

# Development Review Committee

## Staff Report

June 20, 2018



<b>Case No:</b>	18DEVPLAN1074
<b>Project Name:</b>	Prestige Car Wash
<b>Location:</b>	10004 Brownsboro Rd
<b>Owner(s):</b>	All Points Realty, LLC.
<b>Applicant:</b>	Over the Top, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Jay Lockett, Planner I

### **REQUEST(S)**

- Revised District Development Plan with amendments to binding elements.

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a car wash. The site was rezoned from R-4 and C-1 to C-2 under docket 18125, with this portion of the site originally proposed to be a car rental facility.

### **STAFF FINDING**

The request is adequately justified and meets the standard of review.

### **TECHNICAL REVIEW**

There are no outstanding technical issues associated with this request.

### **INTERESTED PARTY COMMENTS**

Staff received a letter from a concerned citizen named Sarah Kunzler. She expressed concern with potential noise and traffic associated with the proposal.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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 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 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 has 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 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.

#### **REQUIRED ACTIONS:**

- **APPROVED** or **DENY** the **Revised District Development Plan**

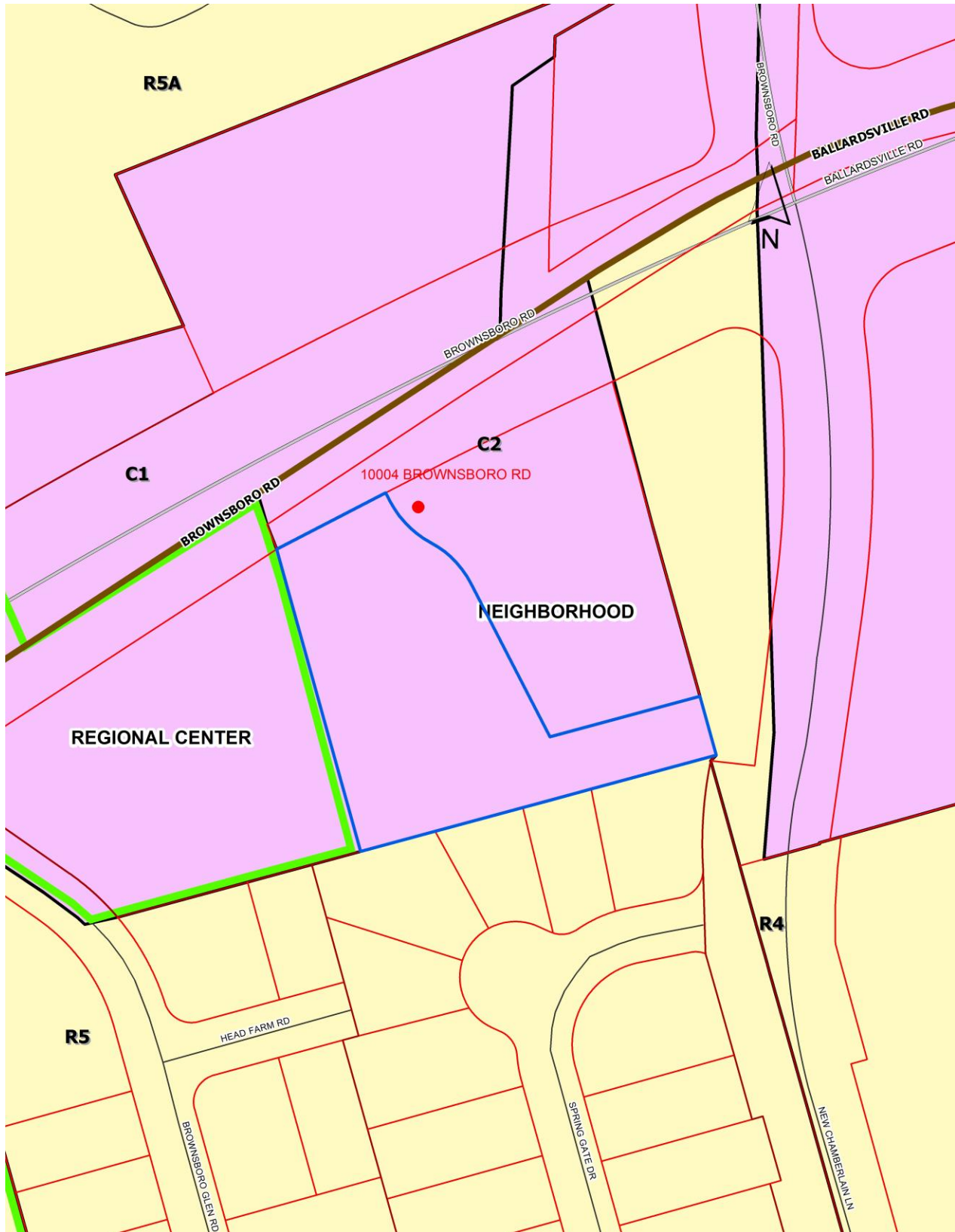
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
6-6-18	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing and/or Proposed Binding Elements

1. Zoning Map





2. Aerial Photograph



#### 4. 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 7,540 square feet of gross floor area on Lot 1 and 3,000 square feet of gross floor area on Lot 2.~~
3. Signs shall be in accordance with Chapter 8 ~~or as presented at the public hearing (60 square feet in area and 6 feet in height).~~
4. 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.
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~~ **Develop Louisville**, Louisville Metro Public Works, 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.
  - C. 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.
  - D. 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.
6. ~~The materials and design of existing/proposed structures shall be substantially the same as depicted in the photos/rendering as presented at the March 7, 2013 Planning Commission public hearing.~~
7. Evergreen trees shall be planted beside the rebuilt 8-foot solid wood privacy fence along the southern property line of the site to screen adjacent residential properties. The rebuilt privacy fence and required plantings shall be provided and maintained by the applicant thereafter. Drainage shall be designed to accommodate the privacy fence and plantings. The Planning Commission landscape architect will determine the actual spacing of the evergreen trees based

on the species selected, with the maximum distance being 15 feet on center. The evergreen trees shall be a minimum height of 8 feet tall at the time of planting.

8. The applicant will commit to the uses presented on the development plan, and any C-1 uses. Any change in use to another C-2 use shall require a Planning Commission review.

### **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 in accordance with Chapter 8.
3. 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.
4. 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 Develop Louisville, Louisville Metro Public Works, and the Metropolitan Sewer District.
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