

Development Review Committee

Staff Report

May 18, 2013



Case No:	16DEVPLAN1045
Project Name:	Tire Discounters
Location:	9710 Von Allmen Court
Owner(s):	McMahan Holdings, LLC.
Applicant:	Leesman Engineering & Assoc. – Tim Dwyer
Representative(s):	Leesman Engineering & Assoc. – Tim Dwyer
Project Area/Size:	1.48 acres
Existing Zoning District:	C-2
Existing Form District:	Regional Center
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Revised Detailed District Development Plan** for proposed 7,895 SF Auto Service Station

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 7,895 SF retail tire store along the south side of Von Allmen Court within Old Brownsboro Crossing. The proposed structure will be predominately brick with five bay doors along the front and three on the rear. Vehicular and pedestrian connection is provided to adjacent commercial uses and sidewalk along the frontage of the subject site. A 50' Gene Snyder Buffer, along with recorded Woodland Protection Areas are provided at the rear of the site.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-2	RC
Proposed	Tire Retailer	C-2	RC
<i>Surrounding Properties</i>			
North	Mixed Commercial	C-2	RC
South	I-265 (Gene Snyder Freeway)		
East	Restaurant	C-1	RC
West	Restaurant	C-2	RC

PREVIOUS CASES ON SITE

9-55-01: Rezoning from R-4 to OR-2, C-1, & C-2 for Old Brownsboro Crossing.

13DEVPLAN1016: Detailed district development plan (approved 7/17/13; expired)

INTERESTED PARTY COMMENTS

Staff has not received any comments on this proposal at this time.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (April 2016)

STANDARD OF REVIEW FOR DDDP, RDDDP, AND AMENDMENT TO BIDNING 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. Woodland Protection Areas as recorded and 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 has been provided. Connection to adjacent sites and the sidewalk along the frontage will be provided.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Gene Snyder buffer has been provided as required and Woodland Protection Areas as recorded are being preserved.

- 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 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.

- 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. The building material – predominately brick - is compatible with surrounding uses in the area.

- 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 with the exception of the landscape waiver previously granted to allow an overlap of utilities within the LBA.

TECHNICAL REVIEW

There are no outstanding technical issues that need to be addressed.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets the standard of review 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 a Revised Detailed District Development Plan.

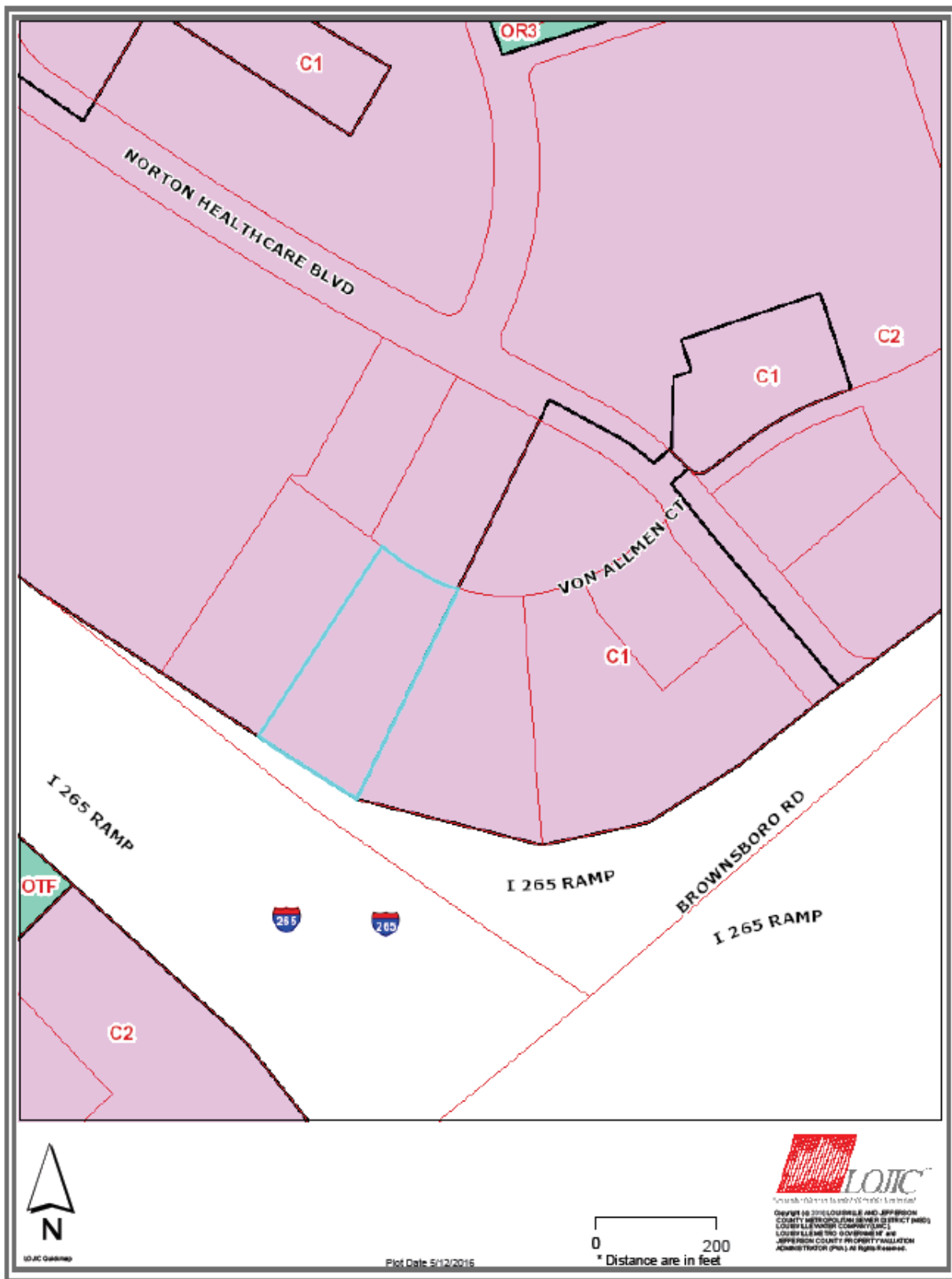
NOTIFICATION

Date	Purpose of Notice	Recipients
5/5/16	Hearing before DRC	1 st tier APO Registered Interested Parties Individuals that spoke at previous public hearings

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Binding Elements

1. Zoning Map



2.



3. 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 7,900 square feet of gross floor area.
3. Signs shall be in accordance with the Old Brownsboro Crossing Master Sign Plan.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. 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.
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 July 17, 2013 DRC 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 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.
11. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.