

**Land Development and Transportation Committee**  
**Staff Report**  
July 27, 2017



<b>Case No:</b>	17MOD1006
<b>Project Name:</b>	1399 Lexington Road BE Mod
<b>Location:</b>	1399 Lexington Rd
<b>Owner(s):</b>	Volks 1
<b>Applicant:</b>	David George
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- To delete Binding Element 3b from docket 09-84-86.

**CASE SUMMARY/BACKGROUND**

The applicant was cited by Louisville Metro Zoning Enforcement staff for the site being out of compliance with the approved development plan and binding elements that were approved under docket 09-84-86, in particular binding element 3b which states:

*The property owner must obtain approval of a plan for screening (buffering/landscaping). Such plan shall be implemented prior to occupancy and maintained thereafter.*

The screening required by this binding element does not appear to have ever been installed. The applicant is requesting that this binding element be deleted. As this rezoning was completed in a time where the binding element was the only written screening requirement, and there were no standard LDC requirements for screening or landscaping, removing this binding element would eliminate the screening requirement for this site. The site was rezoned from C-1 to C-2 for auto sales, and the site has generally been in compliance with the approved plan except for these screening requirements per the binding element.

**STAFF FINDING**

The site is in compliance with the approved development plan with the exception of the screening requirements of binding element 3b. The applicant is requesting relief due to the site being unchanged for more than 30 years, and the site being consistent with surrounding sites that were developed during that time. The Land Development and Transportation Committee must choose to approve or deny the request to eliminate binding element 3b from docket 09-84-86.

**TECHNICAL REVIEW**

The property has been cited by Zoning Enforcement under case 17PM2404. That case is on hold pending the result of this request.

## **INTERESTED PARTY COMMENTS**

Staff has received no inquiries on this request.

## **STANDARD OF REVIEW AMENDMENT TO BINDING ELEMENT**

- 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: A portion of the site is within the FEMA 100 year flood plain. Tree canopy requirements were not applicable to the site at the time of this development. Screening required by binding element 3b has not been installed on 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 has been provided.

- 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: Drainage is consistent with the approved plan from 1986, with the exception of any that may have been captured from the installation of perimeter plantings.

- 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 has not been provided to screen adjacent properties and roadways.

- 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: There is no revised development plan associated with this request. The site is in compliance with the existing plan with the exception of screening requirements of binding element 3b.

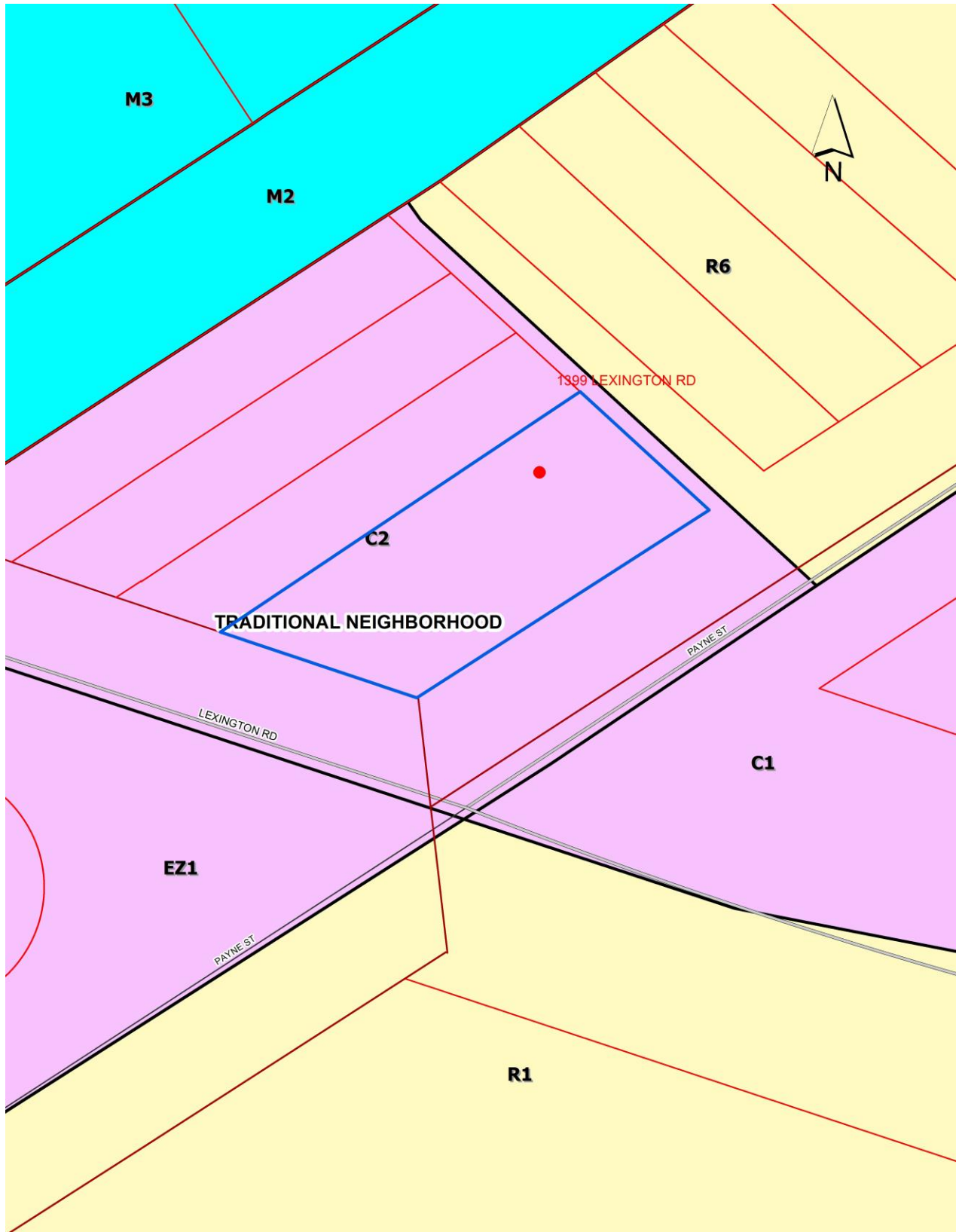
**NOTIFICATION**

Date	Purpose of Notice	Recipients
7-13-17	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 9

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

