

Land Development and Transportation Committee Staff Report

September 25, 2014



Case No:	14zone1009
Project Name:	Thompson Brothers Plumbing
Location:	436 Roberts Avenue
Owner(s):	Larry Thompson and Jacob Thompson
Applicant:	Larry Thompson and Jacob Thompson
Representative(s):	Larry Thompson and Jacob Thompson
Project Area/Size:	0.45 Acres
Existing Zoning District:	R-4
Existing Form District:	TN
Jurisdiction:	Louisville Metro
Council District:	13- Vicki Aubrey Welch
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Change in zoning from R-4 to C-2
- Variance from 5.1.8.b to exceed the maximum setback
- Waiver from Chapter 10.2.4 to permit the encroachment of existing structures into the required 15' LBA
- District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a change in zoning from R-4 to C-2 to allow an existing plumbing business to continue and expand their business on the site. The existing home on the site has been converted to an office. The plan indicates an existing 1,080 SF structure and a proposed 1,080 sf structure. Staff could not find the building permit for the existing structure. Recent aerials do not show the existing structure. Parking for the site is provided within the property. The site is located adjacent to residentially zoned property. The property to the west is currently awaiting a change in zoning from R-4 to M-2.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Plumbing Business	R-4	TN
Proposed	Plumbing Business	R-4	TN
Surrounding Properties			
North	Residential	R-4	TN
South	Residential	R-4	TN
East	Residential	R-4	TN
West	Vacant Drive-In Theatre	R-4	SW

PREVIOUS CASES ON SITE

305837-Building Permit for 630 sf pole barn

167108- 690 sf renovation of house

229642- Property Maintenance issue for exterior of the house and allowing a non-permitted use to exist on the residential property.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Traditional Neighborhood Form District

The Traditional Neighborhood Form District is characterized by predominantly residential uses, by a grid pattern of streets with sidewalks and often including alleys. Residential lots are predominantly narrow and often deep, but the neighborhood may contain sections of larger estate lots, and also sections of lots on which appropriately integrated higher density residential uses may be located. The higher density uses are encouraged to be located in centers or near parks and open spaces having sufficient carrying capacity. There is usually a significant range of housing opportunities, including multi-family dwellings.

Traditional neighborhoods often have and are encouraged to have a significant proportion of public open space such as parks or greenways, and may contain civic uses as well as appropriately located and integrated neighborhood centers with a mixture of mostly neighborhood-serving land uses such as offices, shops, restaurants and services. Although many existing traditional neighborhoods are fifty to one hundred twenty years old, it is hoped that the Traditional Neighborhood Form will be revitalized under the new Comprehensive Plan. Revitalization and reinforcement of the Traditional Neighborhood Form will require particular emphasis on (a) preservation and renovation of existing buildings in stable neighborhoods (if the building design is consistent with the predominant building design in those neighborhoods), (b) the preservation of the existing grid pattern of streets and alleys, (c) preservation of public open spaces.

TECHNICAL REVIEW

The certification statements need to be resubmitted indicating the true owners of the property.

STAFF CONCLUSIONS

A public hearing date is ready to be set for the proposal.

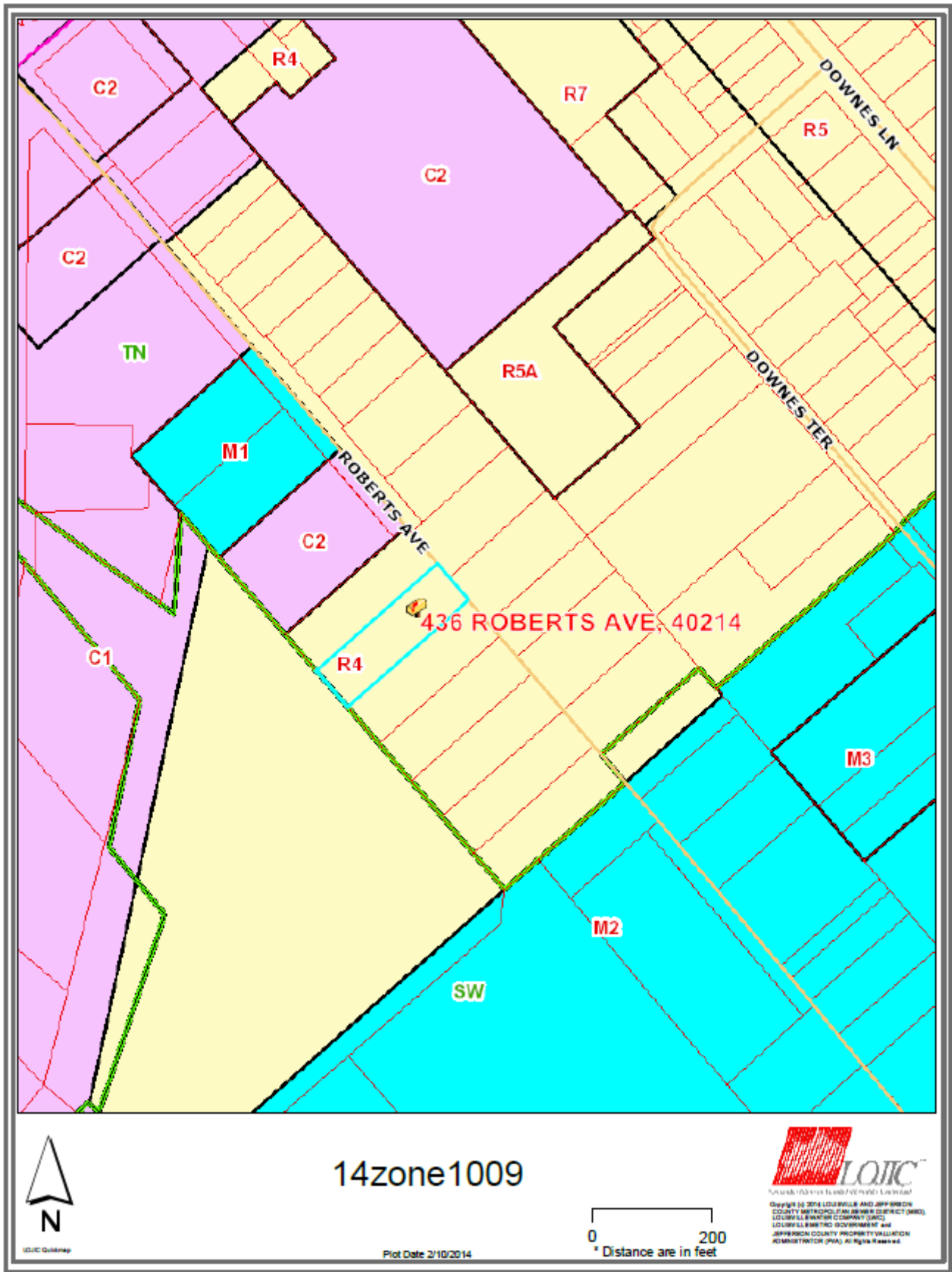
NOTIFICATION

Date	Purpose of Notice	Recipients
9/11/14	Hearing before LD&T on 9/25/14	1 st and 2 nd tier adjoining property owners Subscribers of Council District 13 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 13 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

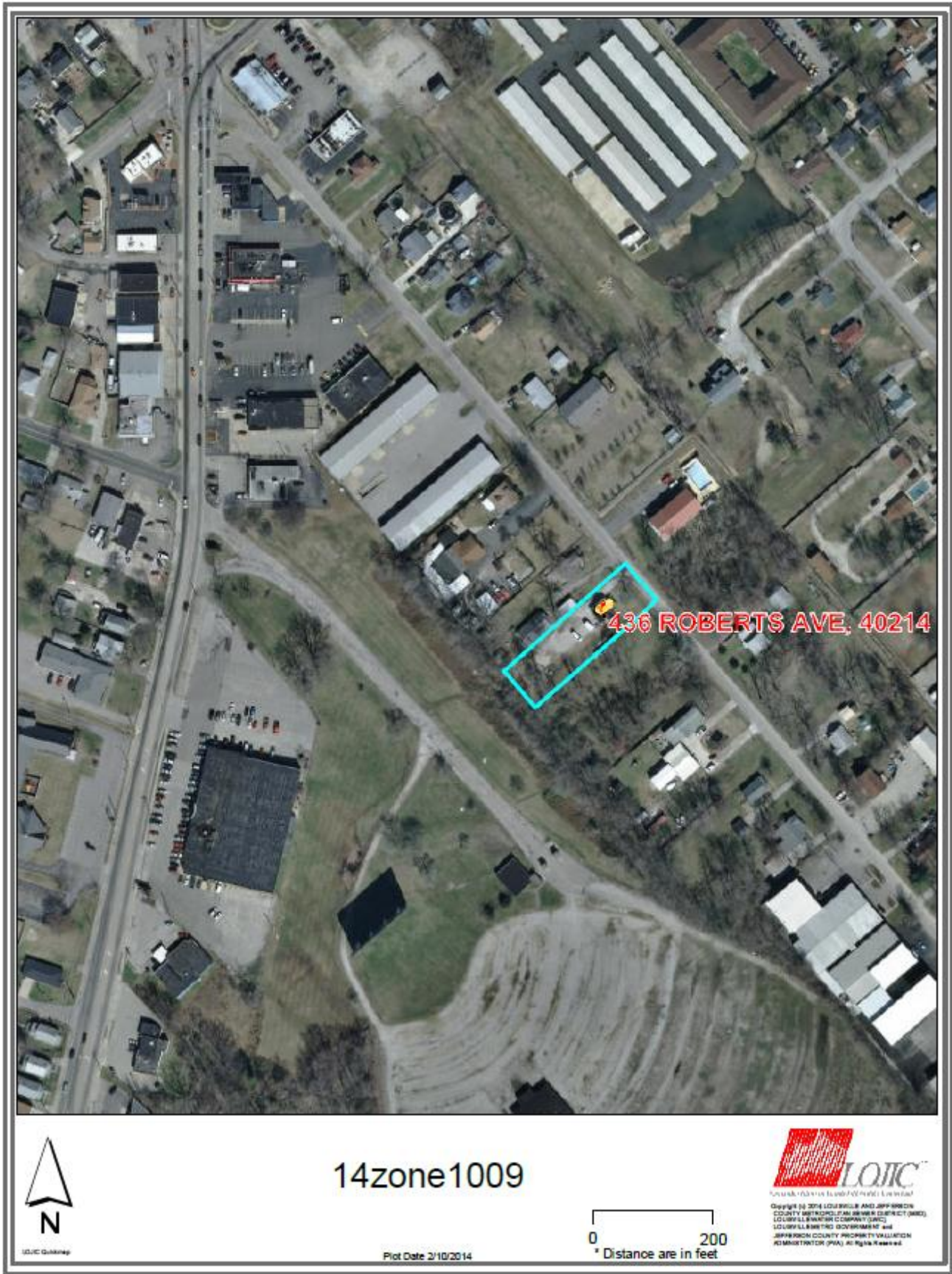
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: 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. The residential character of the existing 1-story frame office structure shall be maintained. Changes to the following items shall not be made without prior approval of the Planning Commission's designee:
 - a) roof line
 - b) building material
 - c) porch
 - d) windows
3. The development shall not exceed 2,936 square feet of gross floor area.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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 Louisville Metro Department of Inspections, Permits and Licenses, 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
9. 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.

10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.