

Development Review Committee

Staff Report

May 8, 2019



Case No:	19DEVPLAN1027
Project Name:	Toadvine Enterprises
Location:	14617 Taylorsville Road
Owner(s):	Michael L Lausman, Marvin G Lausman Revocable
Applicant:	Chris Tolley, Toadvine Enterprises
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

Waivers:

1. **Waiver** of Land Development Code section 5.6.1.B and 5.6.1.C to allow a building façade facing Taylorsville Road to have less than 50% of the wall surfaces consist of windows and doors

Requests:

2. **Floyds Fork Development Review Overlay (FFRO)**
3. **Revised Detailed District Development Plan with Binding Element Amendments**

CASE SUMMARY/BACKGROUND

The subject site is zoned C-1 and C-2 Commercial, and R-4 Residential Single Family in the Neighborhood Form District. It is located on the south side of Taylorsville Road and the east side of S. English Station Road, in the Floyd's Fork Overlay District. The subject site is currently an existing vacant grocery/gas station. The applicant is proposing a 10,000 square foot contractor's office building, with 6,000 to be used for offices and 2,500 square feet to be used for a garage.

Previous cases:

- 9-41-76: Change in zoning from C-1 Commercial to C-2 Commercial
- BE-15411-11: Binding element amendment to allow for outdoor smoking and seating with beer consumption outside and indoor entertainment at 5 O'Clock Charlies restaurant (application was withdrawn)

STAFF FINDINGS

The development plan and Floyds Fork Development Review Overlay appear to be in compliance with the Land Development Code. The nearest stream corridor is located on a neighboring property. There are no existing wooded areas located on the subject site. The Health Department and MSD have both provided their preliminary approval, so there do not appear to be any issues with drainage and water quality. There are no steep slopes on the subject site. The applicant has provided a karst survey which does not appear to indicate any karst areas that would create issues with the proposed development.

Urban Design provided the following comment regarding a potential historic element and distinctive site feature:

- The structures on site are reflective of mid-century roadside architecture. The demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. If structures are over 50 years old and determined eligible for the National Register, as per Wrecking Ordinance Section 150.110, there will be a required 30-day hold on the issuance of the permit.

TECHNICAL REVIEW

Public Works, MSD and the Health Department have provided preliminary approval.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTIONS 5.6.1.B AND 5.6.1.C TO ALLOW A BUILDING FAÇADE FACING TAYLORSVILLE ROAD TO HAVE LESS THAN 50% OF THE WALL SURFACES CONSIST OF WINDOWS AND DOORS

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The requested waiver will not adversely affect adjacent property owners since the façade faces Taylorsville Road and does not create a known safety concern. Additionally, the existing building (which is proposed to be demolished) does not meet the façade requirements.

- (b) The waiver will not violate specific guidelines of Plan 2040.

STAFF: Land Use & Development Goal 1, Policy 4 indicates the proposal ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Land Use & Development Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.

The Floyds Fork Overlay requires a 50 foot scenic parkway buffer along Taylorsville Road, which is a Scenic Corridor that would typically only require a 25 foot buffer. The 50 foot buffer and required plantings will mitigate the building façade on the north elevation. Additionally, the Overlay indicates there should be a three foot berm located in the buffer.

The main entrance to the building meets the design requirements of section 5.6.1 and is located on the western facing façade along South English Station Road.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the main entrance to the proposed building faces South English Station Road, to the west, and meets the design requirements.

- (d) Either:
(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the main entrance to the proposed building faces South English Station Road, to the west, and meets design requirements. The Taylorsville Road façade will be mitigated by the 50 foot scenic parkway buffer plantings.

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 do not appear to be any environmental constraints on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site. Urban Design has reviewed the subject site for historic resources and determined that the demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. If structures are over 50 years old and determined eligible for the National Register, as per Wrecking Ordinance Section 150.110, there will be a required 30-day hold on the issuance of the permit.

- (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 and Health Department have 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 Plan 2040 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 Plan 2040 and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Floyds Fork Development Review Overlay (FFRO)**
- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

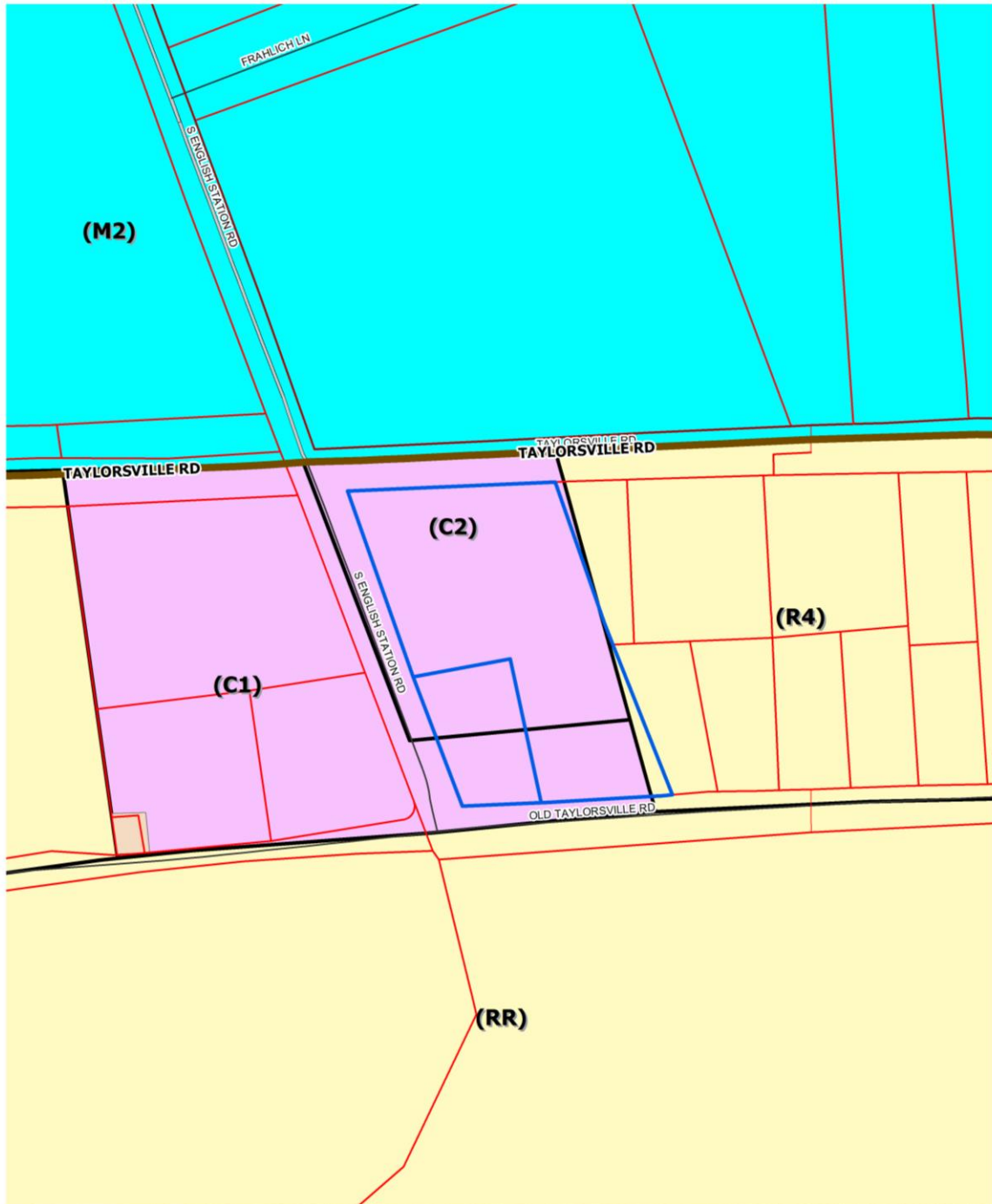
NOTIFICATION

Date	Purpose of Notice	Recipients
5-8-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

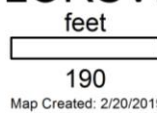
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



14617 TAYLORSVILLE ROAD



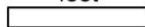
Copyright (c) 2019, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



14617 TAYLORSVILLE ROAD

feet



190

Map Created: 2/20/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

3. Existing Binding Elements

- ~~1. The site will be limited to C-1 uses plus the sale of fuel oil and related petroleum products.~~
- ~~2. Screening will be provided along the fuel oil area.~~
- ~~3. Fifty feet will be given to the right-of-way for English Station Road.~~
- ~~4. Re-approval from the Water Management Section of the Jefferson County Works Department and Traffic Engineering Department before any building permits are issued for additional facilities.~~
- ~~5. No expiration date.~~

4. 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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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, alteration permit or demolition permit is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

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 or 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.