

**Development Review Committee  
Staff Report**  
July 15, 2015



<b>Case No:</b>	<b>15DEVPLAN1070</b>
<b>Request:</b>	<b>Revised Detailed District Development Plan with Binding Element Amendments</b>
<b>Project Name:</b>	<b>Chick Fil A – Dixie Highway</b>
<b>Location:</b>	<b>6650 Dixie Highway</b>
<b>Owner:</b>	<b>Tyler Center LLC and Longboat Properties LLC</b>
<b>Applicant:</b>	<b>Corporate Property Services</b>
<b>Representative:</b>	<b>Corporate Property Services</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>12 – Rick Blackwell</b>
<b>Case Manager:</b>	<b>Brian Davis, AICP, Planning Supervisor</b>

**REQUEST**

- Revised Detailed District Development Plan for a 4,730 square foot restaurant
- Binding Element Amendments

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

Existing Zoning District: C-2  
Existing Form District: Suburban Marketplace Corridor  
Existing/Proposed Use: Retail/Retail  
Plan Certain Docket #: 9-10-77

The parcel is one of three tracts recently created by minor subdivision plat as part of the redevelopment of the former Toys R Us property. This tract is approximately 0.838 acres and the applicant is proposing to construct a 4,730 square foot Chick-Fil-A restaurant. The site will not have direct access to Dixie Highway, with access coming via access easements recently approved under Docket Number 15DEVPLAN1013. The applicant is providing 44 parking spaces on site, which falls between the minimum (38) and maximum (94) allowed. A ten (10) foot buffer will be provided between the proposed drive thru and Dixie Highway.

The property is located within the Dixie Highway Corridor Master Plan study area. This plan was sponsored by Council members Rick Blackwell, Mary Woolridge and David Yates and brought citizens, City staff and businesses together to collaborate in creating a vision and a plan that represents the desired long-term vision for Dixie Highway from Oak Street to the Gene Snyder Freeway.

One of the major recommendations of the Dixie Highway Corridor Master Plan was to establish a series of town centers. Here is a paragraph from the master plan describing the intent of these town centers:

“These areas will serve as focal points for redevelopment of the Dixie Highway Corridor into series of more inviting and pedestrian-friendly destinations. These areas should be developed into compact and walkable destinations with a mixture of moderately intense uses. Buildings should be oriented towards the street and pedestrian scaled, and the development should have a high level of access for pedestrians, vehicles and transit. The defined Town Centers should utilize the proposed urban design treatments in this plan to further reinforce a pedestrian scale and define the centers of activity along the Dixie Highway Corridor.”

This proposed development is located in the Lower Hunters Trace Town Center, the first of these areas to be further studied for possible conversion to the Town Center Form District and establishment of a Planned Development District. The draft identifies the need to allow infill of underutilized parking lots for a more urban configuration of commercial or mixed-use building types, to unify building materials and color palettes to build architectural character and improve landscaping, screening and street trees to establish the new town center's "green" character.

#### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Retail	C-2	SMC
<b>Proposed</b>	Retail	C-2	SMC
<b>Surrounding Properties</b>			
<b>North</b>	Auto Sales	C-2	SMC
<b>South</b>	Commercial/Residential	C-2/R-4	SMC/N
<b>East</b>	Commercial	C-2	SMC
<b>West</b>	Residential	R-4	N

#### PREVIOUS CASES ON SITE

- 9-10-77: Planning Commission approved the rezoning from R-4 and C-2 in 1977. A detailed plan for the existing building (now a former Toys R Us) was approved in 1984.
- 15DEVPLAN1013: The Development Review Committee approved a revised detailed district development plan for the remainder of the tract, consisting of a tire store and retail space. This plan was approved on April 1, 2015.

#### INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

#### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code  
Dixie Highway Corridor Master Plan (2013)  
Lower Hunters Trace Town Center Planned Development District (Draft)

#### STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and/or AMENDMENT TO BINDING ELEMENTS

- 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 does not appear to be any environmental constraints or historic resources 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 with 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 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. 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.

## TECHNICAL REVIEW

- There are no outstanding technical issues.

## STAFF CONCLUSIONS

While the proposed development does not meet the specific guidelines of the draft Lower Hunters Trace Town Center Planned Development District, it should be noted it does meet the intent of developing underutilized parking areas along the Dixie Highway Corridor.

The standard of review has been met for the requested revised detailed district development plan. 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 approving the Revised Detailed District Development Plan and amended binding elements.

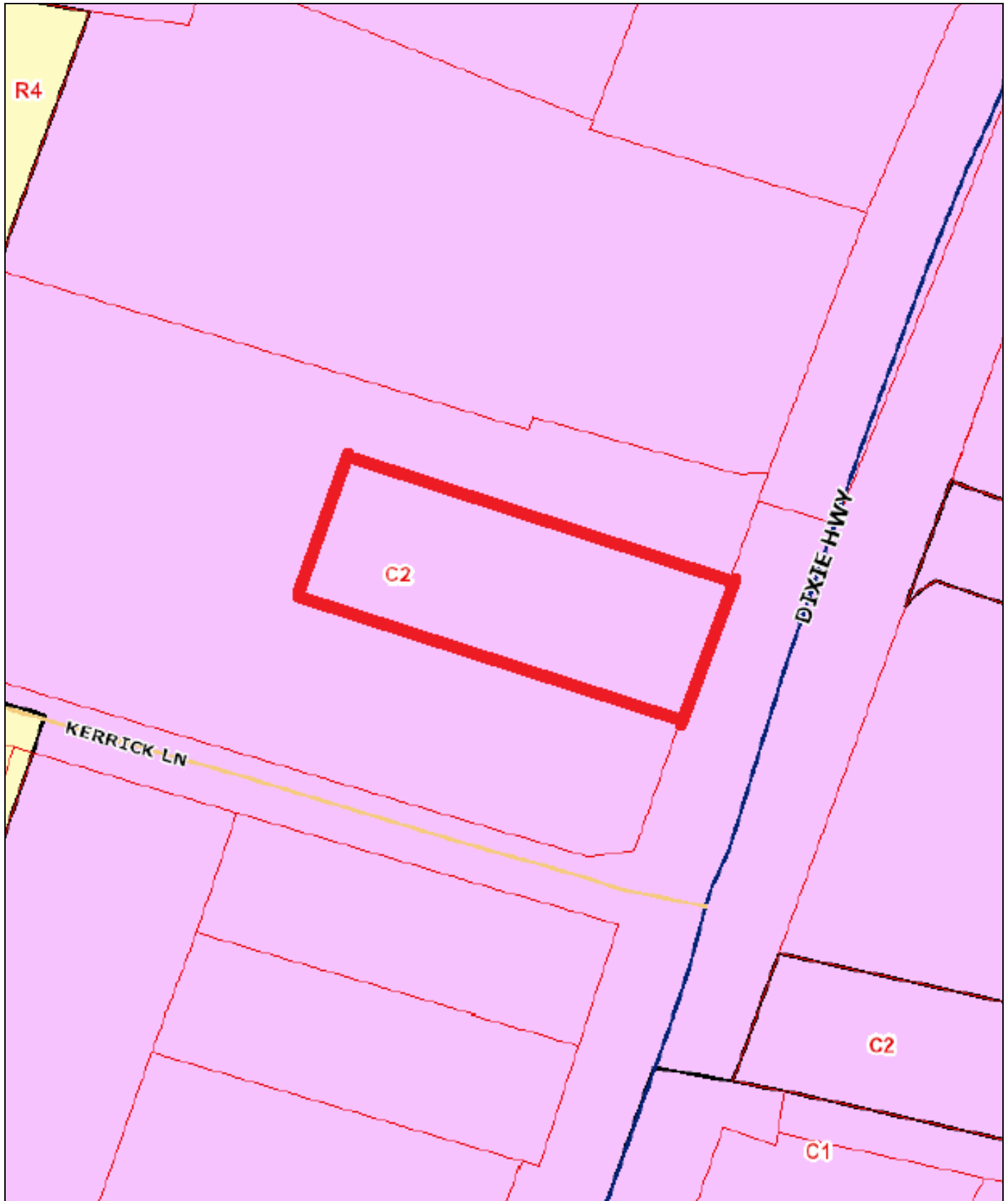
### NOTIFICATION

Date	Purpose of Notice	Recipients
6/30/15	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 12 Notification of Development Proposals

### 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 will be in accordance with the approved district development plan. No further development will occur.
2. There shall be only one point of access to Dixie Highway, located as shown on the approved District Development Plan. The access shall allow only right-in and right-out movements, unless a revised district development plan is submitted and approved by the Planning Commission and Kentucky Department of Transportation, Bureau of Highways.
3. Prior to occupancy of any portion of Phase II of the development the developer shall improve Lower Hunters Trace to provide three traffic lanes along the frontage of this property. The design and standards shall be approved by the Jefferson County Public Works and Transportation Cabinet. A minor subdivision plat or other legal instrument will be recorded dedicating additional right-of-way to Lower Hunters Trace to provide a total of 40 feet from the center line. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.
4. The development of Phase I shall not exceed 45,883 square feet of gross floor area. The overall development shall not exceed 140,000 square feet of gross floor area.
5. In lieu of the previously required detention basin, the developer will pipe the drainage from the Kerrick Lane area, through the subject property to the major drainage channel, north of Lower Hunters Trace. The pipe and drainage system will be as required by Water Management.
6. Before building permits are issued the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.
7. Before a certificate of occupancy is issued;
  - a. The size and location of any proposed signs must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
8. The screening (buffering/landscaping) plan shown on the approved district development plan shall be implemented prior to occupancy and maintained thereafter.

### **4. Proposed Binding Elements**

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur.~~
- ~~2. There shall be only one point of access to Dixie Highway, located as shown on the approved District Development Plan. The access shall allow only right-in and right-out movements, unless a revised district development plan is submitted and approved by the Planning Commission and Kentucky Department of Transportation, Bureau of Highways.~~
- ~~3. Prior to occupancy of any portion of Phase II of the development the developer shall improve Lower Hunters Trace to provide three traffic lanes along the frontage of this property. The design and standards shall be approved by the Jefferson County Public Works and Transportation Cabinet. A minor subdivision plat or other legal instrument will be recorded dedicating additional right-of-way to Lower Hunters Trace to provide a total of 40 feet from the center line. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.~~
- ~~4. The development of Phase I shall not exceed 45,883 square feet of gross floor area. The overall development shall not exceed 140,000 square feet of gross floor area.~~

- ~~5. In lieu of the previously required detention basin, the developer will pipe the drainage from the Kerrick Lane area, through the subject property to the major drainage channel, north of Lower Hunters Trace. The pipe and drainage system will be as required by Water Management.~~
- ~~6. Before building permits are issued the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.~~
- ~~7. Before a certificate of occupancy is issued;~~
  - ~~c. The size and location of any proposed signs must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.~~
  - ~~d. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
- ~~8. The screening (buffering/landscaping) plan shown on the approved district development plan shall be implemented prior to occupancy and maintained thereafter.~~
1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agree 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 4,730 square feet of gross floor area.
3. 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 Develop Louisville Construction Review and Transportation Planning Review 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.
4. If a building permit is not issued within two years of the date of approval of the plan 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.
5. 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.