

Development Review Committee
Staff Report
July 15, 2020



Case No:	20-DDP-0022
Project Name:	Club K-9
Location:	9316 Taylorsville Rd
Owner(s):	Frank G Otte
Applicant:	Cliff Hounds, LLC
Representative(s):	Land Design and Development
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waivers**
 1. **Waiver** of Jeffersontown Land Development Code (LDC), section 10.2.4.B to allow more than a 50% overlap between a required Landscape Buffer and a Sewer and Drainage Easement along the rear property line.
 2. **Parking Waiver** of Jeffersontown Land Development Code (LDC), section 9.1.2.A to reduce the required parking from 60 to 54.
- **Revised Detailed District Development Plan** with replacement of existing binding elements.

CASE SUMMARY

The applicant is proposing to convert a vacant retail nursery to a private club and commercial kennel. The subject site is approximately 2.06 acres and is in the C-1 zoning district and Suburban Marketplace Corridor for district within the City of Jeffersontown. The site was rezoned under docket 9-17-96. A portion of the existing structure is to remain and expanded to a total of 9,825 SF of indoor space, with outdoor areas created for dog play and exercise. A portion of the parking area exists and will be expanded to a total of 54 spaces, and a waiver has been requested to reduce the required parking from 60 to 54. There is a cellular tower and associated screening along the rear of the site approved under docket 15CELL1004.

STAFF FINDING

The revised detailed district development plan and waivers appear to be justified based upon staff's analysis contained in the standard of review. The proposal is consistent with previously approved plans for the subject site.

TECHNICAL REVIEW

The Applicant will need to acquire a Conditional Use Permit for a commercial kennel and private club from the Jeffersontown Board of Adjustment.

INTERESTED PARTY COMMENTS

Staff has received no comments 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 waiver will not adversely affect adjacent property owners as all required planting and screening will still be provided on the subject site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. Sufficient screening and planting will be provided around the subject site.

- (c) The extent of the 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 as all required screening and plantings will be provided.

- (d) Either:

(i) 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

(ii) 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: The strict application would deprive the applicant of the reasonable use of the land, as the easement already exists in the area of required buffer.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: The waiver is in compliance with the Comprehensive Plan as it allows for the adaptive re-use of an existing commercial site in an existing activity center.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions.

STAFF: The applicant has made a good faith effort to provide as many parking spaces as possible on the subject site.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: Adjacent or nearby property owners will not be adversely affected.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use, and the requested reduction will accommodate the proposed use. The facility is a private club and can more effectively control traffic and crowds compared to similarly sized public facilities.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.

STAFF: There are no on-street or public spaces available to accommodate the demand.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- 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 are no significant natural 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 have been provided around and within the proposed development. Transportation Planning has 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 associated with this request.

- 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 proposed development plan conforms to the Comprehensive Plan and the Jeffersonville Land Development Code, except where waivers are requested.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Parking Waiver**
- **RECOMMEND** the City of Jeffersontown **APPROVE** or **DENY** the **Waiver of 10.2.4.B**
- **RECOMMEND** the City of Jeffersontown **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with replacement of existing Binding Elements

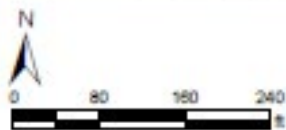
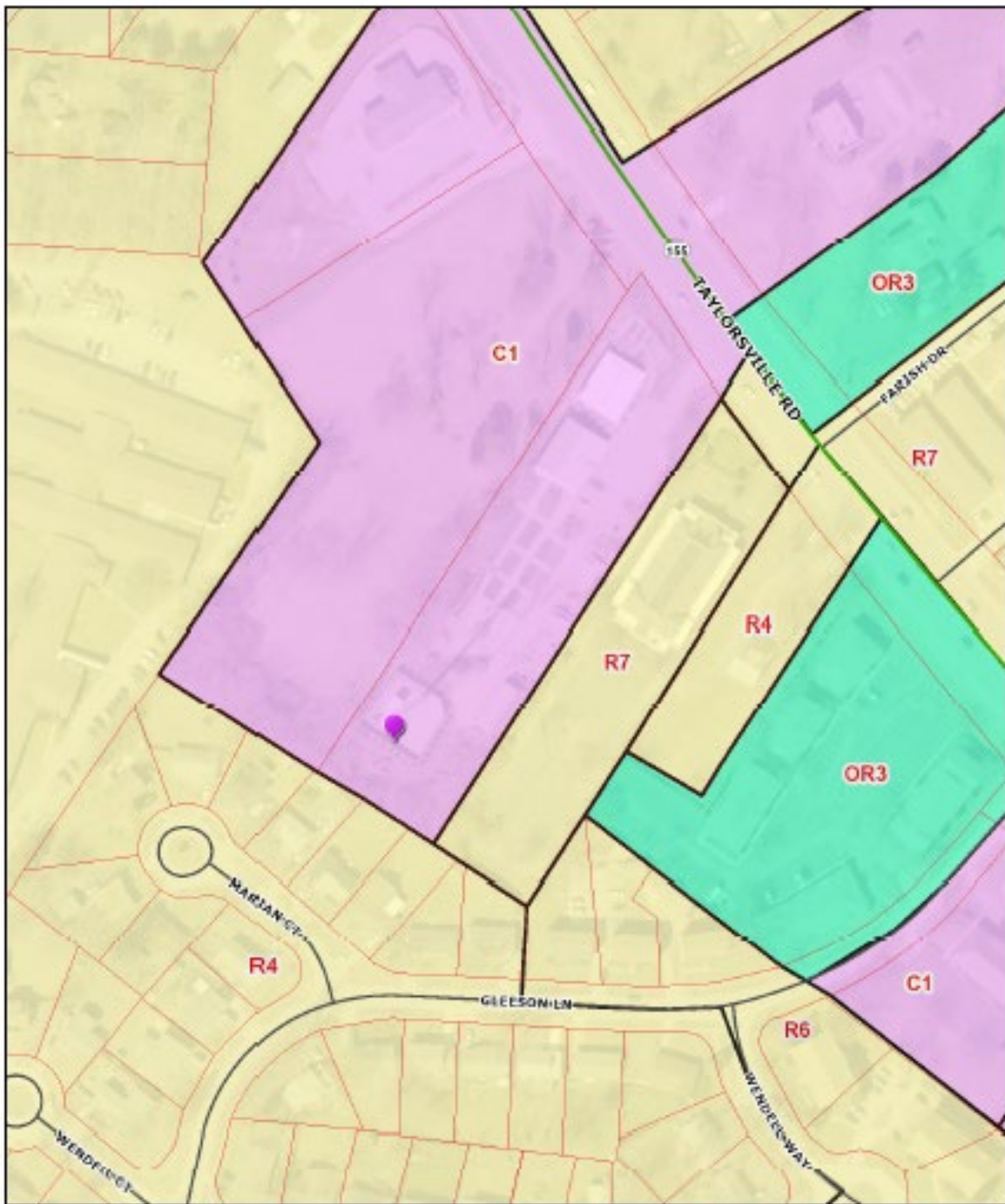
NOTIFICATION

Date	Purpose of Notice	Recipients
06-29-20	Hearing before DRC	1 st tier adjoining property owners Registered Speakers at previous public hearings Registered Neighborhood Groups in Council District 11

ATTACHMENTS

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

1. Zoning & Form Map



20-DDP-0022

Tuesday, July 7, 2020 | 4:37:49 PM



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2. Aerial Photograph



20-DDP-0022

Tuesday, July 7, 2020 | 4:30:01 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 to be replaced

1. ~~The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission and City Council of the City of Jeffersontown, except for land uses permitted in the established zoning district.~~
2. ~~The development shall not exceed 2,500 square feet of gross floor area for the sales building and 1,144 square feet of gross floor area for the storage building.~~
3. ~~Commercial use of the subject property shall be limited to a retail nursery.~~
4. ~~No outdoor advertising signs (billboards), small free standing (temporary) signs, pennants or banners shall be permitted on the site.~~
5. ~~The only permitted freestanding sign shall be monument style, 3 feet in height, 15 square feet in area and at least 30 feet back from the front property line,~~
6. ~~Outdoor lighting shall be directed down and away from surrounding residential properties.~~
7. ~~The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:~~
 - a. ~~Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).~~
 - b. ~~Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).~~
 - c. ~~Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.~~
 - d. ~~Location of construction fencing for each tree/tree mass designated to be preserved.~~
8. ~~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 1) the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 W. Liberty Street).~~
 - b. ~~The size and location of any proposed freestanding sign 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.~~
 - c. ~~Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
 - d. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and additional buffering in the form of a solid fence or plantings or both along the northwest property line to provide adequate~~

~~buffering as needed prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~

- ~~9. If a 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.~~
- ~~10. A certificate of occupancy must be received from the appropriate code enforcement office 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. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.~~

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Jeffersontown Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Jeffersontown 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. 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.
3. 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, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the Taylorsville Rd right-of-way.
 - 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. The appropriate conditional use permit shall be obtained from the Jeffersontown Board of Adjustment to allow the development as shown on the approved district development plan.
 - e. 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.

4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site. All signs shall be in accordance with Chapter 8 of the Jeffersontown Land Development Code.
5. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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.