Outdoor refuse collection area will be screened and landscaped to limit views of this component.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-2	SMC
Proposed	Restaurant	C-2	SMC
<i>Surrounding Properties</i>			
North	Retail (under construction)	C-2	SMC
South	Retail Drive-lane/Office/Res.	C-2/OR-3/R-5	SMC/N
East	Commercial	C-1/C-2	SMC
West	Retail (under construction)	C-2	SMC

PREVIOUS AND ASSOCIATED CASES ON SITE

13ZONE1008:

Change-in-zoning from R-4 and R-7 to C-2, Change-in-form district from Neighborhood to Suburban Marketplace Corridor, and General Plan with waivers and variances for retail/wholesale (approved by Metro Council 8/31/15)

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code (July 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP, 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: The proposed development does not appear to have a negative impact on the conservation of natural resources, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites.

- 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 the development and the community is provided as connection to the public sidewalk through an internal walkway is provided and no direct vehicular access will be provided to Bardstown Road. Vehicular access will be provided through an internal network of drive-lanes on the retail/wholesale site.

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

STAFF: No open space is required for this proposal. Outdoor dining and landscaping will be provided.

- 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 designs (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 as Bardstown Road is a commercial corridor with a mix of commercial, office, and residential intensities serving the abutting neighborhoods.

- 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 (LDC) as Guideline 3, Policy 1 encourages compatibility of all new development and redevelopment with the scale and site design of nearby development and with the established patterns within the form district. Guideline 3, Policy 4

discourages nonresidential expansion into residential areas. The proposed development is located along a commercial corridor and is consistent with the design and scale of surrounding uses.

TECHNICAL REVIEW

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

A crossover access easement has been established between the Costco Property and the development site in DB 10522, PG 54 of the Jefferson County Clerk's Office.

Right-of-way dedication in consultation with transportation review staff will be required prior to issuance of building permit.

STAFF CONCLUSIONS

The Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving a Detailed District Development Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Detailed District Development Plan.

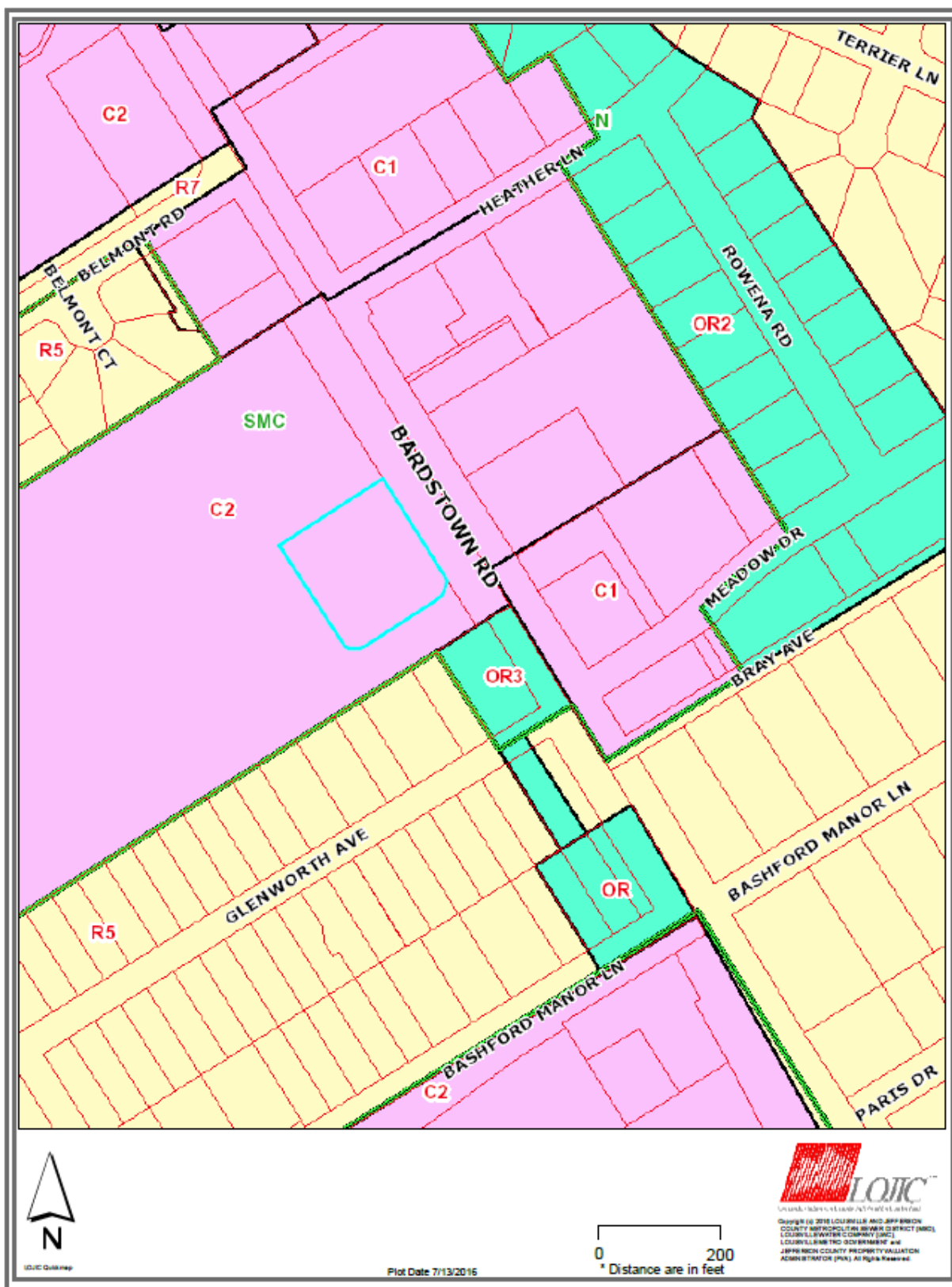
NOTIFICATION

Date	Purpose of Notice	Recipients
7/7/16	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 10 & 26.

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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 4,561 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A minor plat or legal instrument shall be recorded dedicating right-of-way to Bardstown Road which is a state road. 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.
 - c. 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.
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. 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.