

Planning Commission
Staff Report
September 19, 2019



Case No:	19MOD1002
Project Name:	O'Reillys Auto Parts
Location:	4156 Taylor Blvd
Owner(s):	E&S Developers, LLC
Applicant:	E&S Developers, LLC
Jurisdiction:	Louisville Metro
Council District:	15 – Kevin Triplett
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST

- **Removal of Binding Element 10**

CASE SUMMARY/BACKGROUND

The applicant proposes to remove one binding element from the subject property. Binding element #10 states that the materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 6, 2016 Development Review Committee meeting. The O'Reillys Auto Parts structure that was built on this property does not comply with this binding element, or Land Development Code requirements for building design.

The subject site was rezoned under case 14ZONE1037. A detailed district development plan, 16DEVPLAN1044, was submitted and approved in 2016.

16DEVPLAN1044 included a waiver to allow buildings on tracts 2 and 3 to not face the primary street serving the development (Taylor Boulevard). The subject site is tract 3. The staff report indicates that the elevations presented at the Development Review Committee on April 6, 2016 showed some mitigation for the lack of the store front along the street frontage on Taylor Boulevard, but the staff report does not state a specific mitigation.

According to the applicant, due to the nature of the building materials used to construct the existing O'Reillys on the subject site, the applicant is unable to provide transparent windows and doors on the façade, or add articulated or animating features to the structure itself. The applicant has worked with Planning and Design staff to add embellishments such as a trellis, additional plantings, and other decorative elements to help break up the building's façade.

This case was heard by the Development Review Committee on August 14, 2019. The vote was not unanimous so the case was rescheduled for the August 29, 2019 Development Review Committee meeting so that the applicant's architect could be present and answer technical questions. The case was continued to Planning Commission on September 19, 2019.

STAFF FINDING

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

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

Existing Binding Element 10:

- The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 6, 2016 Development Review Committee meeting.

The applicant proposes to remove this binding element.

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: No changes to the site layout are proposed with this request. There do not appear to be any natural resources on the site, which is already developed.

- (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 vehicular or pedestrian 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 subject site is already developed, and obtained a building permit for the existing structure. MSD reviews all building permits.

- (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: This binding element modification has been submitted in order to allow the applicant to make aesthetic design modifications to the existing building exterior in order to better comply with Land Development Code building design regulations.

- (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. The intent of requesting the binding element amendment is so that the applicant can make alterations to the elevations that will allow the building design to more closely comply with Land Development Code requirements.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Amendment of Binding Elements**

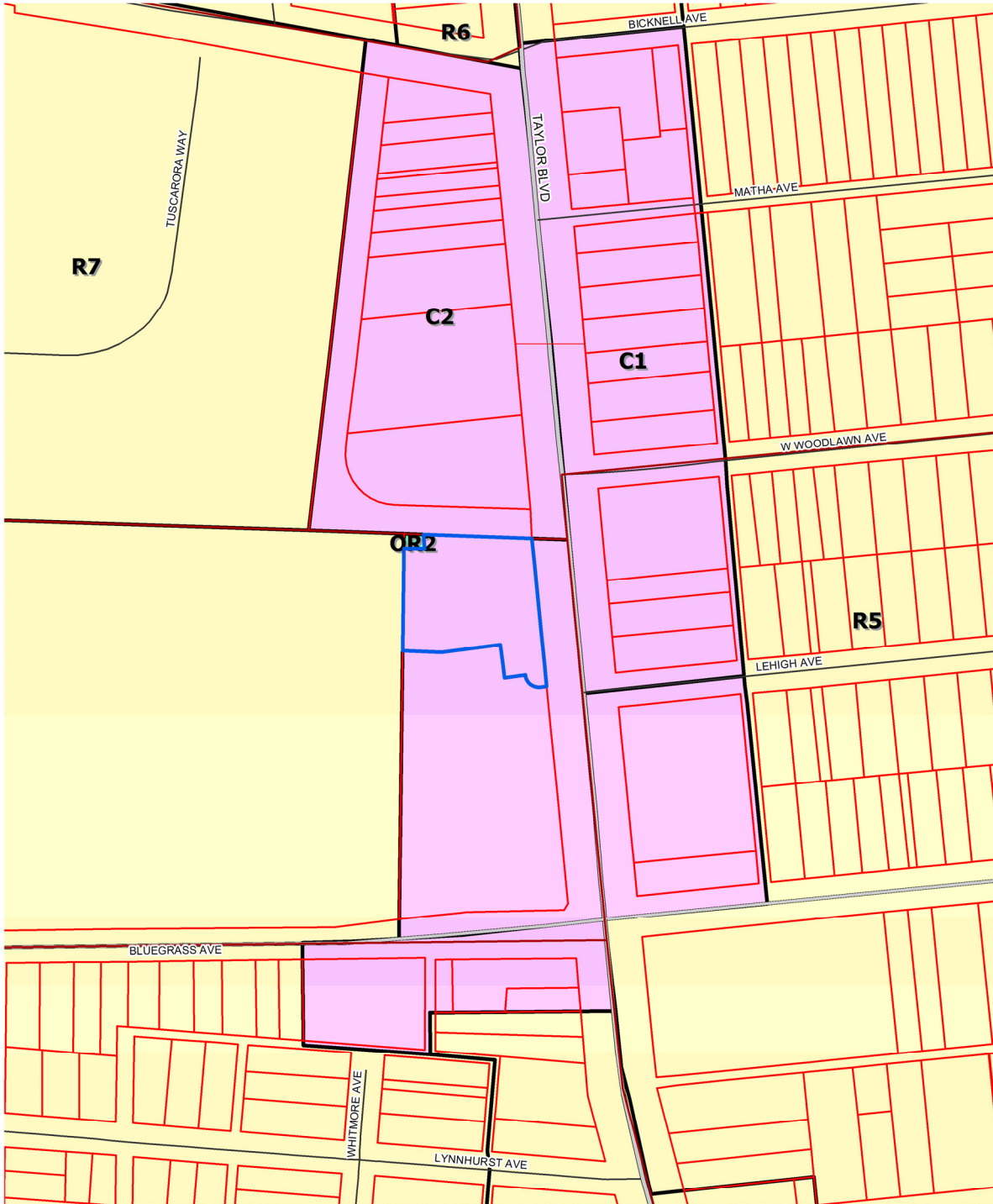
NOTIFICATION

Date	Purpose of Notice	Recipients
8-14-2019	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 15
9-19-2019	Hearing before Planning Commission	

ATTACHMENTS

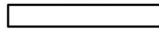
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements 16DEVPLAN1044
4. Proposed Binding Elements

1. Zoning Map



4156 TAYLOR BLVD

feet



190

Map Created: 7/25/2019



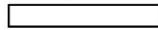
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2. Aerial Photograph



4156 TAYLOR BLVD

feet



190

Map Created: 7/25/2019



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3. Existing Binding Elements 16DEVPLAN1044

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. The development shall not exceed 3,702 square feet of gross floor area for Tract 2. 7,125 square feet of gross floor area for Tract 3
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration 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. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - 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 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 Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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.

9. The property owner shall provide a cross over access easement if the property to the north is ever re-developed. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
- ~~10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 6, 2016 Development Review Committee meeting.~~
11. No overnight idling of trucks shall be permitted on-site.
12. Dumpster enclosures shall be constructed of brick or split-face block materials in keeping with materials and design of the proposed structures as depicted in the renderings presented at the April 23, 2015 Planning Commission meeting.

4. Proposed 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.
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