

Land Development and Transportation Committee

Staff Report

January 17, 2019



Case No:	18DEVPLAN1207
Project Name:	Circle K
Location:	14000 Taylorsville Rd
Owner(s):	Too B Enterprises
Applicant:	Skyline Signs
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Floyd's Fork Overlay Review with Amendments to Conditions of Approval**

CASE SUMMARY/BACKGROUND

The applicant is proposing to update the signage for a gas station to reflect current corporate branding standards. The site has conditions of approval related to a previous Floyd's Fork Overlay Review case under docket 14709, and some of those conditions would need to be modified to allow for the proposed signage.

STAFF FINDING

The proposed changes to the site are in compliance with all provisions of the Land Development Code and meet the intent of the Floyd's Fork Overlay District. The proposed changes to signage would not normally be regulated by the Overlay, but are covered by the existing conditions of approval.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this review.

INTERESTED PARTY COMMENTS

Staff has received correspondence from interested parties expressing concern that the proposed changes will violate the existing conditions of approval.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Floyd's Fork Overlay Review** with Amendments to Conditions of Approval

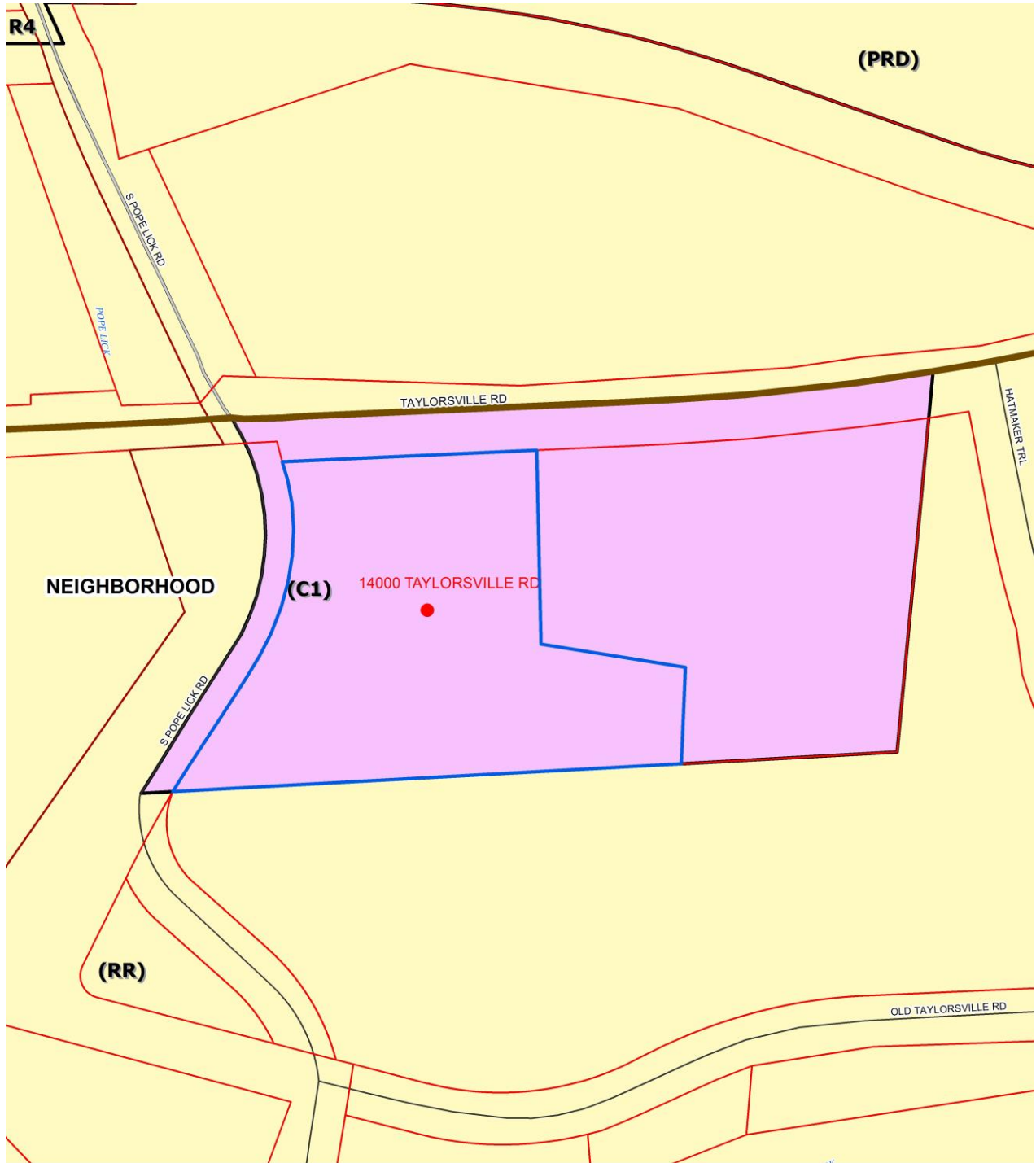
NOTIFICATION

Date	Purpose of Notice	Recipients
1-3-18	Hearing before LD&T	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

ATTACHMENTS

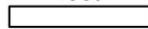
1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval with Proposed Changes
4. Proposed Conditions of Approval

1. Zoning Map



18DEVPLAN1207

feet



130

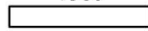
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2. Aerial Photograph



18DEVPLAN1207

feet



130

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3. **Existing Conditions of Approval with Proposed Changes**

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.
2. The rural character of the structure, as generally depicted on the rendering ~~dated June 4 and submitted by applicant~~ **presented at the January 17, 2019 LD&T meeting**, shall be maintained. Building materials and colors shall conform to those identified on the rendering. Exterior additions or alterations in building materials or design shall not be made without prior approval of the Planning Commission's ~~Land Development and Transportation Committee~~ **or a committee thereof**.
3. The development shall not exceed 4,100 square feet of gross floor area.
4. Development shall meet all MSD requirements for controlling storm water runoff rates.
5. ~~One sign, not exceeding three feet by three feet in size, shall be permitted to be attached to the north side of the main building, just above the front entrance. The size, lighting and design of any attached sign shall be approved by the DRC Committee or the full Planning Commission. No signs attached to the canopy shall be lighted except gas price signs which can remain red in color. There shall be no freestanding signs or flagpoles permitted on the site. The DRC or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Land Development Code.~~ **Signs shall be in accordance with Chapter 8 of the Land Development Code and the Floyd's Fork Overlay Review Standards**
6. The hours of operation, including ATM access, shall be limited to 5:00 A.M. to 11:00 P.M., daily. The ATM shall only be accessed from inside the building.
7. Landscaping shall generally conform in character, location and quantity to the conceptual landscaping shown on the approved site plan. Use of native plant species representative of the area shall be used when feasible and practical.
8. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants balloons, or banners shall be permitted on the site.
9. A lighting plan shall be submitted and approved by the LD&T Committee prior to beginning construction. Outdoor lighting shall be directed down and away from surrounding residential properties. Pole mounted lighting fixtures shall not exceed 5 feet in height above finished grade and 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. Lighting, other than that required for security purposes, shall only be on during business hours.
10. A concrete vault shall be constructed to contain the underground storage tanks.
11. All storage, display and retail sales shall occur only under the front porch canopy of the convenience store building. No other outdoor storage, display, or sale of merchandise will occur elsewhere on site.
12. No outdoor music (live, piped, radio or amplified) or outdoor PA system shall be permitted on the site.

13. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
14. The lateral field for the septic system shall be located no closer than 100' to the rim of the geologic depression generally shown on the approved plan and as determined by the Division of Health. No lateral field shall be placed any nearer than 50' from the edge of any sinkhole or depression as regulated by the Kentucky Division of Water.
15. The property owner shall install and maintain a Stormceptor storm water filtration device to collect all runoff from the roof and paved areas. The property owner shall submit to the Division of Planning and Development Services on an annual basis, a letter confirming that the necessary maintenance of the Stormceptor has been completed in accordance with the manufacturers recommendations.
16. If required by the Kentucky Division of Water, a copy of the approved Pollution Prevention Plan for this site shall be submitted to the Planning Commission.
17. 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
 - b) The Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - c) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - d) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and reflecting the concept landscape plan prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
18. If a building permit 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.
19. 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.
20. 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.

4. Proposed Conditions of Approval

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3. The development shall not exceed 4,100 square feet of gross floor area.
4. Development shall meet all MSD requirements for controlling storm water runoff rates.
5. Signs shall be in accordance with Chapter 8 of the Land Development Code and the Floyd's Fork Overlay Review Standards
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