

Development Review Committee

Staff Report

December 17, 2014



Case No:	14DEVPLAN1146
Project Name:	3939 Central Avenue
Location:	3939 Central Avenue
Owner:	David S. Elder
Applicant:	David S. Elder
Representative:	Alpha Omega Innovations, LLC
Project Area/Size:	0.75 ac.
Existing Zoning District:	C-2, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Matthew R. Doyle, Planner I

REQUEST

- Revised Detailed District Development Plan (RDDDP) for automobile service and repair garages

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This is a plan certain site that was approved for a change in zoning from C-1 to C-2 in Docket 9-32-05. It is located in Buechel on Central Avenue between Bruce Avenue and Buechel Bank Road. Central Avenue runs parallel to the Buechel Bypass.

The applicant requests re-approval of the RDDDP that expired in September of 2008.

Currently, the flag-shaped lot sits vacant with paved ingress and egress points off Central Avenue that are separated by a grassy median/interior landscape island for most of the site until it opens into a relatively large paved area in the rear of the property.

The applicant proposes to construct two buildings on the site. Building 1 would be located near Central Avenue. It would total 3,168 sq. ft. and include 720 sq. ft. of retail/office space along with 2,448 sq. ft. of automobile service/repair garage space with 4 service bays. Building 2 would be located in the rear of the property. It would total 1,107 sq. ft. and include 300 sq. ft. of office space along with 807 sq. ft. of automobile service/repair garage space with 2 service bays.

After the last RDDDP was approved in 2006, the applicant obtained a variance from the Board of Zoning Adjustment and filed a minor plat in accordance with the approved district development plan. This satisfied existing binding elements 6b and 6e. The proposed binding elements for this case have removed these requirements. Existing binding element 6d has been removed since the plan is not proposing to preserve any of the existing tree canopy. Additionally, existing binding element 3 regarding signage has been removed since it is redundant and there is no evidence in the case file, or minutes of the Planning Commission, that a sign was presented at the public hearing. Last, existing binding element 14 has been removed since the concept landscape plan presented at the public hearing does not provide the level of specificity necessary to determine compliance with the Land Development Code and it repeats the planting requirements for the selected buffer.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-2	SMC
Proposed	Auto service and repair garages	C-2	SMC
Surrounding Properties			
North	Parking lot	C-2	SMC
South	Right-of-way (Buechel Bypass)	R-5	N
East	Commercial offices and restaurant	C-1, C-M	SMC
West	Commercial offices and single family residential	C-1, R-5	SMC, N

PREVIOUS CASES ON SITE

- 9-32-05: Approved a change in zoning from C-1 to C-2 and a Detailed District Development Plan for an auto sales facility with a 2,400 square foot building (with two service bays) and a lot with room for 42 cars to be displayed for sale. This was later followed by an approval of a RDDDP to allow an auto glass shop with retail and office space, and a contractor's shop.
- B-176-06: Approved a variance from the Land Development Code to allow the principal structure on Central Avenue to be located less than 10 feet from the principal structure on the property to the west.

INTERESTED PARTY COMMENTS

Staff has not received any communication from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will 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 be provided. Transportation Planning Review has approved the preliminary development plan.

- 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 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 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.

- 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

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and MSD.

STAFF CONCLUSIONS

- The proposed RDDDP 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 Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the RDDDP.

REQUIRED ACTIONS

- APPROVE** or **DENY** the RDDDP and proposed changes to the binding elements.

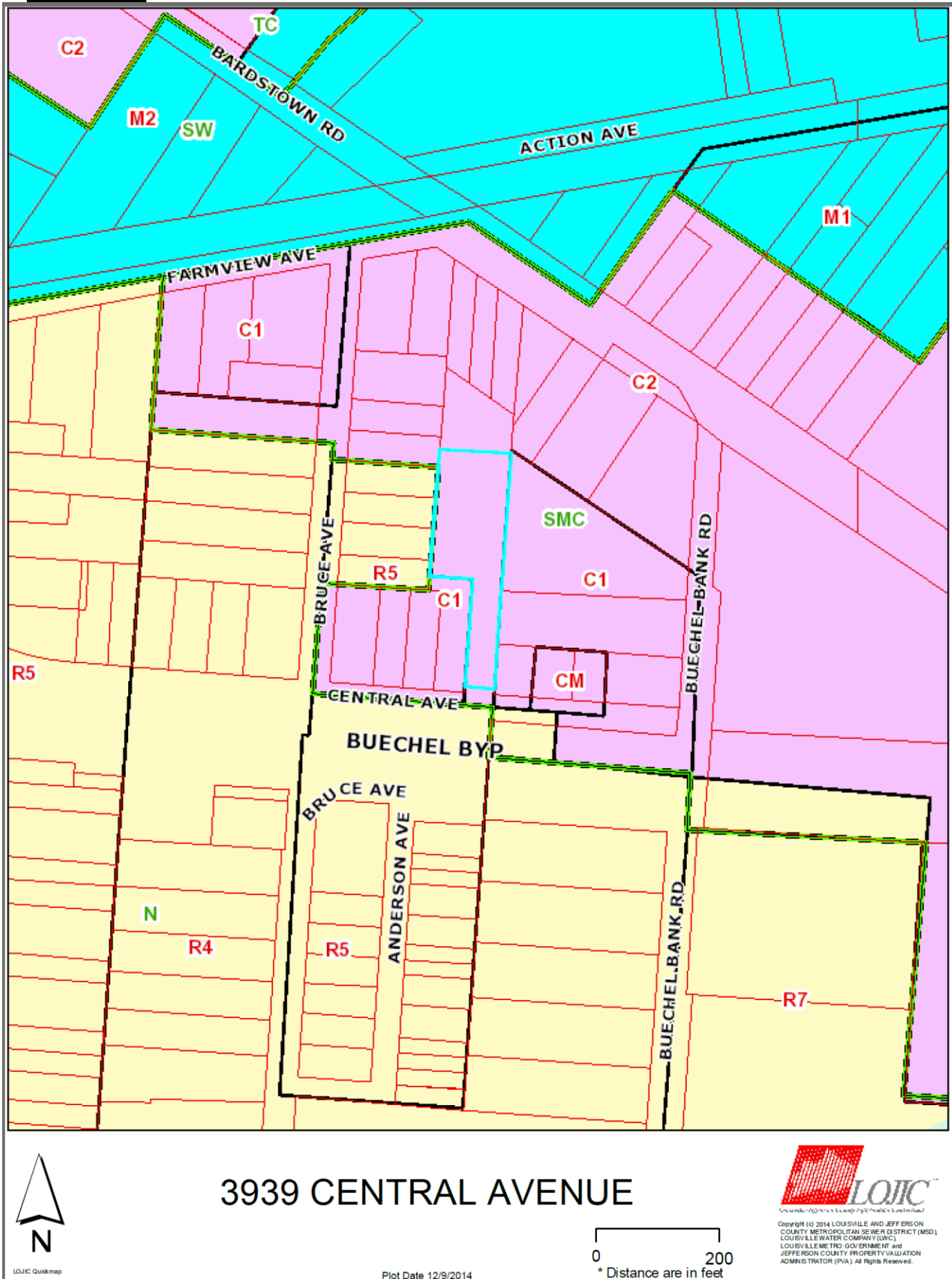
NOTIFICATION

Date	Purpose of Notice	Recipients
12/3/14	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

- Zoning Map
- Aerial
- Existing Binding Elements
- Proposed Binding Elements

1. Zoning Map



3939 CENTRAL AVENUE



LOJIC Quickmap

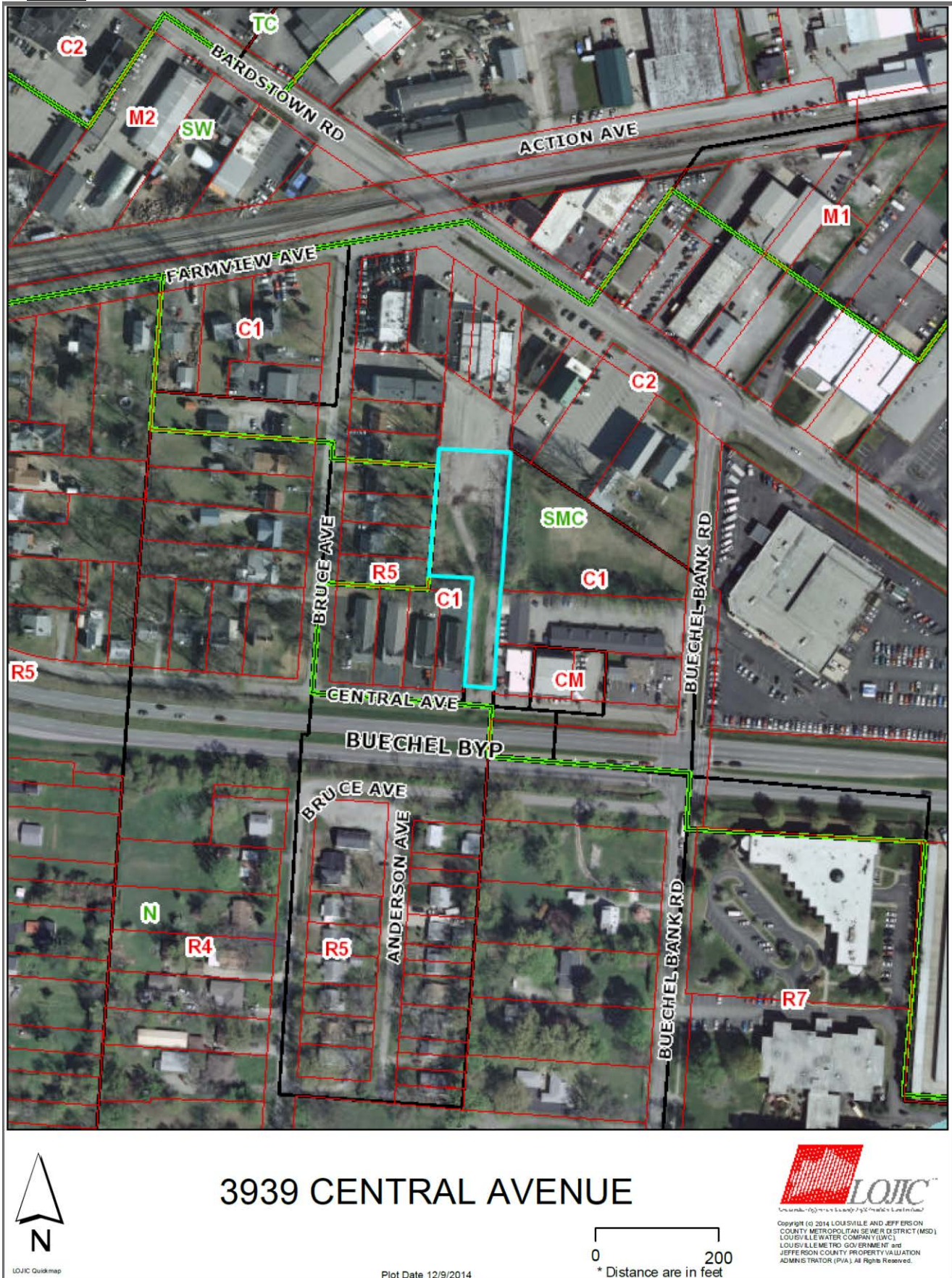
Plot Date 12/9/2014

0 200
* Distance are in feet



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2. Aerial



3. Existing 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 4,275 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing.
4. Permitted uses will include all C-1 uses plus the specific C-2 uses of Automobile Sales, Automobile Repair Garage and Contractor's Shop. The C-2 uses on the site shall close by 8 PM every day.
5. 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.
6. 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 Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat shall be recorded as shown on the 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
9. 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.

10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering and stamped approved in the file at the Planning and Design Services office of Louisville Metro.
11. 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 thereafter. 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.
12. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
13. A 7-foot high double-sided wood privacy fence shall be installed along the west property line adjacent to residential use.
14. Landscaping shall be in accordance with the concept landscape shown on the colored site plan presented at the public hearing, which shall include 50% more plantings than the Land Development Code requires adjacent to west side residential properties.
15. The applicant agrees to keep the northernmost portion of the property that has access to the rear, open to Mr. Gould's adjoining properties and that if recent re-striping of this lot obstructs that access, this lot will be re-striped so the restriction on access would be removed.
16. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.

4. Proposed Binding Elements

- ~~3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing.~~
6. 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 Public Works and the Metropolitan Sewer District.
 - ~~b. A minor subdivision plat shall be recorded as shown on the 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.~~
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