

Development Review Committee

Staff Report

November 18, 2015



Case No:	15devplan1159
Request:	RDDP and waivers
Project Name:	Discount Tire
Location:	6660 Dixie Highway
Owner:	Tyler Center LLC
Applicant:	RA Smith National Inc.
Representative:	RA Smith National Inc.
Jurisdiction:	Louisville Metro
Council District:	12- Rick Blackwell
Case Manager:	Julia Williams, RLA, AICP, Planner II

REQUEST

- Waivers
 1. Waiver from Chapter 5.6.1.C.1 to not provide 50% clear windows and doors along the Kerrick Lane frontage.
- Revised District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a new 7,373 square foot auto tire service structure. 32 parking spaces are proposed for the use.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Retail	C-2	SMC
Proposed	Retail	C-2	SMC
Surrounding Properties			
North	Auto Sales	C-2	SMC
South	Commercial/Residential	C-2/R-4	SMC/N
East	Commercial	C-2	SMC
West	Residential	R-4	N

PREVIOUS CASES ON SITE

9-10-77: Planning Commission approved the rezoning from R-4 and C-2 in 1977. A detailed plan for the existing building (now a former Toys R Us) was approved in 1984.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Dixie Highway Corridor Master Plan (2013):

The property is located within the Dixie Highway Corridor Master Plan study area. This plan was sponsored by Council members Rick Blackwell, Mary Woolridge and David Yates and brought citizens, City staff and businesses together to collaborate in creating a vision and a plan that represents the desired long-term vision for Dixie Highway from Oak Street to the Gene Snyder Freeway.

One of the major recommendations of the Dixie Highway Corridor Master Plan was to establish a series of town centers. Here is a paragraph from the master plan describing the intent of these town centers:

“These areas will serve as focal points for redevelopment of the Dixie Highway Corridor into series of more inviting and pedestrian-friendly destinations. These areas should be developed into compact and walkable destinations with a mixture of moderately intense uses. Buildings should be oriented towards the street and pedestrian scaled, and the development should have a high level of access for pedestrians, vehicles and transit. The defined Town Centers should utilize the proposed urban design treatments in this plan to further reinforce a pedestrian scale and define the centers of activity along the Dixie Highway Corridor.”

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and/or 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 does 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 Metro Public Works and the Kentucky Transportation Cabinet have 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 with 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 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 be provided to screen adjacent properties and roadways. 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners because the façade adjacent to the public street will still have articulation and architectural features.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 50% of the frontage. The façade along Kerrick Lane was redesigned to provide visual interest and human scale without the use of clear windows and doors.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the façade is being treated with other architectural features outside of providing clear windows and doors.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has incorporated other design measures that compensate for non-compliance with the requirements to be waived since the façade is being treated with other architectural features outside of providing clear windows and doors.

TECHNICAL REVIEW

- Transportation Planning is waiting for the road side drainage information so that they can get that to the Public Works Director to make a decision on what she wants to do with Kerrick Ln. since there's no curb and gutter and apparently only slightly over 2' verge when the previous plan (Heritage) showed a 5' verge. Transportation Planning needs a cross section, showing from centerline, edge of pavement, roadside drainage, verge, sidewalk and edge of ROW. They need to verify dimensions to ensure there is enough room to meet their requirements without asking for additional right-of-way along Kerrick Ln.

STAFF CONCLUSIONS

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. It meets the intent of developing underutilized parking areas along the Dixie Highway Corridor.

The standard of review has been met for the requested revised detailed district development plan. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for approving the Revised Detailed District Development Plan and amended binding elements.

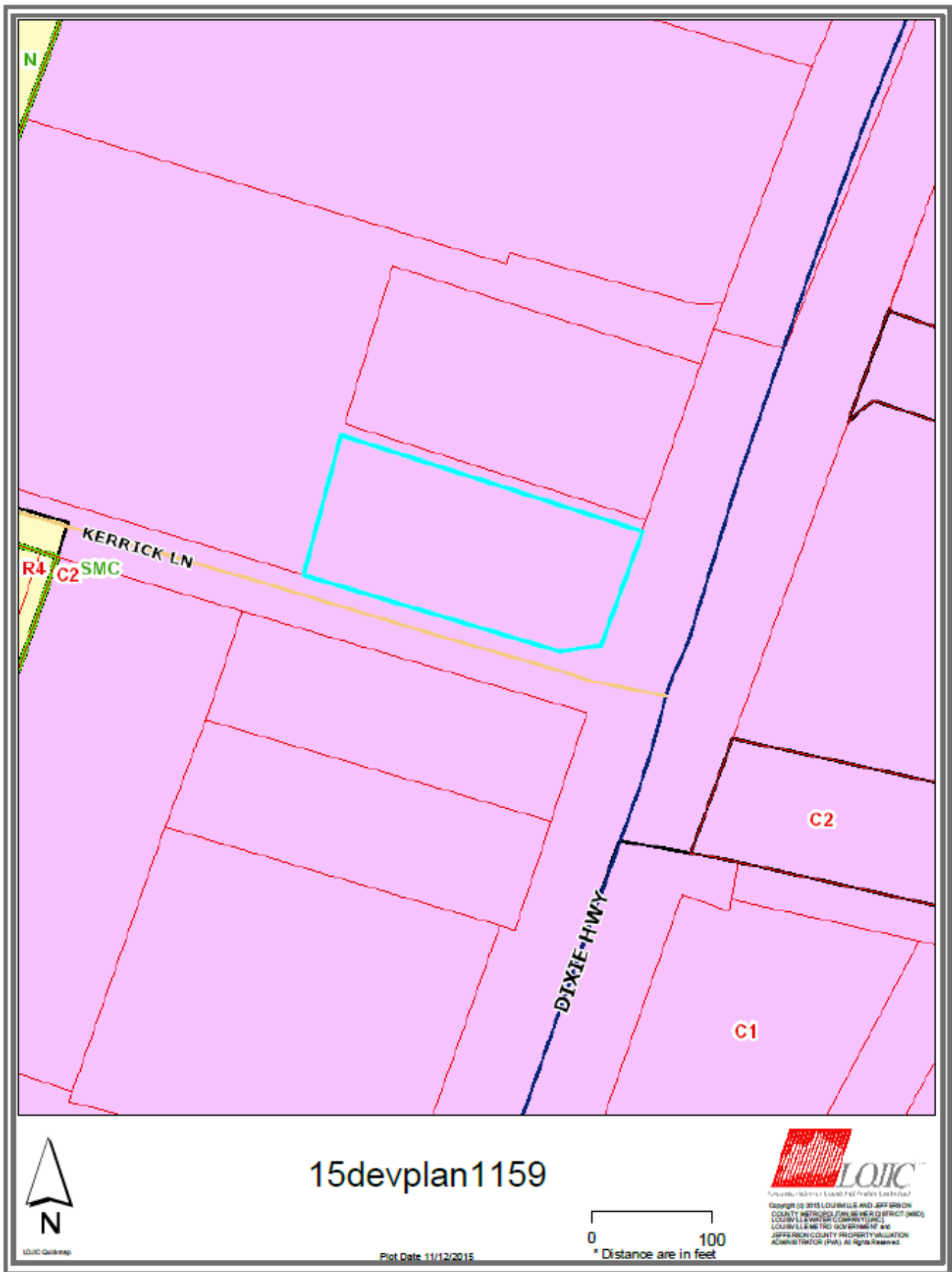
NOTIFICATION

Date	Purpose of Notice	Recipients
11/4/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 12 Notification of Development Proposals

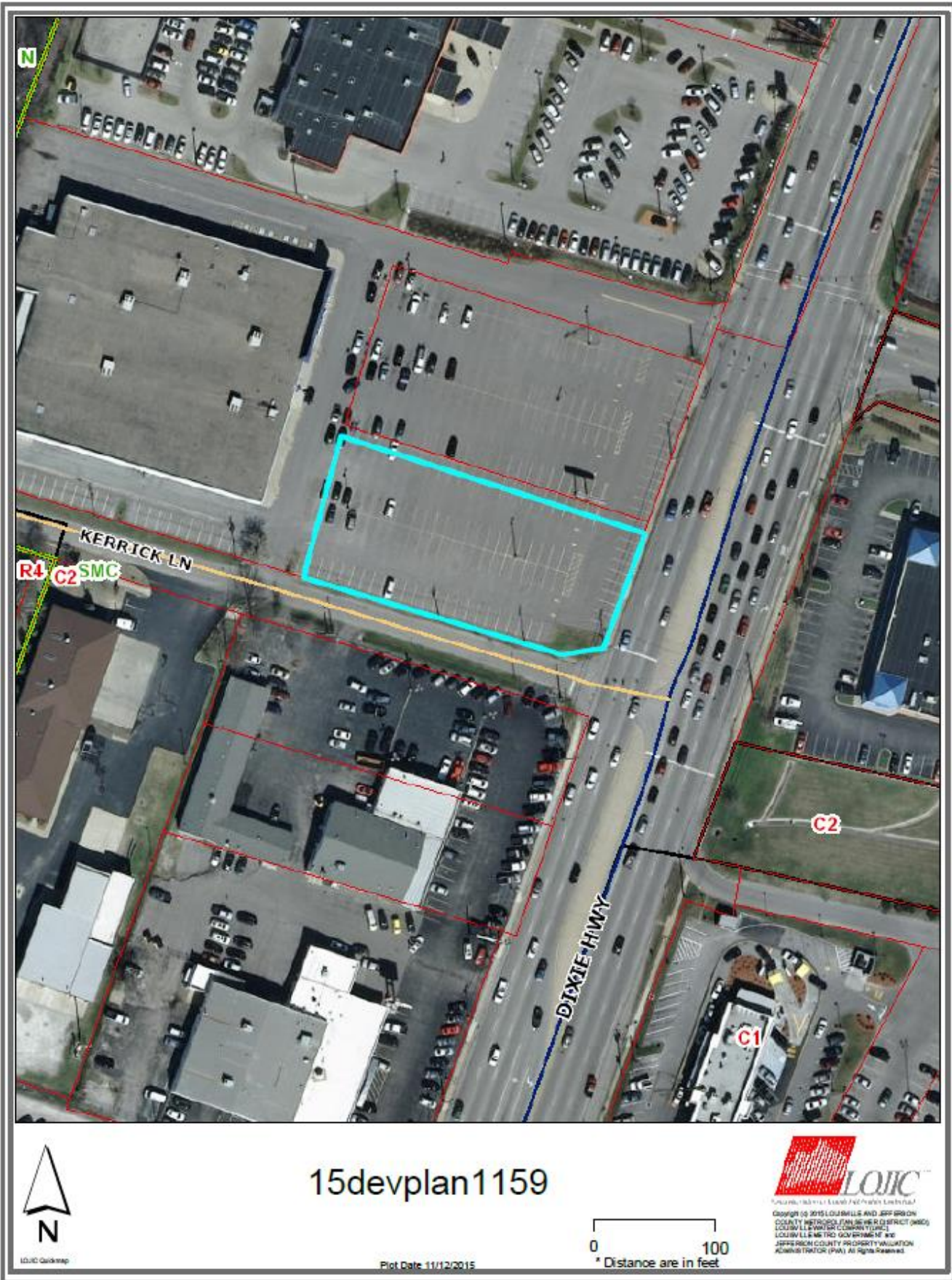
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



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 development shall not exceed 7,373 square feet of gross floor area.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - 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 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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 11/18/15 DRC meeting.