

# Development Review Committee

## Staff Report

November 18, 2020



<b>Case No:</b>	19-DDP-0055/20-WAIVER-0016/20-WAIVER-0105
<b>Project Name:</b>	Chic-Fil-A
<b>Location:</b>	11801 Plantside Dr
<b>Owner(s):</b>	Blankenbaker Investments LLC
<b>Applicant:</b>	Chic-Fil-A
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Waivers:**
  1. **Waiver** from Jeffersontown Land Development Code section 10.3.6 to allow a drive lane to encroach into the 40-foot scenic corridor setback.
  2. **Waiver** from Jeffersontown Land Development Code section 5.9.2.A.1.b to not provide direct pedestrian connection to Blankenbaker Parkway
- **Revised Detailed District Development Plan** with revisions to Binding Elements.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a fast-food restaurant on approximately 2.865 acres. The site is zoned PEC in the Suburban Workplace form district. It is located at the intersection of Blankenbaker Parkway and Plantside Dr in the City of Jeffersontown, and was rezoned as part of the Blankenbaker Crossings development under docket 9-76-83.

### STAFF FINDING

The proposed use is compatible with the development pattern of the area, and consistent with the General Development Plan. The waivers and the Revised Detailed District Development Plan are adequately justified and meet the standards of review.

### TECHNICAL REVIEW

The subject site is lot 97 as shown on the General District Development Plan approved under docket 9-76-83. A Detailed District Development Plan was approved for the site under docket 18286 for a retail development but has expired and was not constructed.

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

Staff has not received any correspondence from interested parties concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as all required landscaping and screening will still be provided on the subject site.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for development of an existing commercial site within an established activity center. All required screening and planting will be provided on the subject site.

- c. The extent of 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. The encroachment has been minimized and all required screening and planting will be provided.

- d. Either: 1. 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 2. 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: Strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as circulation of pedestrians in and around the subject site have been provided.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for development of an existing commercial site within an established activity center. Pedestrians can still access the site safely via the pedestrian connection to Plantside Dr.

- c. The extent of 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. Pedestrian connection will still be provided to Plantside Dr.

- d. Either: 1. 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 2. 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: Strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as it would require significant grading within the scenic corridor area to build an ADA compliant walkway. Adequate pedestrian access can be provided via Plantside Dr.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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: 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:**

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Waivers**.
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Detailed District Development Plan**.

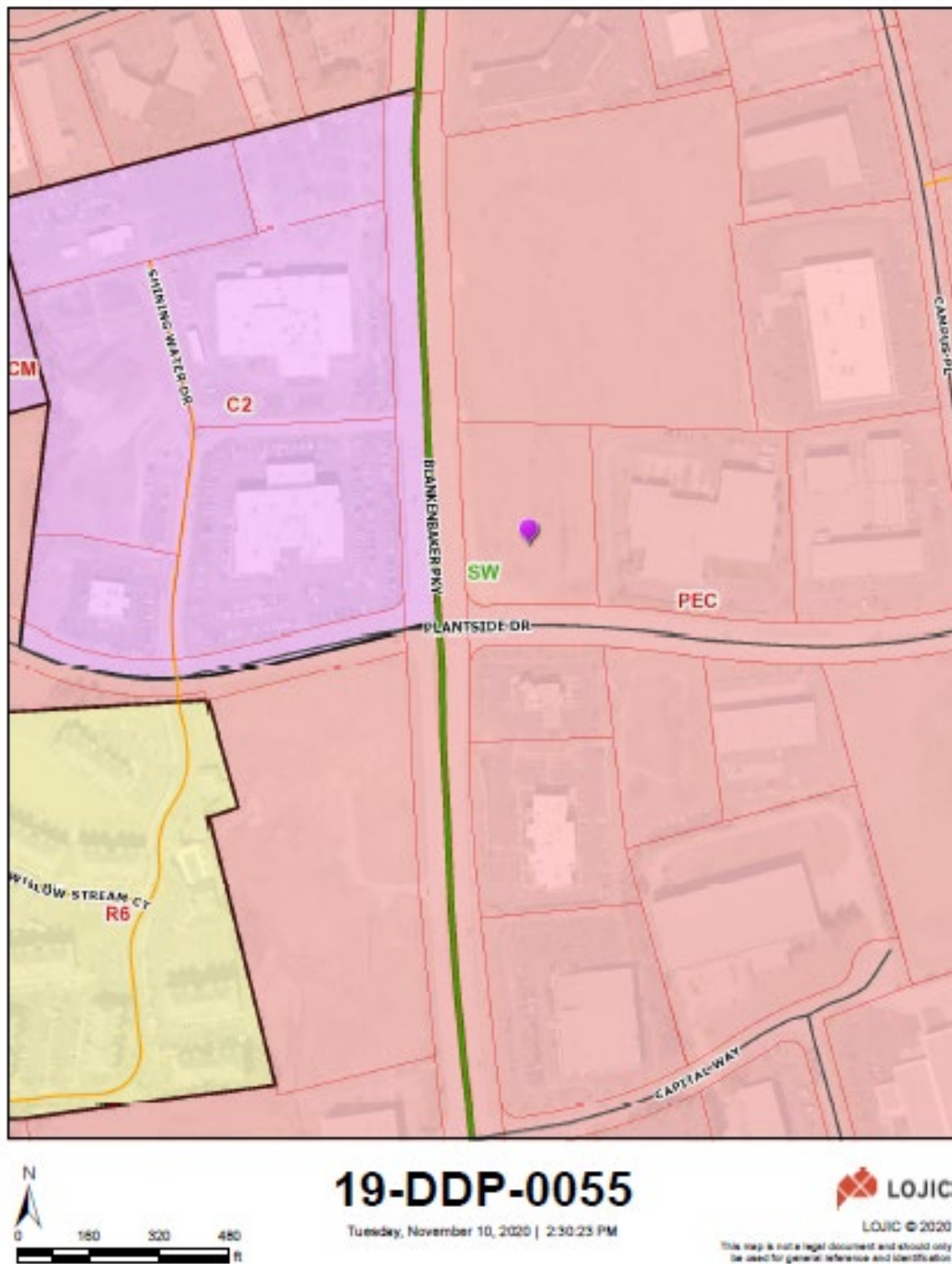
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10-30-20	Hearing before PC	1 <sup>st</sup> tier adjoining property owners, speakers at the Planning Commission public hearing. Registered Neighborhood Groups in Council District 20

### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with Proposed Changes
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



**19-DDP-0055**

Tuesday, November 10, 2020 | 2:29:20 PM



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This map is not a legal document and should only be used for general reference and identification.

### 3. **Existing Binding Elements with Proposed Revisions**

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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 20,000 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 the City of Jeffersontown Public Works and the Metropolitan Sewer District.
  - b. Encroachment permit must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - 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.
  - d. **Final elevations/renderings 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.**
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 the development of this site and shall advise them to the content of these binding elements. These binding elements shall run with the land and the owner or the property and the occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during the development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in the development of this site, shall be responsible for compliance with these Binding Elements.
8. ~~The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 16<sup>th</sup>, 2013 meeting of the Development Review Committee.~~



## **Proposed Binding Elements**

**All General Plan Binding Elements are applicable to the subject 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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 20,000 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 the City of Jeffersontown Public Works and the Metropolitan Sewer District.
  - b. Encroachment permit must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - 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.
  - d. Final elevations/renderings 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.
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 the development of this site and shall advise them to the content of these binding elements. These binding elements shall run with the land and the owner or the property and the occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during the development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in the development of this site, shall be responsible for compliance with these Binding Elements.