

Pre-Application Staff Report

April 4th, 2104



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|---------------------------|--|
| Case No: | 14ZONE1011 |
| Request: | Rezoning from C-1 to C-2 and a Detailed District Development Plan |
| Project Name: | Derby LLC Auto |
| Location: | 5010 Poplar Level Road |
| Owner(s): | Derby LLC |
| Applicant: | Derby LLC |
| Representative(s): | John Miller, Miller Wihry |
| Jurisdiction: | Louisville Metro |
| Council District: | 2 – Barbara Shanklin |
| Case Manager: | Christopher Brown, Planner II |

REQUEST

- Change in zoning from C-1 to C-2
- Variance #1: Variance from Chapter 5.3.2.C.2.b of the Land Development Code to allow pavement to encroach 10' into the required 25' setback along the rear property adjacent to residential use
- Waiver #1: Waiver from Chapter 10.2.4 of the Land Development Code to allow pavement to encroach 10' into the required 25' landscape buffer area adjacent to residential use
- Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-1
Proposed Zoning District: C-2
Existing Form District: Suburban Marketplace Corridor
Existing Use: Auto Repair
Proposed Use: Auto Repair and Automobile Sales
Minimum Parking Spaces Required: 9
Maximum Parking Spaces Required: 15
Parking Spaces Proposed: 9
Plan Certain Docket #: None

The proposal is for a change in zoning of the existing lot on the west side of Poplar Level Road to expand the uses to include automobile sales. The existing use on the site is an automobile repair shop. The existing structures and parking area will be utilized on the site. The property is in a mixed commercial portion of the Poplar Level Road corridor containing C-2 to the north and C-1 to the south, east and west. The C-1 zoned property to the west is a residentially used property.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|--------------------------------|--------|---------------|
| Subject Property | | | |
| Existing | Auto Repair | C-1 | SMC |
| Proposed | Auto Repair & Automobile Sales | C-2 | SMC |
| Surrounding Properties | | | |
| North | Entrance to Apartments | C-1 | SMC |
| South | Convenience Store | C-1 | SMC |
| East | Liquor Store | C-1 | SMC |
| West | Apartments | C-1 | SMC |

PREVIOUS CASES ON SITE

There are no previous related cases or open code enforcement cases.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 AND FORM DISTRICT CHANGES

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

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors: Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with

respect to any abutting uses of lower density or intensity. This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

TECHNICAL REVIEW

No technical review comments need to be addressed.

STAFF CONCLUSIONS

The proposal is ready for a public hearing date to be set.

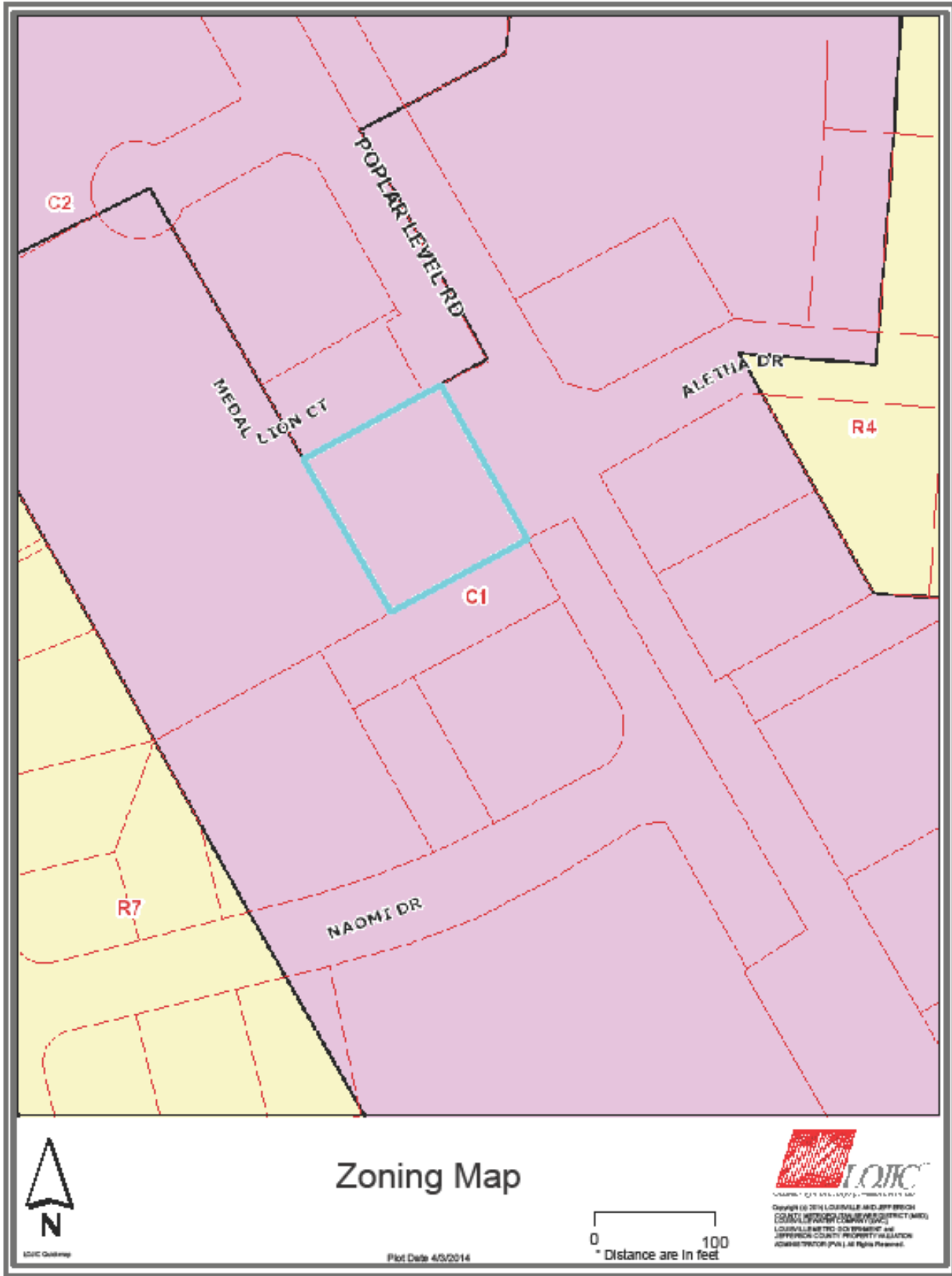
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|--------------------------|--|
| 7/10/14 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 2 Notification of Development Proposals |
| | Hearing before PC / BOZA | 1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District __ Notification of Development Proposals |
| | Hearing before PC / BOZA | Sign Posting on property |
| | Hearing before PC / BOZA | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

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

1. Zoning Map



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. 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 Louisville Metro Construction Permit Review, Transportation Planning and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - e. 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.