

# Development Review Committee

## Staff Report

June 15, 2022



|                          |                         |
|--------------------------|-------------------------|
| <b>Case No:</b>          | 22-DDP-0046             |
| <b>Project Name:</b>     | Mike's Car Wash         |
| <b>Location:</b>         | 9710 Westport Rd        |
| <b>Owner(s):</b>         | Becky Young             |
| <b>Applicant:</b>        | Cliff Ashburner         |
| <b>Jurisdiction:</b>     | Louisville              |
| <b>Council District:</b> | 17 – Markus Winkler     |
| <b>Case Manager:</b>     | Tara Sorrels, Planner I |

### **REQUEST(S)**

- Revised Detailed District Development plan with revisions to existing binding elements.

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to renovate and rebrand an existing car wash. The subject site is zoned C-1 in the Suburban Marketplace Corridor form district. The site was rezoned and developed under docket 9-86-94.

The applicant is proposing for the existing monument style sign on the site to remain. Binding element 3 is about signage and is based on an old version of the Land Development Code which no longer applies to the site. The 16' requirement mentioned in the binding element was based on a variance received in 1998 (B-222-98) to allow the sign to be 16' from the property line, which encroached into the front yard setback at the time. However, the front yard setback has changed since then and the sign no longer encroaches into any setbacks. Based on the current Land Development Code, the existing monument style sign is in compliance.

The binding elements are being revised and updated for this site. Please see the end of staff report for the existing and proposed binding elements.

### **STAFF FINDING**

The request is adequately justified and meet the standards of review. The site will remain a car wash and utilize the existing structure, with some alterations to the structure and reconfiguration of the lot.

### **TECHNICAL REVIEW**

There are no outstanding technical issues associated with this request.

### **INTERESTED PARTY COMMENTS**

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

## **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 or historic resources 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 Transportation Planning Staff 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: 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.

- f. Con 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:**

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to Binding Elements

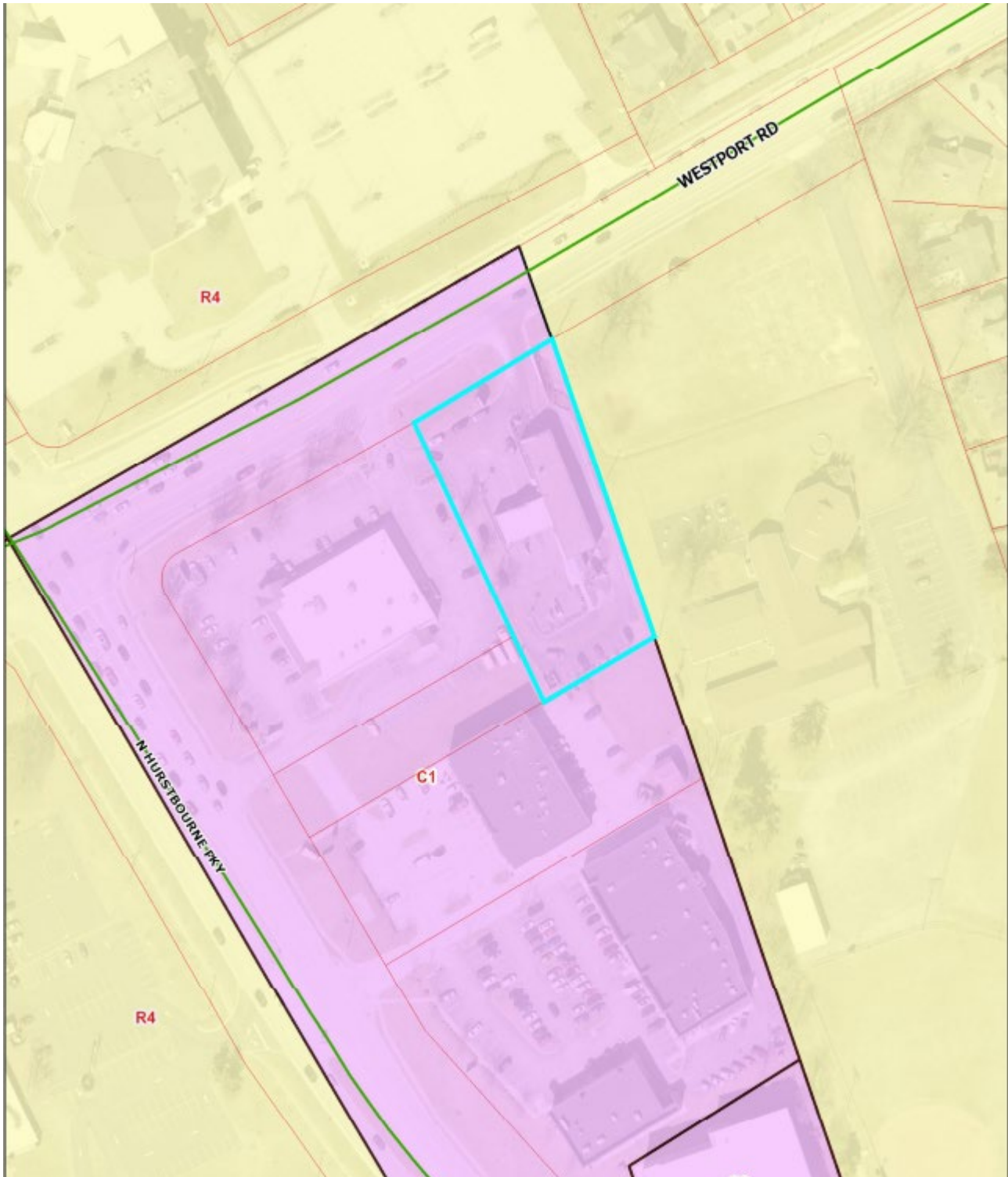
**NOTIFICATION**

| Date     | Purpose of Notice  | Recipients  |
|----------|--------------------|---|
| 06-03-22 | Hearing before DRC | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 17 |

**ATTACHMENTS**

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

1. Zoning Map





2. Aerial Photograph



### 3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. ~~The automatic wash building shall not exceed 4,470 square feet of gross floor area.~~
3. ~~The only permitted freestanding sign shall be a monument style sign located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 16 feet to front property line. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides. No signage shall be attached to the building except signage directing traffic and at the point of entry to the car wash bays explaining pricing.~~
4. Hours of operation will be limited to 8:00 a.m. to 10:00 p.m.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Underground storage, detention or increased storage will be provided as determined by MSD during the construction plan design process. The stormwater run-off drainage schematic, depicted by arrows on the site plan, are for conceptual purposes only. Final configuration of drainage system and the size of pipes and channels will be determined during the construction plan design process and will accommodate on-site and off-site runoff to existing 42" RCP under Westport Road and will be subject to MSD and KY DOT approval. Both entrances and the down stream perimeter will be curbed and guttered.
8. Outdoor lighting shall be directed down and away from adjoining properties and shall be shoe box style light fixtures with no exposed light source. Lighting levels shall not exceed 2 foot candles at the property line.
9. Any change in the development plan or binding elements shall require 14 day advance notice to the City of Hickory Hills, the Westport Road Baptist Church, Watkins Memorial Methodist Church and to anyone else who submits their name in the record of this case requesting advance notice of a Planning Commission meeting at which a change in plan or binding element is to be considered.
10. No freestanding signs, signs attached to the building façade or signs visible from windows regarding alcoholic beverages shall be placed on the property.
11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. ~~The development plan must receive full construction approval from The Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

- ~~e. A minor subdivision plat shall be recorded dedicating additional right of way to Westport Road as shown on the approved general district development plan and creating an access easement as shown on the approved revised detailed district development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
- ~~d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
12. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
13. A certificate of occupancy must be received from the appropriate code enforcement office 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.
- ~~14. The number of bays shall be limited to one inside for the automatic car wash and three outside bays for the manual car wash.~~
- ~~15. The style and design of the building shall be as depicted on the accompanying rendering. The building shall be primarily faced with brick. Brick and accent treatment shall be the same color as on the neighboring Walgreen's building.~~
16. There shall be a four foot berm located at the front of the property as shown on the detailed development plan. The berm shall be at an elevation of four feet above Westport Road elevation and shall be planted with a variety of evergreen and shade trees.
17. Signs shall be posted that notify patrons to turn off radios when servicing their vehicles.
18. No loudspeaker or outside public address system shall be allowed.
19. All wash water from the car wash shall be routed into the sanitary sewer system as required by MSD.
20. The subject property shall be maintained in a like new condition at all times and shall be kept free of litter. There shall be a sufficient number of receptacles located on the subject property, and they shall be emptied on a regular basis so that there is always adequate provision for the disposal of trash. Dumpsters shall be completely screened from view.
21. No work shall be done shall be done and no drying of vehicles shall be permitted at the front of the car wash building. The only external operations shall be at the self-service facility by individual patrons and at the rear of the automatic car wash building.

#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. All signage shall comply with Chapter 8 of the Land Development Code.
3. Hours of operation will be limited to 8:00 a.m. to 10:00 p.m.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Underground storage, detention or increased storage will be provided as determined by MSD during the construction plan design process. The stormwater run-off drainage schematic, depicted by arrows on the site plan, are for conceptual purposes only. Final configuration of drainage system and the size of pipes and channels will be determined during the construction plan design process and will accommodate on-site and off-site runoff to existing 42" RCP under Westport Road and will be subject to MSD and KY DOT approval. Both entrances and the down stream perimeter will be curbed and guttered.
7. Outdoor lighting shall be directed down and away from adjoining properties and shall be shoe box style light fixtures with no exposed light source. Lighting levels shall not exceed 2 foot candles at the property line.
8. Any change in the development plan or binding elements shall require 14 day advance notice to the City of Hickory Hills, the Westport Road Baptist Church, Watkins Memorial Methodist Church and to anyone else who submits their name in the record of this case requesting advance notice of a Planning Commission meeting at which a change in plan or binding element is to be considered.
9. No freestanding signs, signs attached to the building façade or signs visible from windows regarding alcoholic beverages shall be placed on the property.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration 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 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
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 15<sup>th</sup>, 2022 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.



- e. 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.
- 11. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
- 12. A certificate of occupancy must be received from the appropriate code enforcement office 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.
- 13. There shall be a four foot berm located at the front of the property as shown on the detailed development plan. The berm shall be at an elevation of four feet above Westport Road elevation and shall be planted with a variety of evergreen and shade trees.
- 14. Signs shall be posted that notify patrons to turn off radios when servicing their vehicles.
- 15. No loudspeaker or outside public address system shall be allowed.
- 16. All wash water from the car wash shall be routed into the sanitary sewer system as required by MSD.
- 17. The subject property shall be maintained in a like new condition at all times and shall be kept free of litter. There shall be a sufficient number of receptacles located on the subject property, and they shall be emptied on a regular basis so that there is always adequate provision for the disposal of trash. Dumpsters shall be completely screened from view.
- 18. No work shall be done and no drying of vehicles shall be permitted at the front of the car wash building. The only external operations shall be at the self-service facility by individual patrons and at the rear of the automatic car wash building.