

Land Development and Transportation Committee Staff Report

July 9, 2015



Case No:	15MOD1010
Project Name:	White, Greer & Maggard Orthodontics
Location:	3827 Taylorsville Road
Owners:	Greg White
Applicant:	Installers Plus, Inc.
Representative:	Installers Plus, Inc.
Project Area/Size:	0.84 ac.
Existing Zoning District:	OR-1, Office/Residential
Existing Form District:	RC, Regional Center
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Matthew R. Doyle, Planner II

REQUEST

- Amendment to Binding Element

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This case was inadvertently left off of the July 1, 2015 Development Review Committee agenda, but was continued to today's LD&T meeting.

The subject site is plan certain under Docket 9-45-90 and located on the north side of Taylorsville Road, just west of Breckenridge Lane.

The applicant requests to delete binding element 4. Currently, it reads as follows:

4. The only permitted freestanding sign shall be setback 25 feet and shall not exceed 6 square feet in area and 6 feet in height.

The applicant would like to delete it so that a sign can be permitted in accordance with the applicable regulations in the Land Development Code, which would allow for this site to have a sign that is no more than 100 sq. ft. in area and no taller than 24 ft. in height. The applicant's proposed sign would be approximately 21 sq. ft. in area and 5 ft. in height.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Office	OR-1	RC
Proposed	Office	OR-1	RC
Surrounding Properties			
North	Church	R-5	N
South	Commercial offices	OR-1	RC
East	Commercial offices	OTF	RC
West	Condominiums	R-6	N

PREVIOUS CASES ON SITE

9-45-90: Approval of a change in zoning from R-4 Residential Single Family to OR-1 Office Residential as well approval of a Detailed District Development Plan. A Revised Detailed District Development Plan was subsequently approved in 1995 to increase the number of parking spaces from 18 to 31.

INTERESTED PARTY COMMENTS

N/A

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AN 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: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will continue to 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 will continue to be provided.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Provisions of sufficient open space will continue to be provided.

- 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 will continue to ensure the provisions 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 continue to be 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: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

N/A

STAFF CONCLUSIONS

- The proposed amendment appears to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for approving the Amendment to Binding Element.

REQUIRED ACTION

- **APPROVE** or **DENY** the Amendment to Binding Element.

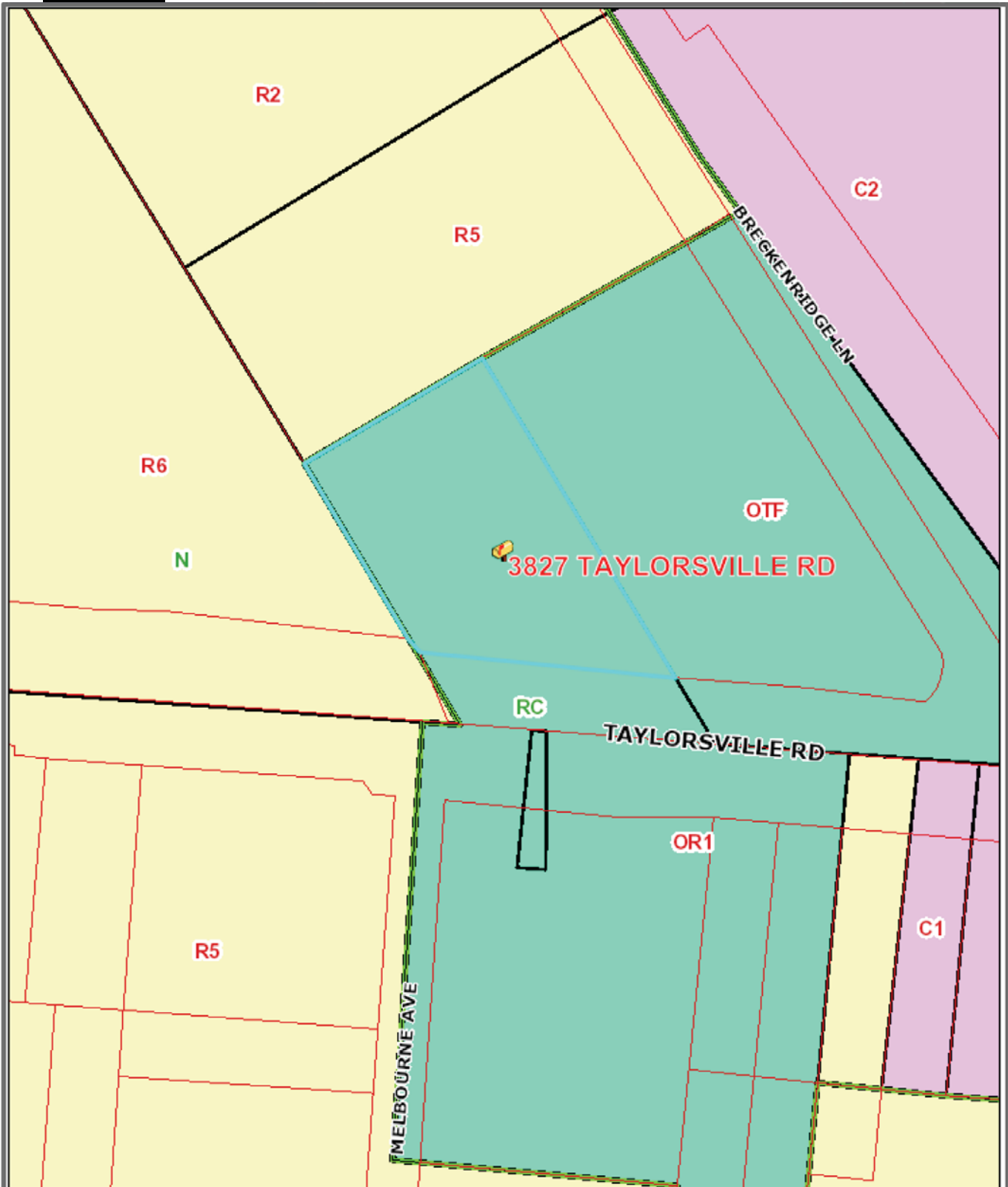
NOTIFICATION

Date	Purpose of Notice	Recipients
6/16/15	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Existing Binding Elements
4. Proposed Change to Binding Element

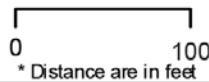
1. Zoning Map



3827 Taylorville Road



Copyright (c) 2015 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.



Plot Date 7/1/2015

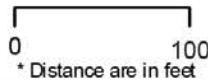
2. Aerial



3827 Taylorsville Road



Copyright (c) 2015 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.



Plot Date 7/1/2015

3. Existing Binding Elements

1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.
2. The development shall not exceed 3,500 square feet of gross floor area.
3. Before a certificate of occupancy is requested:
 - a) The development plan must be reapproved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
 - b) Encroachment permit 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 Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - d) All necessary recording fees shall be paid.
4. The only permitted freestanding sign shall be setback 25 feet and shall not exceed 6 square feet in area and 6 feet in height.
5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
6. The area along the fence at the rear of the property shall be cleared.
7. A row of hemlocks shall be planted along the rear of the property.
8. The existing fence located to the rear of the property shall remain.
9. If a 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 office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to issuance of certificate of occupancy.
11. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Change to Binding Elements

- ~~4. The only permitted freestanding sign shall be setback 25 feet and shall not exceed 6 square feet in area and 6 feet in height.~~