

Development Review Committee
Staff Report
May 22, 2019



Case No:	19DEVPLAN1019
Project Name:	AutoZone
Location:	3810 Ruckriegel Pkwy
Owner(s):	Family Video Movie Club, Inc.
Applicant:	Cassandra Peeler, AutoZone, Inc.
Jurisdiction:	Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Waiver** of Land Development Code section 5.5.2.A to not provide an entrance and display windows affording views into the business along the Pinoak View Drive building elevation
2. **Revised Detailed District Development Plan with General Plan Binding Element Amendment**

CASE SUMMARY/BACKGROUND

The subject site is zoned C-1 Commercial in the Suburban Marketplace Corridor form district. It is located on the south side of Ruckriegel Parkway, on the southwest corner of the intersection of Pinoak View Drive and Ruckriegel Parkway in the Vantage Point development. The applicant is proposing a 1,347 square foot addition to the building for an AutoZone.

Previous cases:

- 9-66-83: Change in zoning from R-5A Residential-Apartment and R-9 Apartment to C-1 Commercial, and C-1 Commercial to R-5A Residential Apartment. A Detailed District Development Plan for this site (Lots 15A/15B) was approved January 1, 2006

Staff recommends the removal of General Plan Binding Element #2:

2. The gross leasable area of the commercial space shall not exceed 234,478 square feet. The gross leasable area of office space shall not exceed 10,636 square feet.

Staff recommends the addition of Site Plan Binding Element #5e:

- 5e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

Staff recommends the removal of Site Plan Binding Element #9:

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 12, 2006 LD&T meeting.

STAFF FINDINGS

The waiver and revised detailed district development plan are adequately justified and meet 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 WAIVER OF SECTIONS 5.5.2.A TO NOT PROVIDE AN ENTRANCE AND DISPLAY WINDOWS AFFORDING VIEWS INTO THE BUSINESS ALONG PINOAK VIEW DRIVE BUILDING ELEVATION

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

STAFF: The requested waiver will not adversely affect adjacent property owners since the façade faces Pinoak View Drive and does not create a known safety concern. Additionally, the existing building façade (which is the location of the proposed addition) does not meet the façade requirements. The applicant is proposing to install tinted faux windows along the façade.

- (b) The waiver will not violate specific guidelines of Plan 2040.

STAFF: Land Use & Development Goal 1, Policy 4 indicates the proposal ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Land Use & Development Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.

The main entrance to the building meets Land Development Code design requirements and is located on the northern facing façade along Ruckriegel Parkway. The only residential development in the vicinity of the subject site are the R5-A zoned properties to the rear (south) of the site.

- (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 the minimum necessary to afford relief to the applicant since, according to the applicant's justification, they cannot provide transparent glazing on this elevation due to internal shelving and fixtures.

- (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 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 because the main entrance to the proposed building faces Ruckriegel Parkway, to the north, and meets design requirements. Additionally, the applicant would have to reconfigure the interior of the building to accommodate transparent glazing on the façade.

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 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 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 and Health Department have 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. Buildings and parking lots will meet all required setbacks.

(f) Conformance of the development plan with Plan 2040 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 Plan 2040 and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **Recommend APPROVAL or DENIAL of the Waiver** to Jeffersontown
- **Recommend APPROVAL or DENIAL of the Revised Development Plan and Binding Element Amendments** to Jeffersontown

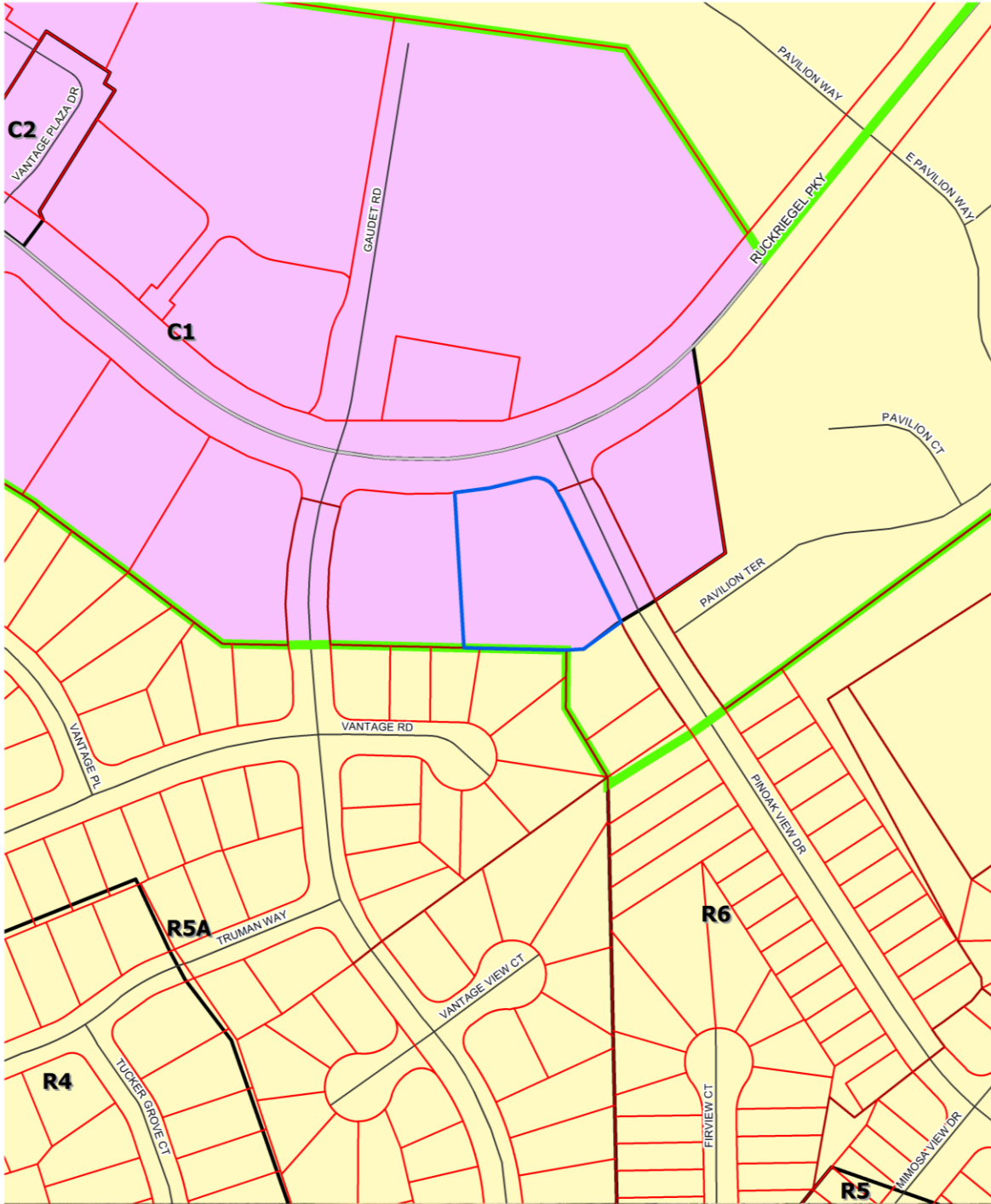
NOTIFICATION

Date	Purpose of Notice	Recipients
5-22-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

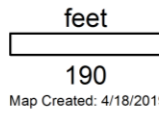
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements
4. Existing Site Binding Elements
5. Proposed Site Binding Elements

1. **Zoning Map**



3801 RUCKRIEGEL PKY



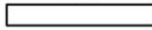
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2. Aerial Photograph



3801 RUCKRIEGEL PKY

feet



190

Map Created: 4/18/2019



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3. Existing General Plan Binding Elements

1. No building permits shall be allowed on any commercial or office site until a detailed district development plan has been submitted to and approved by the Planning Commission in accordance with the Plan Certain Section of the Zoning District Regulations. The detailed district development plan must be in adequate detail for the Planning Commission to evaluate the effect the proposed development will have on the community and to determine what provisions of such plan shall be made binding with respect to the use of the property. Binding elements of any such detailed district development plan may relate to any of the following:

- a) location of buildings,
- b) site layout with respect to circulation on the site,
- c) access points to public streets,
- d) landscaping, fencing and open space desirable for screening, buffering or other protective purposes,
- e) a surface water drainage plan,
- f) the location, size and height of signs,
- g) each detailed district development plan must be approved by the Water Management, Transportation Engineering and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation, and
- h) the square footage of gross leasable area.

~~2. The gross leasable area of the commercial space shall not exceed 234,478 square feet. The gross leasable area of office space shall not exceed 10,636 square feet.~~

3. The density of the R-5A Residential-Apartment District shall not exceed an average of 8.9 dwelling units per acre (429 units on 48.2 acres).

4. Before a certificate of occupancy or building permits are issued:

- a) the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.
- b) the size and location of any proposed business identification or advertising signs must be approved by the City of Jeffersontown.
- c) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- d) The record plat of Vantage Point Subdivision shall be recorded in sections or as a whole prior to occupancy of any structure within the development.

5. The developer agrees to plant across the front of the property line a screening hedge of hemlock, northern spruce or equivalent type plants acceptable to the owner, to be maintained by the owner at 10511 Taylorsville Road. The planting is to be done at commencement of construction of the new road.

6. No building permits shall be issued more than two years from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.

7. A certificate of occupancy must be received from the appropriate code enforcement officer prior to occupancy of the structure or land for the proposed use.

8. These binding elements may be amended as provided for in the Zoning District Regulations.

4. Existing Site 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 Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Lot 15A: The development shall contain a parking lot.
Lot 15B: The development shall not exceed 6,000 square feet of gross floor area for video rental or retail use.
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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 Department of Inspections, Permits and Licenses, 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 Design 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
6. 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.
7. 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.
8. 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.

~~9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 12, 2006 LD&T meeting.~~

10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

5. Proposed Site 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 Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Lot 15A: The development shall contain a parking lot.

Lot 15B: The development shall not exceed 6,000 square feet of gross floor area for video rental or retail use.

3. Signs shall be in accordance with Chapter 8.

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- a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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 Design 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

6. 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.

7. 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.

8. 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.

9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.