

Development Review Committee

Staff Report

December 5, 2018



Case No:	18MOD1009
Project Name:	Professional Office BE Mod
Location:	3317 Taylor Blvd
Owner(s):	The O'Bryan Living Trust
Applicant:	The O'Bryan Living Trust
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Modification of Binding Elements**

CASE SUMMARY/BACKGROUND

The subject site was rezoned to C-2 under docket 9-67-98 for an auto sales and rental facility. The applicant is proposing to operate a professional office on the site, and requests that binding element 12 be eliminated to allow for expanded hours including Sundays.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: There are no changes to existing circulation in and around the subject site associated with this request.

- (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 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: There are no changes to the site associated with this request.

- (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 requested modification of binding elements conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

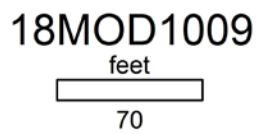
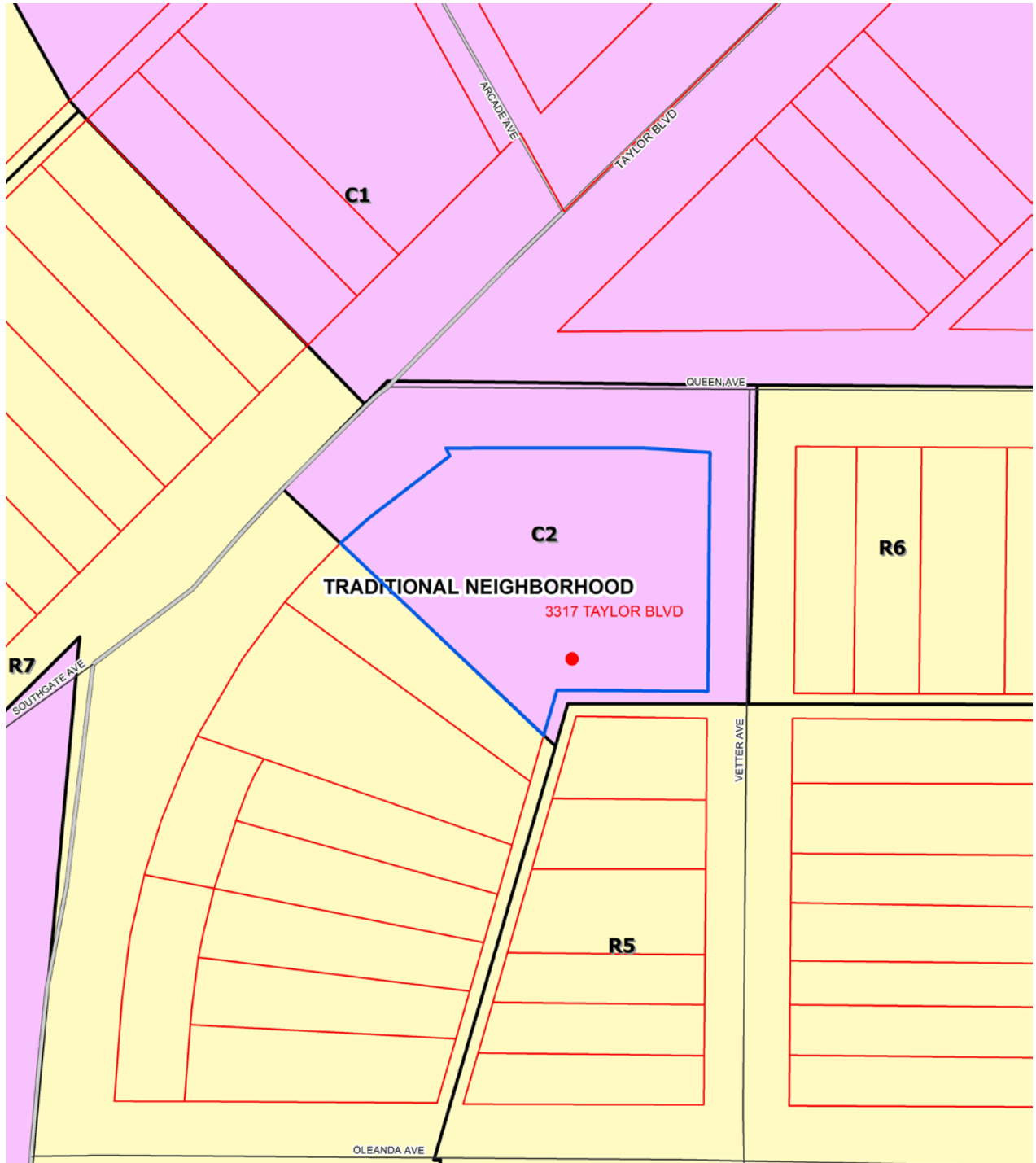
NOTIFICATION

Date	Purpose of Notice	Recipients
11-13-18	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15

ATTACHMENTS

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

1. Zoning Map



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2. Aerial Photograph



18MOD1009
feet
70



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3. Existing Binding Elements with Proposed Changes

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.
2. Use of the property shall be restricted to:
 1. Uses permitted in the C-1 zone which are also permitted in the C-2 zone.
 2. Automobile sales agencies.
 3. Automobile rental agencies.
 4. Automobile repair garages.
 5. Automobile service stations.
 6. Bookbinding.
 7. Dancing instruction.
 8. Equipment rental where all activities are within a building.
 9. Monument sales.
 10. Upholstery and furniture repair shops.
 11. Used car sales areas, provided that no repair or re-conditioning of automobiles or storage of parts shall be permitted except where enclosed in a building.Other C-2 uses shall require the approval of the Board of Aldermen.
3. The only permitted freestanding signs shall be located as shown on the approved development plan. Sign #1 shall not exceed 80 square feet in area per side and 21.5 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site except autos.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site.
7. 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 the City of Louisville Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty).
 - b. 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.
8. 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.
9. 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.

10. 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.
11. There shall be no employee parking permitted on Vetter Avenue.
- ~~12. Business hours shall be from 8:30 A.M. until 8:00 P.M., Monday thru Friday, 8:30 A.M. until 6:00 P.M., Saturday; closed on Sunday. All garbage pick-up shall be between 8:30 A.M. and 3:00 P.M.~~

4. Proposed Binding Elements

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.
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