

Land Development & Transportation Committee

Staff Report

December 14, 2017

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Case No:	17ZONE1042
Request:	R-4 to C-1
Project Name:	Speedwash
Location:	9808, 9818, 9818R Hillock Drive & 8018 & 8102 Old Bardstown Rd
Owner:	Old Bardstown Investment Group, LLC
Applicant:	Speedwash Carwash
Representative:	Wyatt, Tarrant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- Change in zoning from R-4, Single Family Residential to C-1, Commercial on .699 acres
- Waiver of Section 10.2.10 to reduce the 15' Vehicle Use Area Landscape Buffer Area along Old Bardstown Road and Hillock Drive to 10'
- Waiver of 5.9.2.A.1.b.i and 5.9.2.A.1.b.ii to not provide a pedestrian connection from the public sidewalk and not provide vehicular or pedestrian connection to the non-residential use to the south
- Variance from Section 5.3.2, Table 5.3.2 to allow the building to exceed the maximum front setback of 80' by 40'
- Detailed District Development Plan

CASE SUMMARY/BACKGROUND

This site is located in the Fern Creek area on the west side of Old Bardstown Road, just south of the Gene Snyder Freeway. The applicant is proposing a car wash on six parcels, four of which are already zoned C-1 totaling 2.05 acres. The two parcels along the west side are currently zoned R-4, Single Family Residential. The applicant is requesting these two parcels to be re-zoned to C-1 in order to construct a 9,947 square foot care wash with detailing bays. Self-service stations and a drive-thru car wash building are also proposed.

Previous Cases on Site:

12491: Minor Plat to create two lots from one.

14ZONE1027: Change in zoning from R-4, Single-Family Residential to C-1, Commercial for 8018-8102 Old Bardstown Rd and 9816 and 9816-R Hillock Drive. Approved 11/20/14.

STAFF FINDINGS

MSD and Transportation concerns need to be addressed prior to setting the public hearing date.

TECHNICAL REVIEW

- Transportation has not yet approved the proposed Old Bardstown Road relocation
- MSD has not yet approved due to the relocation of the detention basin within the public right-of-way

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

The Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals
	Hearing before PC / BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

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 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. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro 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 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 legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
4. 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.
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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 20, 2014 Planning Commission meeting.
7. Upon the development or redevelopment of abutting properties, a unified access and circulation system shall be developed to eliminate preexisting curb cuts and provide for vehicular movement throughout abutting sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to the Planning Commission legal counsel shall be recorded prior to the time of construction approval for the abutting property to be developed.

8. The proposed easternmost access point from the site to Hillock Drive is to be closed and a new access point to the site be made from the site to the relocated Old Bardstown Road as shown on the development plan. The owner shall then also provide a pedestrian access from the front of the building to the abutting sidewalk along relocated Old Bardstown Road and striping through the VUA.
9. The area identified for future right-of-way for the relocation of Old Bardstown Road, as shown, shall be dedicated to public use by minor plat or deed at the applicant's expense within 60 days of request by the Director of Louisville Metro Public Works.
10. A 25 ft LBA shall be provided along the rear property line with an 8 ft high privacy fence and tall shrubs.
11. A 15 ft LBA shall be provided along the south property line with an 8 ft high privacy fence and tall shrubs to where the day care ends and the office property begins

4. **Proposed Binding Elements**

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 ~~Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works~~ **Develop Louisville** and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
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12. Hours of operations 8am - 8pm