

**Planning Commission Minutes
April 21, 2016**

Public Hearing

Case No. 16ZONE1003

Request: Change in zoning from R-4 to C-2 on 1.5 acres and a District Development Plan

Project Name: Blue Iguana Car Wash

Location: 9500 Dixie Highway

Owner: GESJ Inc.
P.O. Box 789
Winchester, KY 40392

Applicant: Blue Iguana Car Wash
Mike Matthews, Representative
1640 East Sunshine Street
Springfield, MO 65804

Representatives: Nick Pregliasco
Bardenwerper, Talbott & Roberts PLLC
1000 N. Hurstbourne Parkway 2nd Floor
Louisville, KY 40223

Kevin Young and Ann Richard
Land Design & Development, Inc.
503 Washburn Avenue Suite 101
Louisville, KY 40222

Jurisdiction: Louisville Metro

Council District: 14 – Cindi Fowler

Case Manager: **Julia Williams, RLA, AICP, Planner II**

Notices were sent by first class mail to those adjoining property owners whose names were supplied by the applicants.

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

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An audio/visual recording of the Land Development and Transportation Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

01:35:55 Julia Williams presented the case and showed a Power Point presentation (see staff report and recording for detailed presentation.)

The following spoke in favor of the proposal:

Nick Pregliasco, Bardenwerper, Talbott & Roberts PLLC, 1000 N. Hurstbourne Parkway 2nd Floor, Louisville, KY 40223

Kevin Young and Ann Richard, Land Design & Development, Inc., 503 Washburn Avenue Suite 101, Louisville, KY 40222

Greg Byler, 1640 East Sunshine Street, Springfield, MO 65804

Summary of testimony of those in favor of the proposal:

01:42:13 Nick Pregliasco, the applicant's representative, presented the applicant's case and showed a Power Point presentation (see recording for detailed presentation.)

01:49:27 In response to a question from Commissioner Kirchdorfer, Mr. Pregliasco said the hours of operation would be 7:00 a.m. to 9:00 p.m. There will be no access to the site after hours.

01:50:26 In response to a question from Commissioner Kirchdorfer, Greg Byler (the applicant) answered questions regarding the location of the vacuums and turbines, and also general noise issues.

01:53:19 Commissioner Blake requested a binding element stating that the hours of operation shall be 7:00 a.m. to 9:00 p.m. In response to another question, Mr. Pregliasco said that the business would be open 7 days a week.

The following spoke in opposition to the proposal:

No one spoke.

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The following spoke neither for nor against the proposal (“Other”):
No one spoke.

Rebuttal:

There was no rebuttal, since no one spoke in opposition.

Deliberation:

01:55:12 Commissioners’ deliberation. Commissioner Howard noted that binding element #10 should read, “The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **April 21, 2016** Planning Commission meeting.” [correct date] Commissioners Kirchdorfer and Blake stated that they wanted to add a binding element stating the hours of operation.

Zoning

01:59:14 On a motion by Commissioner Jarboe, seconded by Commissioner Turner, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that the proposal meets the intents of **Guideline 1 – Community Form / Suburban Marketplace.** The proposed car wash complies with the intent of Guideline 1 because the property is located in the Suburban Marketplace Corridor, will be reutilizing an already developed site with almost the same use currently, will have access directly to Dixie Highway and Speedway Avenue to the south, will address its potential impacts on the residential area to the west and northwest, will otherwise present a reinvestment in this established Suburban Marketplace Corridor; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 2 – Centers** and specifically with Policies 2, 3, 4, 5, 12, 13, 14, and 15 because the proposed development will be a new automatic car wash building in largely the same location as the current existing car wash; this compact style development is what is called for by Guideline 2. The proposed development also will adequately screen the area where single-family homes adjoin the western and northwestern portion of the subject property; the blowers to dry cars is located at the front of the property which is the furthest point from the residential properties and closest to the busy Dixie Highway. The proposed application will provide an access easement to the property to the North to provide shared access in the event that property is redeveloped is served by all

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necessary utilities; the new operation will have hours of operation limitation and reduce the current disruption from a 24 hour self-service car wash; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 3 – Compatibility**, specifically with Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 21, 22, 23 and 24 thereof because Dixie Highway is a well- established Suburban Marketplace Corridor with many car washes, including the currently existing car wash on the site, and other large and varied commercial uses; new commercial developments along Dixie Highway as a consequence of the new Development Code and Comprehensive Plan guidance are transforming the area, and the proposed car wash building will be an attractive addition to the area; in addition, the proposed car wash is designed to minimize any noise disruptions, along with good screening and buffering; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guidelines 4 and 5 – Open Space and Natural Areas in Scenic and Historic Resources** because it will preserve the rear of the current subject site including significant green space area which will be maintained by the applicant; and Guideline 5 does not apply to the subject property because there is neither an historic nor natural resource; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 6 – Economic Growth and Sustainability** . The proposed car wash complies with the intent of Guideline 6 and specifically with Policies 3, 5, and 6 thereof because the proposed car wash involves a reuse of an existing 24-hour self-service car wash along Dixie Highway that is in disrepair; the subject property is located within the Suburban Marketplace Corridor and is adjoining to the north and south by other commercial uses; only a small portion of the developed area is being rezoned and the remainder is already properly zoned C-2; this redevelopment of an existing site within the Suburban Marketplace Corridor is exactly what Guideline 6 calls for; and

WHEREAS, the Commission further finds that the proposed car wash complies with **Guideline 7 – Circulation** and specifically with Policies 1, 2, 6, 9, 10 and 13 thereof. The proposed car wash will not require the extension of any streets or utilities and will utilize the currently existing curb cuts on Dixie Highway and Speedway Avenue; an access easement to the property to the North will be provided for use in the event that property is ever redeveloped; the proposed development will dedicate right-of-way as required by Louisville Metro Public Works and will otherwise comply with the Land Development Code concerning internal access and circulation; and

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WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 8 – Transportation Facility Design**. No new roads will part of this application, Guideline 8 is not applicable; and

WHEREAS, the Commission further finds that the proposal complies with the intent of **Guideline 9 – Bicycle, Pedestrian and Transit** and specifically with Policies 1 and 2 thereof, because, although few people visit automobile car washes on foot or by bicycle, the proposed development will provide sidewalks, as required by the Land Development Code to accommodate pedestrians and cyclists who may visit the site or pass by the site along Dixie Highway; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 10 – Flooding and Stormwater**. The proposal complies with the intent of this Guideline and specifically with Policies 7, 10 and 11 thereof, because the overall impervious surface on the site will decrease from its current condition; the development plan will manage stormwater in such a way as to prevent adverse impacts on surrounding properties from stormwater runoff; the applicant has taken drainage into account in designing the drainage system on the subject property and must obtain approval from the Metropolitan Sewer District prior to construction; and

WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 11 – Water Quality** because the proposed car wash is not adjacent to any streams and will be putting its drainage into the public system, this Guideline does not apply; and

WHEREAS, the Commission further finds that the proposed car wash complies with the intent of **Guideline 12 – Air Quality** and specifically with Policies 1, 5, 6 and 8 thereof, because it is located at an existing car wash location and will be predominantly the same use; the proposed car wash use is not a destination use, but one customers stop in on their way to or from other locations which is why being located on a busy road is important; the proposed development will also utilize the current existing curb cuts thus not increasing idling traffic from a new configuration; and

WHEREAS, the Commission further finds that the proposal complies with the intents of **Guideline 13 – Landscape Character** and specifically with Policies 1, 2, 4, 5 and 6 thereof because the applicant will meet or exceed the requirements of the Land Development Code, utilizing native plant species as recommended by the Code and as will be detailed as the application makes it way through the planning process; and

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WHEREAS, the Commission further finds that the proposal meets the intents of **Guideline 14 - Infrastructure** and specifically with Policies 2, 3, and 4 thereof because the car wash equipment will use less water than prior equipment models. The property is already a car wash and is already producing similar utility service demands, and will connect to existing sewer, electric, phone, cable, gas and other utility connections; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council that the requested change in zoning from R-4 to C-2 on the portion of the property described in the attached legal description be **APPROVED**.

The vote was as follows:

YES: Commissioners Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: Commissioners White and Lewis.

ABSTAINING: No one.

Detailed District Development Plan and Binding Elements

02:00:07 On a motion by Commissioner Jarboe, seconded by Commissioner Tomes, the following resolution was adopted:

WHEREAS, the Louisville Metro Planning Commission finds that there do 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; and

WHEREAS, the Commission further finds that 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; and

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WHEREAS, the Commission further finds that there are no open space requirements with the current proposal. Open space is provided within buffers along the perimeter of the site; and

WHEREAS, the Commission further finds that 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; and

WHEREAS, the Commission further finds that 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; and

WHEREAS, the Commission further finds that, based on the evidence and testimony presented, the applicant's justification, and the staff report that all of the applicable Guidelines of Cornerstone 2020 and the Comprehensive Plan are being met; now, therefore be it

RESOLVED, the Louisville Metro Planning Commission does hereby **APPROVE** the requested Detailed District Development Plan, **SUBJECT** to the following 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 5,000 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. 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

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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, alteration 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.
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 permitted on the site.
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 commercial property to the north is ever redeveloped. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

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10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **April 21, 2016** Planning Commission public hearing.
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.
12. **The hours of operation for the Blue Iguana Car Wash shall be 7:00 a.m. through 9:00 p.m., Monday through Sunday.** *(added at the April 21, 2016 Planning Commission hearing)*

The vote was as follows:

YES: Commissioners Brown, Turner, Blake, Kirchdorfer, Tomes, Jarboe, Peterson, and Howard.

NO: No one.

NOT PRESENT: Commissioners White and Lewis.

ABSTAINING: No one.