

# Development Review Committee

## Staff Report

September 1, 2021



<b>Case No:</b>	21-DDP-0048
<b>Project Name:</b>	Greyhound Station
<b>Location:</b>	4826 Preston Hwy
<b>Owner(s):</b>	Frank and Victoria Serapiglia
<b>Applicant:</b>	Frank and Victoria Serapiglia
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Nicole George
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Revised Detailed District Development plan** with replacement of existing binding elements.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to utilize a former auto sales and rental facility as a bus station. The subject site is approximately .35 acre and zoned C-2 in the Suburban Workplace form district. The site is located along Preston Highway southeast of the I-65 interchange near the Lynnview area of central Louisville Metro. The subject site was rezoned from C-1 to C-2 under docket 9-30-04. There are a mix of commercial zoning and uses on the west side of Preston highway, with residential zoning and use in the Lynnview area on the east side of Preston Hwy. The property to the rear of the subject site is vacant and zoned EZ-1. The applicant is intending to use the existing structures on the subject site and most of the existing pavement. They will close one of the curb cuts along Meadow Ave and install sidewalks along their property frontage along that street.

### STAFF FINDING

The request is adequately justified and meet the standards of review. The use is appropriate for the area and utilizes an existing commercial site.

### TECHNICAL REVIEW

The parking requirements for this use are not defined within the Land Development Code but are instead up to approval of the Director of Planning. The applicant has provided evidence of parking levels at similar transit facilities in other communities. The Institute of Transportation Engineers has guidelines for light rail park and ride uses, but not specifically for this use. The parking proposed is consistent with parking standards for similar uses and same-use sites in other communities.

### INTERESTED PARTY COMMENTS

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

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP 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.

- 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 Transportation Planning Staff has 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. 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:**

- **APPROVED or DENY the Revised Detailed District Development Plan with replacement of existing Binding Elements**

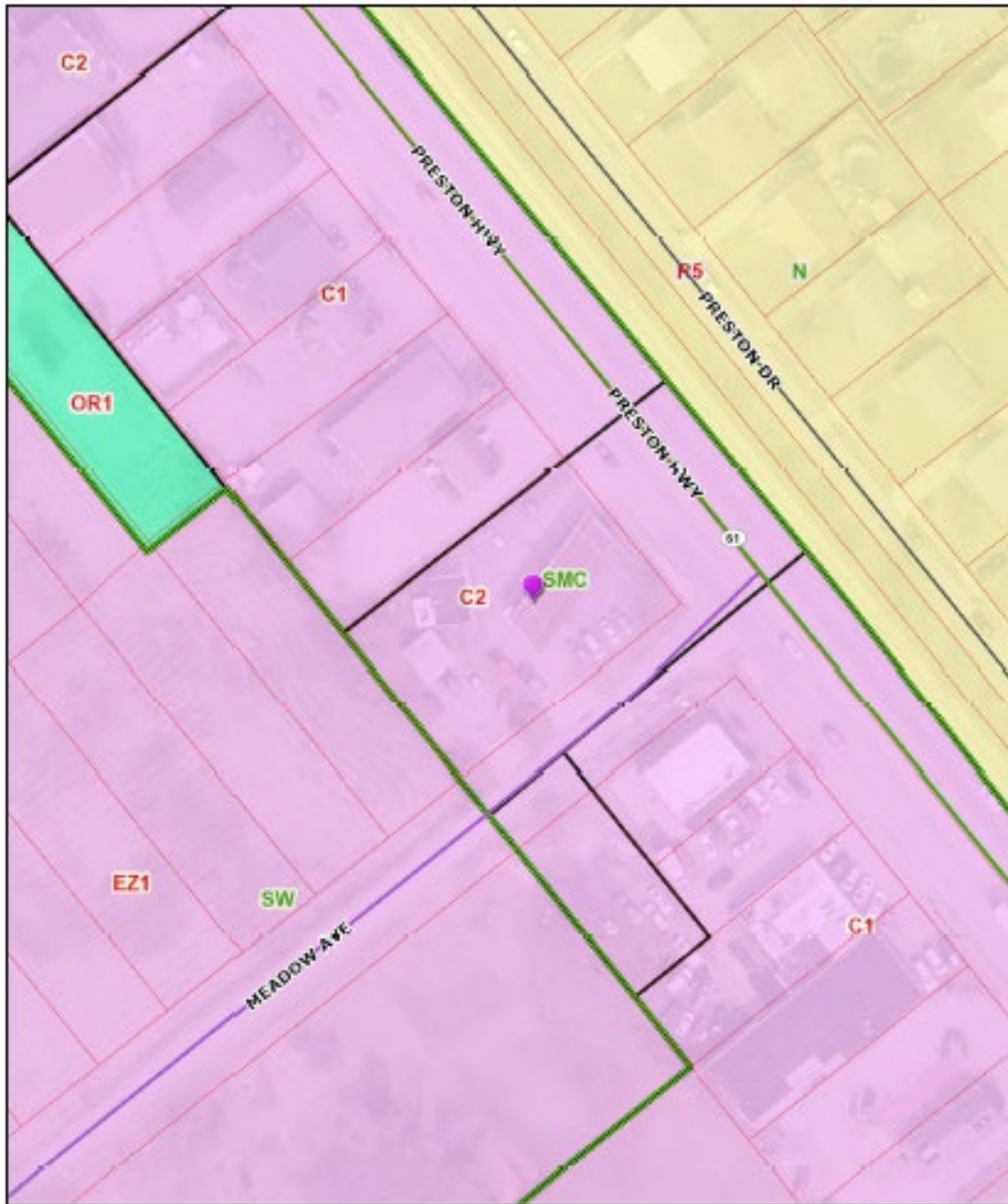
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8-19-21	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21

**ATTACHMENTS**

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

1. Zoning Map



**21-DDP-0048**

Tuesday, August 24, 2021 | 4:09:59 PM



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2. Aerial Photograph



**21-DDP-0048**

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### 3. Existing Binding Elements to be replaced

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. ~~Use of the subject site shall be limited to auto sales. There shall be no other use of the property unless prior approval is obtained from the Planning Commission LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission LD&T Committee may require a public hearing on the request to amend this binding element.~~
3. ~~The development shall not exceed 750 square feet of gross floor area of the office building, 360 square feet of gross floor area of the accessory building, and 6,070 square feet of display area.~~
4. ~~There shall be no freestanding sign on the site. Attached signs shall be in accordance with Chapter 8 of the LDC.~~
5. ~~No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
6. ~~Only one access to the site shall be provided from Preston Highway and two access points from Meadow Avenue from the curb cuts as shown on the development plan. The other existing access points to Preston Highway and Meadow Avenue are to be closed. There shall be no additional direct access to Preston Highway or Meadow Avenue.~~
7. ~~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.~~
8. ~~Before any permit (including but not limited to building, parking lot, site disturbance, or demolition permit is requested:~~
  - a. ~~The development plan must receive full construction approval from Louisville Metro Department Public Works, and the Metropolitan Sewer District (700 West Liberty).~~
  - b. ~~Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
  - 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 construction permit for parking expansion. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
  - d. ~~A Tree Canopy Preservation Area as defined on the site plan, shall be addressed on the landscape plan in accordance with Chapter 10 of the LDC.~~

9. ~~If a building permit/certificate of occupancy 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 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.~~
11. ~~There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.~~
12. ~~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.~~
13. ~~The materials and design of the existing buildings shall be substantially the same as shown on the photographs presented at the August 19, 2004 Planning Commission meeting.~~
14. ~~No idling of trucks shall be permitted on site.~~
15. ~~The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit. Luminaire Shielding, Canopy Lighting Level and Light Trespass.~~
16. ~~The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.~~
17. ~~The applicant shall construct a sidewalk along Meadow Avenue frontage at the time of Meadow Avenue improvement.~~

#### **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.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet for any work in the State right-of-way.
  - 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.
5. 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.
6. 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.
7. No idling of trucks or buses shall take place within 200 feet of residences. No overnight idling of trucks or buses shall be permitted on-site.