

Development Review Committee
Staff Report
July 31, 2019



Case No:	19DEVPLAN1099
Project Name:	Meineke
Location:	4170 Bardstown Rd
Owner(s):	Bryan Brown, Bycar Investments LLC
Applicant:	Bryan Brown, Bycar Investments LLC
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Revised Detailed District Development Plan and Binding Element Amendments**

CASE SUMMARY/BACKGROUND

The subject site is located on the south side of Bardstown Road, on the east side of the Meadowbrook Drive intersection. The site is currently a Meineke with two structures. The applicant proposes to construct a 2,940 square foot parts storage warehouse near the south end of the site, with a fenced asphalt storage yard. The applicant is proposing to provide additional plantings to help screen the view of the proposed building per LDC section 5.5.5.A.1.

This case has an associated variance request, 19VARIANCE1050, to allow the proposed warehouse building to be located within the 100 foot protected waterway buffer. The Board of Zoning Adjustment will hear this request on September 23, 2019. The Development Review Committee does not act on this request.

Previous cases:

- 9-36-94: Change in zoning from C-1 Commercial to C-2 Commercial

STAFF FINDINGS

The revised detailed district development plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

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

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. Tree canopy requirements of the Land Development Code will be provided 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. TARC has reviewed the plan and provided preliminary plan approval. KYTC has not provided comments.

- (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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. The applicant is proposing to provide additional plantings to help screen the view of the proposed warehouse building per LDC section 5.5.5.A.1. 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:

- **APPROVE or DENY the Revised Development Plan and Binding Element Amendments**

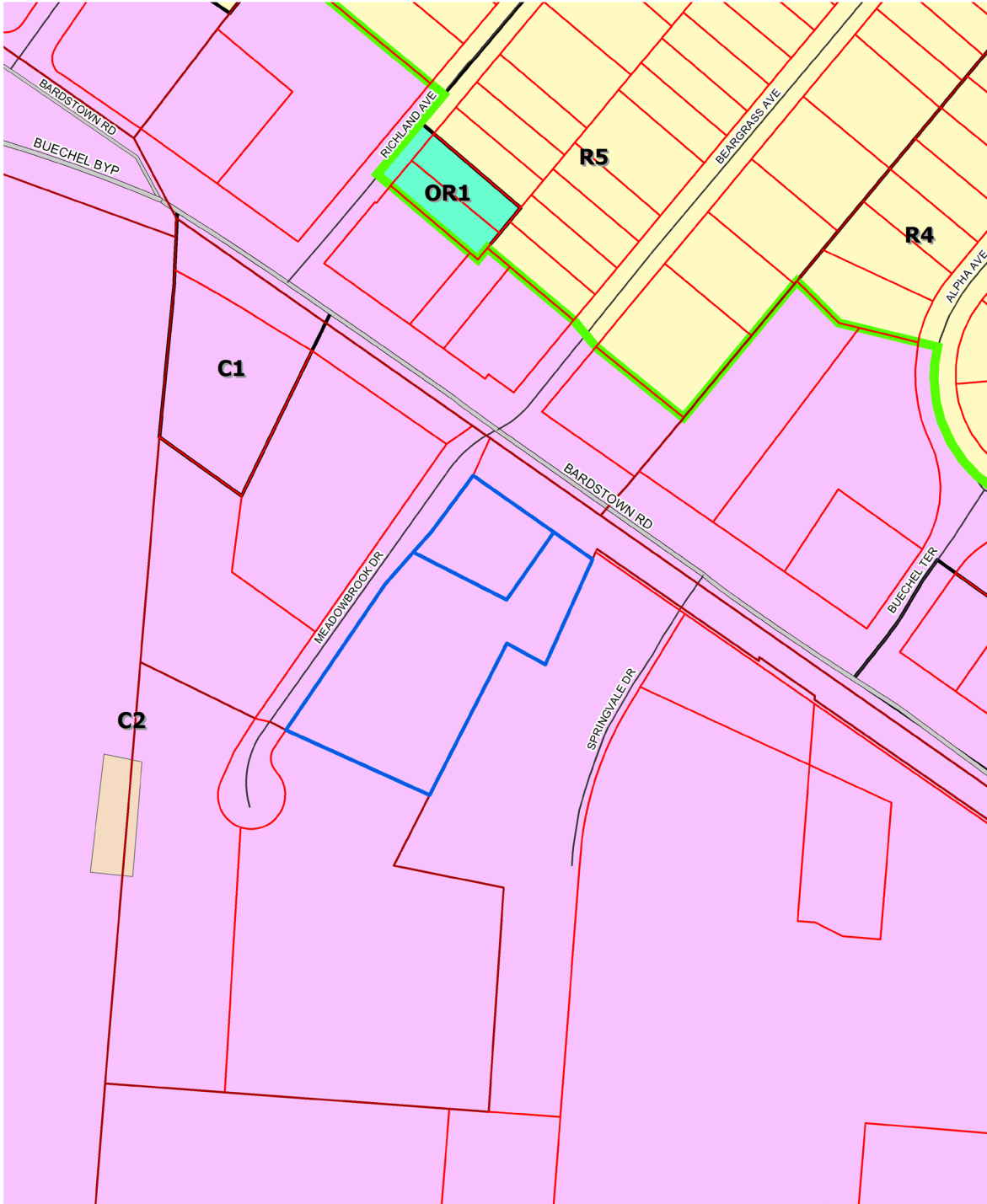
NOTIFICATION

Date	Purpose of Notice	Recipients
7-31-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 2

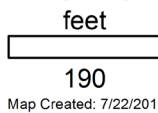
ATTACHMENTS

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

1. Zoning Map

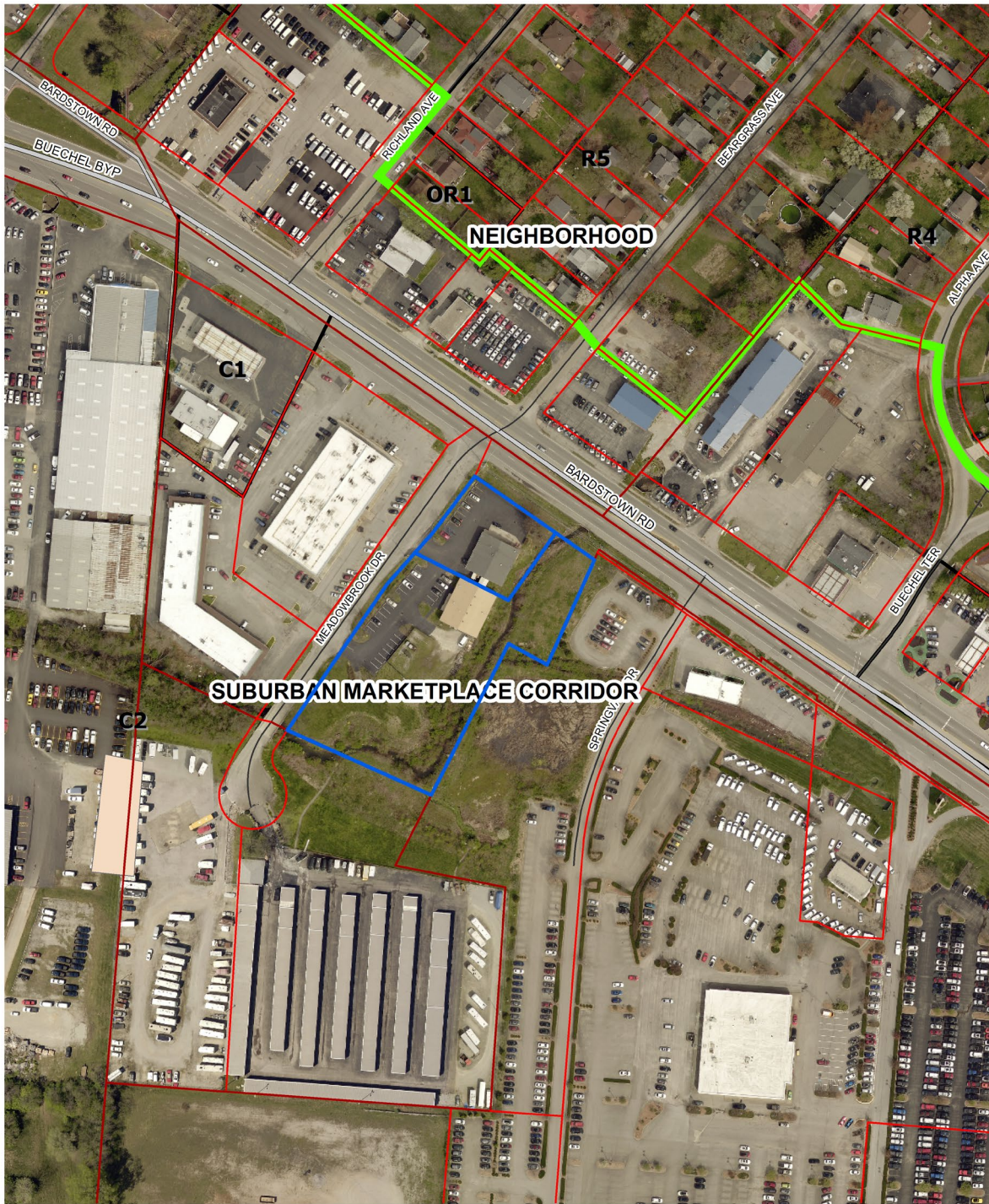


4170 BARDSTOWN ROAD



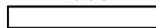
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2. Aerial Photograph



4170 BARDSTOWN ROAD

feet



190

Map Created: 7/22/2019



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3. Existing Binding Elements

~~1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.~~

~~2. The development shall not exceed 4,065 square feet of gross floor area for the muffler shop and 4,220 square feet of gross floor area for the truck accessories shop.~~

3. There shall be no direct vehicular access to Bardstown Road.

4a. There shall be no freestanding sign permitted on Lot 2 (truck accessories shop) without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

4b. The only permitted freestanding sign shall be located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 1.5 feet to front property line. The sign shall not exceed 80 square feet in area per side and 16 feet in height. No sign shall have more than two sides.

5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on the site.

6. There shall be no outdoor storage on the site, except for pick-up truck accessories.

~~7. Outdoor lighting shall be directed down and away from residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.~~

8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

~~a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~

b. A minor subdivision plat 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 Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

~~c. The abandonment of the conditional use permit for a dog training facility shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.~~

d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

e. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.

- f. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

~~9. If a building permit is not issued within one year of the date of approval of the plan, 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 office 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), outdoor entertainment, or outdoor PA system permitted on the site.

~~12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.~~

~~13. A bond consisting of landscaping, dumpster screening, and parking lot paving and striping, shall be posted prior to receiving a building permit. The landscaping shall be installed and the parking lot shall be paved (a hard durable surface) and striped by May 1, 1998.~~

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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown etc) for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. There shall be no direct vehicular access to Bardstown Road.

3a. There shall be no freestanding sign permitted on Lot 2 (truck accessories shop) without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.

3b. The only permitted freestanding sign shall be located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 1.5 feet to front property line. The sign shall not exceed 80 square feet in area per side and 16 feet in height. No sign shall have more than two sides.

4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on the site.

5. There shall be no outdoor storage on the site, except for pick-up truck accessories.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration 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. A minor subdivision plat 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 Development 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.
 - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
7. A certificate of occupancy must be received from the appropriate code enforcement office 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), 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.