

**Land Development and Transportation
Committee
Staff Report**

December 14, 2017



Case No:	16zone1031
Project Name:	Circle K
Location:	12411/12415 Taylorsville Road
Owner(s):	Mac's Convenience Stores LLC
Applicant:	Mac's Convenience Stores LLC
Jurisdiction:	Louisville Metro
Council District:	11-Kevin Kramer
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Change in zoning from R-4 to C-1
- Variance from 5.1.8 to exceed the maximum 80' setback by 17' on the Tucker Station Road side and by 107'+/- on the Taylorsville Road side.
- Waiver from 5.5.2 and 5.6.1.C to not provide animating features or clear windows and doors on the Tucker Station Road building façade.
- District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

The proposal is for a change in zoning from R-4 to C-1 to allow for the construction of a gas station. An existing gas station on the corner lot at Tucker Station and Taylorsville Road will be demolished. The proposal is for 10 gas pumps and a 4,604 sf convenience store. Lot 1 is significantly treed. The proposal is located in the Tyler Rural Settlement National Register District.

STAFF FINDING

The proposal is ready for a public hearing date to be set.

TECHNICAL REVIEW

Cornerstone 2020

Land Development Code

The Tyler Rural Settlement District Neighborhood Plan (2/2008):

Land Use Recommendation #4 recommends that new commercial development along Taylorsville Road occur to the East of Tucker Station Road. "LU4. Limit future non-residential land uses to the existing activity center (Tyler Center) and to land along Taylorsville Road east of Tucker Station Services Road and encourage their integration with residential uses to form mixed-use developments. Consider adding this land to the proposed Town Center Form District and using Planned Development District zoning for land inside that district. Any future additions to the west of existing activity center or Town Center shall be designed in accordance with the recommended special district design standards as a transition from the existing activity center or Town Center to the east and the Tyler Rural Settlement District to the west."

“Land values have risen based on speculation of future commercial developments along Taylorsville Road. If permitted, these potential commercial developments should adhere strictly to the recommendations of this Plan and also be included in the Town Center Form District. The design of any proposed commercial and/or mixed use developments shall be consistent with the special district design standards recommended in this plan as a transition from the existing center or future Town Center to the east and the Tyler Rural Settlement District to the west... Both sides of Taylorsville Road between the proposed Town Center Form District and Tucker Station Road and the commercial property at the northwest corner should be considered to be included in the proposed form district.”

“Develop regulations to require commercial, residential and mixed-use developments and redevelopments to preserve, protect, and enhance historic elements, architectural features, scenic vistas, opens spaces, wildlife habitat, streams and other hydrologic features through the implementation of new pedestrian oriented design and development standards.

- a. Require new development to preserve vegetation, hydrologic features and wildlife corridors.
 - b. Define outdoor spaces with historically appropriate elements such as wood plank fencing, rock walls, and preservation of indigenous vegetation.
 - c. Require signage to be externally lit and constructed from traditional materials (masonry, wood, metal, etc.) Share signage between developments to reduce the clutter along roadways.
 - d. Require placement of utilities underground along collector street rights-of-way.
 - e. Designate palette of right-of-way improvements such as street trees, light fixtures/poles, street furniture, sidewalk/trail materials, etc. to provide continuity throughout the district.
 - f. Require buildings to incorporate architectural styles that reflect the historic characteristics of the District. Traditional building materials (rock, masonry, wood, metal) shall be used for exterior building facades.
 - h. Require non-residential buildings to present attractive, pedestrian scale facades toward the street with parking facilities located in the rear, screened from the street and other properties by the building, landscaping or other historically acceptable means.
 - i. Avoid large expanses of parking by breaking pavement into smaller areas and interjecting green spaces.
 - j. Limit building heights to 2-1/2 stories and maximize building setbacks to match or exceed those of typical existing buildings.
 - k. Provide gateway elements at the Tucker Station and Taylorsville Roads intersection to create a sense of arrival to the district.
 - l. Require shielding of lights to respect the "Dark Sky".
- “Provide appropriate buffers between less compatible uses, preferably consisting of naturally occurring vegetation over installed landscape materials.
- a. Preserve existing fencerows or significant large trees rather than clear cutting and planting rows of nursery grown plants.
 - b. If no existing vegetation, install plants from the preferred list in groupings that appear natural rather than equally spaced rows.”

INTERESTED PARTY COMMENTS

My name is Casey Witt and my address is 12404 Tyler Woods Court. I received a letter in the mail last Friday notifying me that there is interest to rezone the lot directly behind my home (located at 12411 Taylorsville Rd) from R-4 to C1. I am very concerned about this. One reason why my husband and I decided to buy our home here in Louisville in the first place was because it, along with the lot behind ours that I am referencing in this email, are recognized as a National Register District here in Louisville, being a part of the historic Tyler Settlement. I was researching the land the development code (April, 2016 version) for this area but see that the document still has Tyler Settlement under “Reserved” status. My question is, how can that property even be rezoned if a special district property with no established land development codes?

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR CHANGE IN ZONING

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

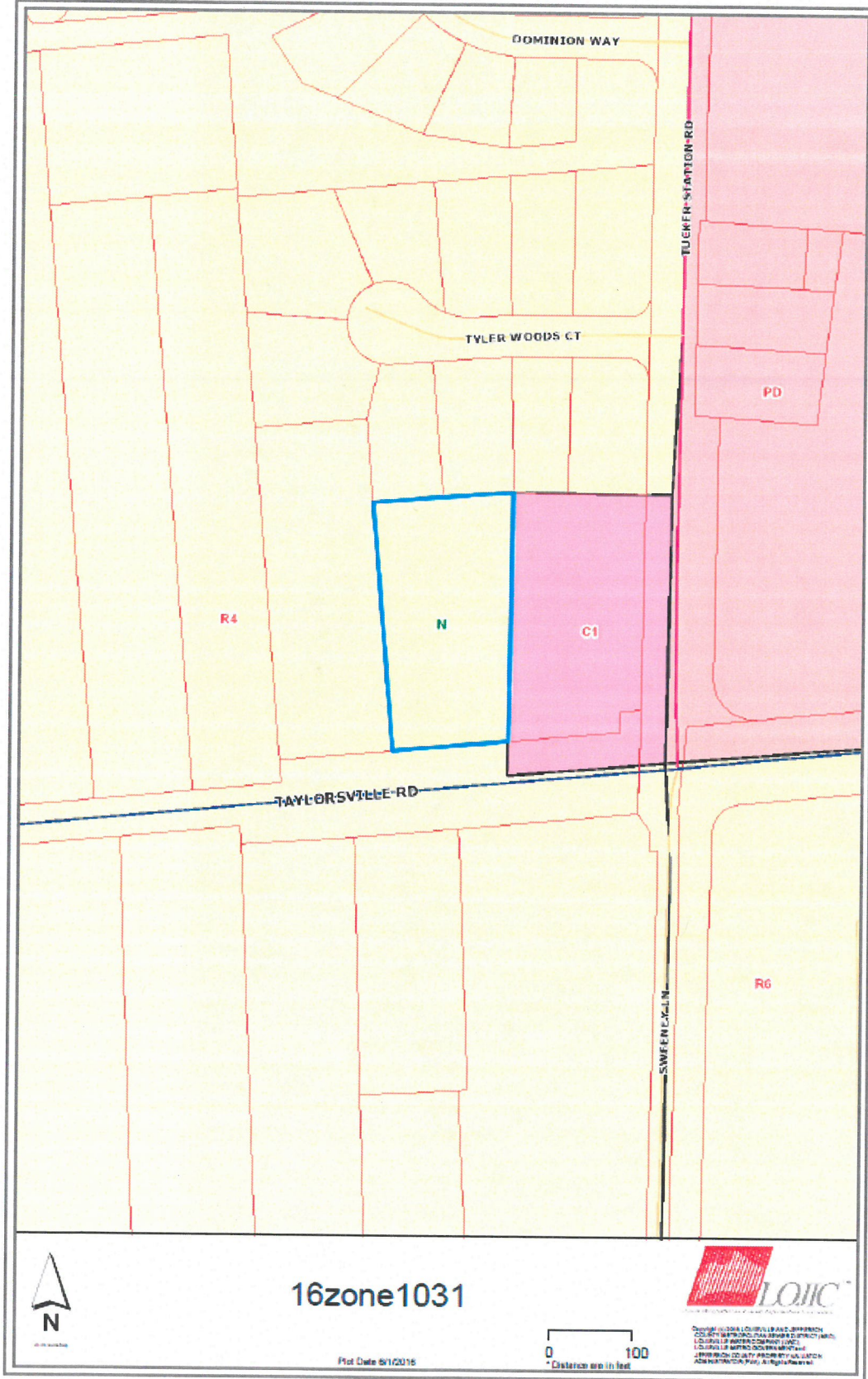
NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/17	Hearing before LD&T on 12/14/17	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11 & 20
	Hearing before ____	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District ____
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

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. Signs shall be monument style.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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.
 - d. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to the issuance of a building permit.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 property owner shall provide a cross over access easement if the property to the west is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.