

Development Review Committee
Staff Report
July 17, 2019



Case No:	19DEVPLAN1095
Project Name:	Zip's Car Wash
Location:	1700 Alliant Ave
Owner(s):	Zip's Real Estate II, LLC.
Applicant:	Zip's Real Estate II, LLC.
Jurisdiction:	Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Revised Detailed District Development plan** with revisions to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a car wash facility on an existing commercial property in the city of Jeffersontown. The car wash would be constructed on an area of excess parking adjacent to a restaurant and a hotel. The site is zoned PEC in the Suburban Workplace form district and was rezoned under docket 9-41-78. The development will utilize existing access points to Alliant Ave.

STAFF FINDING

The proposed development is adequately justified and meets the standard of review. The use is compatible with the variety of commercial and office uses in the area and allows for an efficient development pattern by utilizing an area of existing under-utilized parking.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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 **Revised Detailed District Development plan** with revisions to Binding Elements

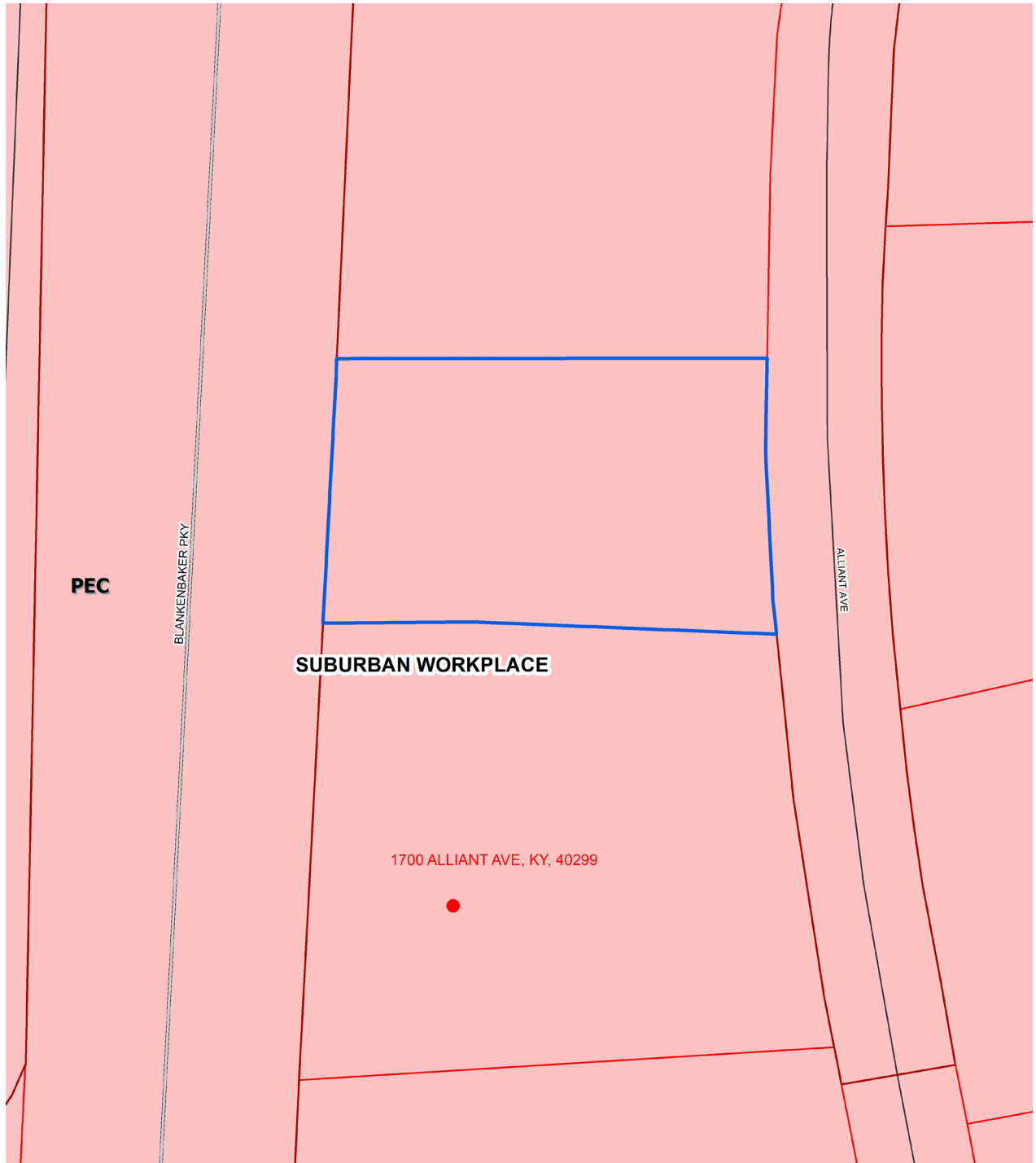
NOTIFICATION

Date	Purpose of Notice	Recipients
7-5-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

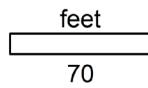
ATTACHMENTS

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

1. Zoning Map



19DEVPLAN1095

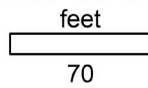


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2. Aerial Photograph



19DEVPLAN1095



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3. **Existing Binding Elements with proposed changes**

1. The development shall be in accordance with the approved district development plan, land use 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. **The development shall be in accordance with the approved 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 the plan shall be submitted 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 12,000 square feet of gross floor area.~~
3. ~~A sidewalk shall be constructed on the Crossings Avenue frontage. A bond, in an amount to be determined by the Department of Public Works and Transportation, shall be posted for construction of a sidewalk on the Blankenbaker Parkway frontage of this site. The Blankenbaker sidewalk shall be constructed at such time as transit service is initiated on Blankenbaker Parkway or other circumstances warrant their installation as determined by the Director of Works. The term of the bond shall be five (5) years.~~
4. ~~The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 30 square feet in area and 5 feet in height. **All signs are to be in compliance with the City of Jeffersontown Sign Ordinance. Permits shall be obtained from the City of Jeffersontown prior to installation of the signs.**~~
5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
6. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - a) ~~The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation~~ **City of Jeffersontown** and the Metropolitan Sewer District.
 - b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10**. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - c) A minor subdivision plat or legal instrument shall be recorded ~~consolidating the property into one lot~~ **Creating the lots as shown on the development plan**. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - 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 owners and recorded. A copy of the recorded instrument shall be submitted to the City of Jeffersontown prior to obtaining a building permit.**
 - e) **A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.**
 - f) **Encroachment permits must be obtained from the Jeffersontown Public Works Department and KYTC for any work performed in the right-of-way.**

- ~~7. If a building permit is not issued within one year of the date of approval of the plan, 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.~~
8. 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.

6. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.

7. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.

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.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved 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 the plan shall be submitted to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. All signs are to be in compliance with the City of Jeffersontown Sign Ordinance. Permits shall be obtained from the City of Jeffersontown prior to installation of the signs.
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - a) The development plan must be re-approved by the City of Jeffersontown and the Metropolitan Sewer District.
 - b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.

- c) A minor subdivision plat or legal instrument shall be recorded creating the lots as shown on the development plan. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - 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 owners and recorded. A copy of the recorded instrument shall be submitted to the City of Jeffersontown prior to obtaining a building permit.
 - e) A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - f) Encroachment permits must be obtained from the Jeffersontown Public Works Department and KYTC for any work performed in the right-of-way.
5. 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.
 6. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
 7. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
 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.