

Development Review Committee

Staff Report

April 09, 2025



Case No:	24-DDP-0055
Project Name:	Trade School & Offices
Location:	5905 Fegenbush Lane
Owner(s):	Crittenden Drive Holdings, LLC
Applicant:	Sabak, Wilson, & Lingo, Inc
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Heather Pollock, Planner I

REQUEST(S)

- **Revised Detailed District Development Plan with Revision to Binding Elements**

CASE SUMMARY

This property is in the C-1 Commercial zoning district and the Suburban Workplace form district. It is located on the east side of Fegenbush Lane, close to the intersection with S. Hurstbourne Parkway. A change in zoning from R-4 to C-1 was approved in 2008 under case #9565. The applicant is proposing to construct a 74,140 sq. ft. trade school and offices with 356 parking spaces. Shared access with the parcel to the south is proposed off of Fegenbush Lane. The site will use existing access off S. Hurstbourne Parkway. The proposed structure will have pedestrian access from the right-of-way through internal walks and striped pedestrian crossings. A new sidewalk is proposed along Fegenbush Lane and S. Hurstbourne Parkway, and a TARC bus stop will be added adjacent to the site on Fegenbush Lane.

TECHNICAL REVIEW

9565: Change in zoning from R-4 to C-1 and a Detailed District Development Plan.

18410: Extension of Expiration for 9565.

23-STRCLOSURE-0017: Closure of Old Fegenbush Lane stub.

24-MPLAT-0003: To create 2 tracts from 1.

STAFF FINDING

Staff finds that the proposal is adequately justified for approval based on the analysis in the standard of review. The proposed development meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

INTERESTED PARTY COMMENTS

Comments were received by staff and have been provided to Committee members.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and REVISIONS 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; a geotechnical report and wetland review were provided. Tree preservation is being provided along Fegenbush Lane. Tree canopy and landscaping requirements per 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. Pedestrian access will be provided from the street, and a new sidewalk is proposed along Fegenbush Lane and Hurstbourne Parkway. The Director of Planning has approved the proposed parking per the LDC requirements.

- 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. There is recorded shared access with the property to the east and shared access will be provided with the property to the southwest. 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 revised development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The proposed trade school and offices is compatible with non-residential uses in the area. The development promotes joint access and circulation and minimizes access points to the right-of-way with

shared access agreements to adjacent properties. Access the public transit available along Fegenbush Lane will be provided with a new bus stop and sidewalk connecting though the site.

REQUIRED ACTIONS:

- **APPROVE or DENY the Revised Detailed District Development Plan with Revision to Binding Elements**

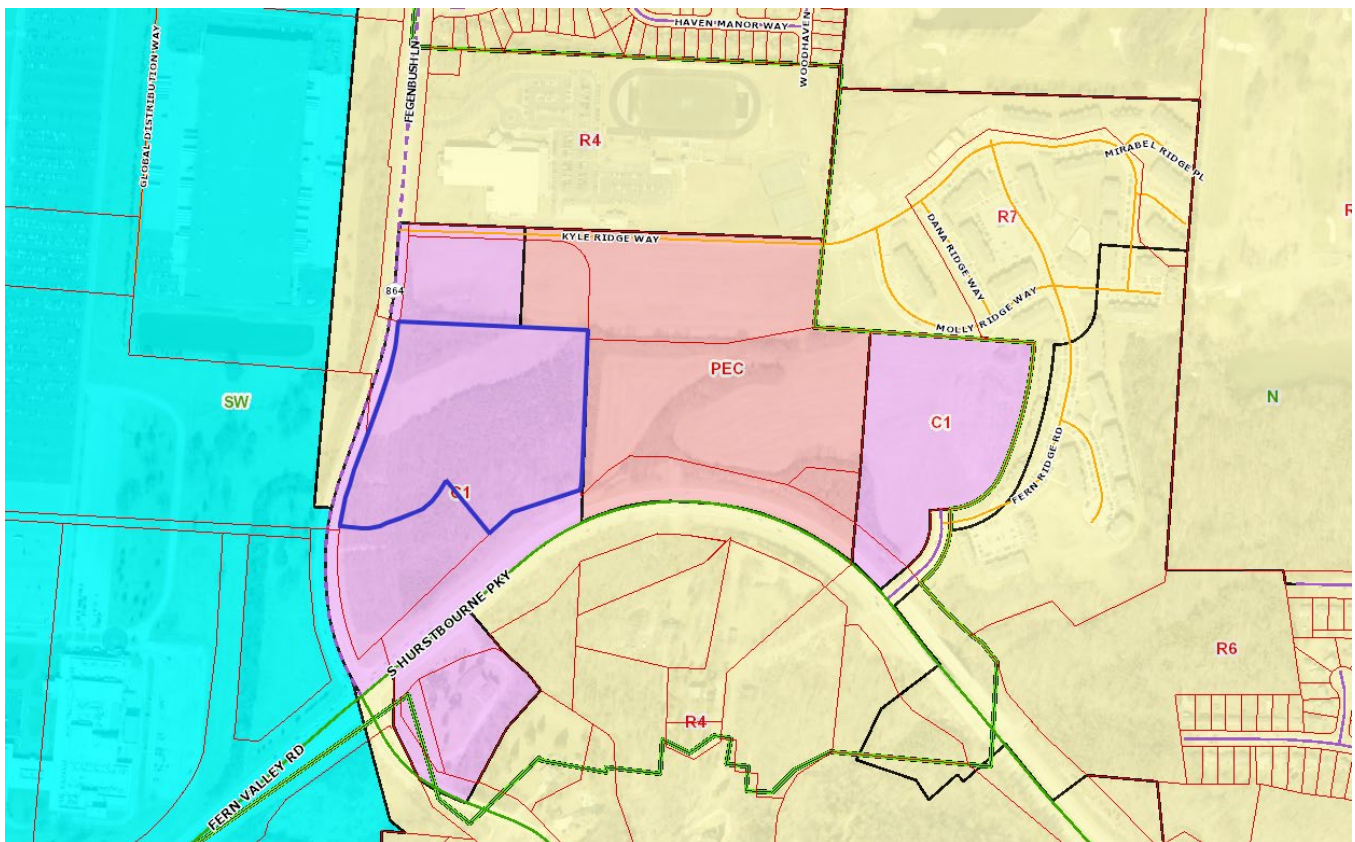
NOTIFICATION

Date	Purpose of Notice	Recipients
03/28/2025	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 2

ATTACHMENTS

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

1. Zoning Map



3. Existing Binding Elements with Proposed changes

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. ~~Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.~~
3. ~~Use of the subject site shall be limited to retail, restaurant, gas station bank and coffee shop and other uses permitted in the C-1 district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission. 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 may require a public hearing on the request to amend this binding element.~~
4. ~~The development shall not exceed 128,727 square feet of gross floor area.~~
5. ~~Signs shall be in accordance with Chapter 8 and as presented at the public hearing (81 square feet and 12 feet tall).~~
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. The existing access points to Fegenbush Lane are to be closed and access to the site ~~be provided only from the curb cuts on Hurstbourne Pkwy and Fegenbush Lane as shown on the development plan~~ **from Fegenbush Lane shall be provided only by the cross access agreement with the property to the southwest.**
8. 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.
9. 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 **Construction Review** ~~Department of Inspections, Permits and Licenses~~, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation **Cabinet**, ~~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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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 or permitted on the site.
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 property owner shall provide a cross over access easement if the property to the north and east is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request. Connections shown on the general plan shall be reevaluated for stub locations at the time of the DDDPs review and approval.~~
A cross access agreement with the property to the southwest, to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to construction approval.
14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~October 2, 2008 Planning Commission~~ **April 09, 2025 Development Review Committee** meeting.
- ~~15. The façade elevations shall be in accordance with applicable form district standards and shall be approved by the Commission along with the detailed plans.~~
16. No overnight idling of trucks shall be permitted on-site.
17. ~~At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code~~
18. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
- ~~19. Hours of operation shall be approved by the Commission along with the detailed plans.~~

20. Developer shall construct ~~Fern Valley Rd and Fegenbush Lane~~ road improvements as indicated on the approved development plan per KYTC and Metro Public Works (MPW) requirements. Encroachment permit shall be obtained prior to construction approval by MPW. Road improvements shall be completed prior to applicant's request for certificate of occupancy.
- ~~21. The CUP requested with this project must conform to the applicable requirements of Section 4.2.41 of the LDC. The CUP area shall be limited to a 3,000 SF patio as shown on the approved general plan.~~
- ~~22. The site shall be in full compliance with minimum parking requirements until such time that public transit is available and 10% reduction credits can be applied.~~
- 23. The site shall be developed in accordance with the woodland protection areas (WPA) delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and action by the Planning Commission or its designee.**

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. The existing access points to Fegenbush Lane are to be closed and access to the site from Fegenbush Lane shall be provided only by the cross access agreement with the property to the southwest.
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 Construction Review Department, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.

- 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
- 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
 - 8. 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.
 - 9. A cross access agreement with the property to the southwest, to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to construction approval.
 - 10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 09, 2025 Development Review Committee.
 - 11. No overnight idling of trucks shall be permitted on-site.
 - 12. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
 - 13. Developer shall construct Fegenbush Lane road improvements as indicated on the approved development plan per KYTC and Metro Public Works (MPW) requirements. Encroachment permit shall be obtained prior to construction approval by MPW. Road improvements shall be completed prior to applicant's request for certificate of occupancy.
 - 14. The site shall be developed in accordance with the woodland protection areas (WPA) delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and action by the Planning Commission or its designee.