

Development Review Committee

Staff Report

April 14, 2021



Case No:	21-DDP-0020
Project Name:	Speedwash
Location:	4124 Shelbyville Road
Owner(s):	4124 Shelbyville Road, LLC
Applicant:	John Sewell, Site Engineering
Jurisdiction:	St. Matthews
Council District:	9 – Bill Hollander
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Revised Detailed District Development plan and Amendment to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing a car wash on a lot with an existing parking lot. The site is zoned C-2 in the Neighborhood Form District and is located in the St. Matthews zoning authority. This site is related to 15ZONE1006 which was a rezoning to C-2 to allow more parking for an adjacent car dealership. The applicant is proposing a Revised Detailed District Development Plan for a 5,080 sq ft drive-thru car wash with 14 outdoor vacuum units. The applicant is also proposing an Amendment to Binding Elements.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Transportation Planning, MSD and KYTC have preliminarily approved the proposal.

Development Code (Saint Matthews)

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

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. All buffers are in compliance with the Development Code.

- 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 the requirements of the Development Code.

REQUIRED ACTIONS:

- Recommend **APPROVAL** or **DENIAL** of the **Revised Detailed District Development Plan and Amendment to Binding Elements** to the City of St. Matthews.

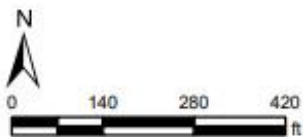
NOTIFICATION

Date	Purpose of Notice	Recipients
3/31/21	Hearing before 4/14/21	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 9

ATTACHMENTS

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

1. Zoning Map



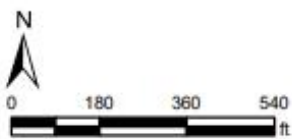
Wednesday, April 7, 2021 | 10:17:28 AM



LOJIC © 2021

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

2. Aerial Photograph



Wednesday, April 7, 2021 | 10:19:55 AM



LOJIC © 2021

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

3. Existing Binding Elements

- 1) The Development shall be in accordance with the approved district development plan, all applicable sections of the Development Code and agreed upon binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews 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) 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.
- 4) Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. ~~A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owner to the north east and west 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.~~
- 5) If a certificate of occupancy (building permit) is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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 and the City of St. Matthews.
- 6) A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or for the proposed use. All binding elements requiring action and approval must be implemented prior to requested issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of St. Matthews.
- 7) There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 8) ~~Ingress and egress to the property for employee and/or sales/display vehicles, if any shall be restricted to the Shelbyville Road access. The gate at the former alleyway (former Heady Avenue) will remain closed except for emergency use. Employees shall be asked to acknowledge the terms of the foregoing binding elements.~~
- 9) 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.

- ~~40) The property owner shall provide a cross over access easement if the property to the south is ever re-developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.~~
- 11) No overnight idling of trucks shall be permitted on-site.
- ~~12) Landscaping will be substantially similar to what was presented to the Planning Commission on 12/3/15.~~
- ~~13) Use of the property shall be limited to automobile sale/and/or display and employee parking associated with a new car dealership. The property shall not be used for any other purpose without the prior review and approval of the City of St. Matthews.~~
- 14) The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.

4. Proposed Binding Elements:

- 1) The Development shall be in accordance with the approved district development plan, all applicable sections of the Development Code and agreed upon binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of St. Matthews 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) 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.
- 4) Before any permit (including but not limited to building, parking lot, change of use, site disturbance, or alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 5) If a certificate of occupancy (building permit) is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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 and the City of St. Matthews.
- 6) A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or for the proposed use. All binding elements requiring action and approval must be implemented prior to requested issuance of the certificate of occupancy, unless specifically waived by the Planning Commission and the City of St. Matthews.
- 7) There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 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) No overnight idling of trucks shall be permitted on-site.
- 10) The above binding elements may be amended as provided for in the Zoning District Regulations upon approval of the City of St. Matthews.