

Development Review Committee

Staff Report

September 20, 2017



Case No:	17DEVPLAN1120
Project Name:	Six Pack Volleyball
Location:	4020 S 3 rd St
Owner(s):	Ayer-Volke, LLC
Applicant:	IJM-WMM, Inc.
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- Revised District Development Plan to enclose two existing beach volleyball courts.

CASE SUMMARY/BACKGROUND

The applicant is requesting to construct a structure to enclose two existing beach volleyball courts at the former Bernie's located at 4020 S 3rd St. The site has been used as a volleyball facility dating back to at least the early 1990s. There are three sites associated with this request, with the main site being the existing beach volleyball facility (Site A), and two offsite parking lots located nearby located at 312 W Evelyn Ave (Site B) and 4101 S 3rd St (Site C). The sites are all to remain as they have been historically, with the exception of the additional structure to allow for volleyball to be played indoors. Two other existing courts will remain uncovered.

The main site was rezoned from R-6 to C-2 under docket 9-53-92. This rezoning included a total of fifteen variances, two waivers and a Conditional Use Permit in order to bring existing conditions up to Land Development Code standards in place at the time. Site A was granted three variances relating to fence heights, and five variances relating to setback reductions to streets and adjacent properties. Site B was granted two variances to allow for parking spaces to encroach into minimum front and side setbacks. Site C was granted five variances to allow parking to be within required minimum setbacks. A waiver was granted to remove all Vehicle Use Area Internally Landscaped Area requirements for all three sites. A second waiver was granted to eliminate the property perimeter landscape buffer area requirements on the main site. In addition, a Conditional Use Permit was granted for Site B to allow for off street parking in a residential zone. All conditions currently on the site are as approved under docket 9-53-92. A 30% parking waiver was also approved for the site at the time, as well as a shared parking agreement. As current parking standards within Louisville Metro have changed significantly compared to the time of this approval, the proposed development would be able to meet all parking requirements within the existing off street lots.

The proposed covering of the two volleyball courts would not constitute an expansion of the existing use approved under this docket. There are no changes proposed to the existing parking areas for the site.

STAFF FINDING

The development plan meets the standard of review for approval of a Revised District Development Plan and is in compliance with the Land Development Code.

TECHNICAL REVIEW

The applicant will need to obtain a license agreement with Louisville Metro Public Works for the area where Site C parking encroaches into the public ROW along W Evelyn Ave.

Transportation Planning and the Metropolitan Sewer District have given preliminary approvals for this development plan.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP 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. 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 have approved the preliminary development plan on the condition that a license agreement is obtained for the parking encroachment into the W Evelyn Avenue ROW.

- 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. Buildings and parking areas meet all required setback and screening requirements, with the exception of the variances and waivers already granted.

- 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.

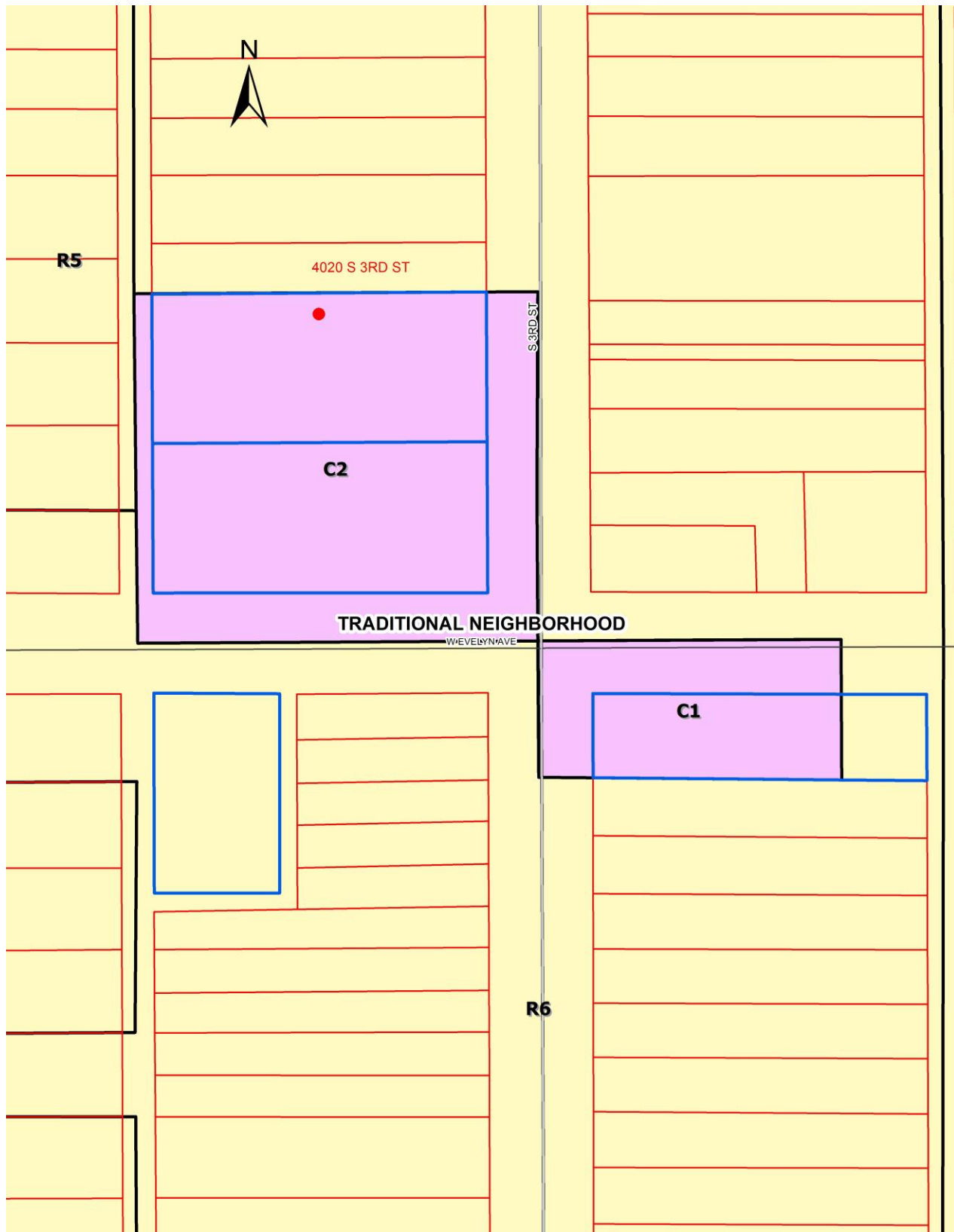
NOTIFICATION

Date	Purpose of Notice	Recipients
9-7-17	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 15

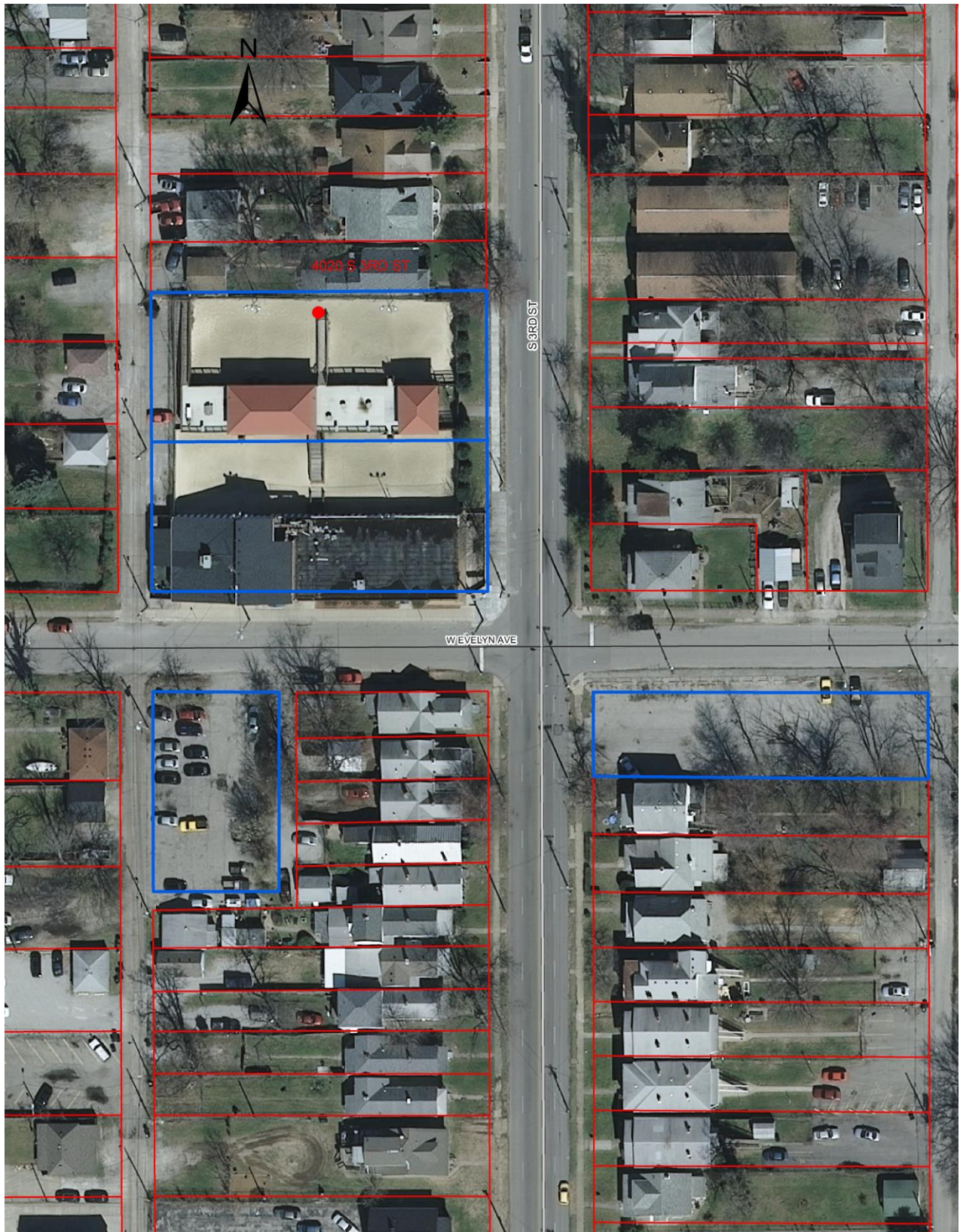
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing and/or Proposed Binding Elements/Conditions of Approval

1. Zoning Map



2. Aerial Photograph



4. Existing Binding Elements

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.
2. The development shall not exceed 7,900 square feet of gross floor area for the restaurant/lounge, 1,000 square feet for retail use, four volleyball courts and 4,615 square feet for deck area/bar (3,700 square feet for deck area with table seating and bar and 915 square feet for restrooms and locker rooms).
3. The volleyball courts and outdoor deck/bar area shall not be utilized between the hours of 11:00 P.M. and 8:00 A.M.
4. No outdoor music (live, piped, radio or amplified) or PA system shall be permitted on the site.
5. Outdoor lighting shall be directed down and away from adjacent residential property.
6. The only permitted freestanding signs shall be located as shown on the approved district development plan and shall not exceed: a) 48 square feet in area and 18 feet tall on Site A, and b) 24 square feet in area and 7 feet tall on Site C.
7. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
8. Before a building, paving, parking or alteration permit and/or a certificate of occupancy is requested:
 - a) The development plan must be reapproved by the City of-Louisville Department of Inspections, Permits and Licenses 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. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - c) A minor plat or legal instrument shall be recorded consolidating the property into three lots; sites A, B and C as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - d) A legal instrument providing for the long-term joint use of the off-street parking areas on sites **B** and C as shown on the approved development plan and 22 parking spaces located at Albin used car lot, 4119 South Third Street, shall be submitted and approved by the Planning Commission counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - e) The owner shall request approval of a parking waiver of 53 required parking spaces.
9. If a building permit, certificate of occupancy or paving or parking 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.

Proposed Binding Elements

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.

~~2. The development shall not exceed 7,900 square feet of gross floor area for the restaurant/lounge, 1,000 square feet for retail use, four volleyball courts and 4,615 square feet for deck area/bar (3,700 square feet for deck area with table seating and bar and 915 square feet for restrooms and locker rooms).~~

3. The volleyball courts and outdoor deck/bar area shall not be utilized between the hours of 11:00 P.M. and 8:00 A.M.

4. No outdoor music (live, piped, radio or amplified) or PA system shall be permitted on the site.

5. Outdoor lighting shall be directed down and away from adjacent residential property.

~~6. The only permitted freestanding signs shall be located as shown on the approved district development plan and shall not exceed: a) 48 square feet in area and 18 feet tall on Site A, and b) 24 square feet in area and 7 feet tall on Site C.~~ **Signs shall be in accordance with Chapter 8 of the LDC.**

7. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.

8. Before a building, paving, parking or alteration permit and/or a certificate of occupancy is requested:

a) The development plan must be re-approved **receive full construction plan approval** by the City of Louisville Department of Inspections, Permits and Licenses **Develop Louisville, Metro Public Works** 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 plat or legal instrument shall be recorded consolidating the property into three lots; sites A, B and C as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Planning Commission.

~~d) A legal instrument providing for the long-term joint use of the off-street parking areas on sites B and C as shown on the approved development plan and 22 parking spaces located at Albin used car lot, 4119 South Third Street, shall be submitted and approved by the Planning Commission counsel and~~

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~~e) The owner shall request approval of a parking waiver of 53 required parking spaces.~~

9. If a building permit, certificate of occupancy or paving or parking 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 applicant must obtain and maintain hereafter a license agreement with Louisville Metro Public Works for the area of encroachment into the W Evelyn Avenue public Right of Way along Site C.

Existing Conditions of Approval for Conditional Use Permit and Variances

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.

2. The parking lots shall only be used to serve development on Site A as identified on the approved general district development plan.

3. Before a paving permit is requested:

a) The development plan must be reapproved by the City of Louisville Department of Inspections, Permits and Licenses 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. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.

c) A minor plat or legal instrument shall be recorded consolidating the property into two lots (Sites B and C as shown on the approved general district development plan). A copy of the recorded instrument shall be submitted to the Planning Commission.

4. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Planning Commission's approval. If not, the sites shall not be used for off-street parking lots without further review of the Planning Commission.