

# Development Review Committee

## Staff Report

February 15, 2023



<b>Case No:</b>	22-DDP-0083
<b>Project Name:</b>	Farm Credit Mid-America
<b>Location:</b>	12501 Lakefront Place
<b>Owner(s):</b>	Farm Credit Mid America FLCA
<b>Applicant:</b>	Farm Credit Mid America FLCA
<b>Jurisdiction:</b>	City of Jeffersontown/Louisville Metro
<b>Council District:</b>	11 - Kevin Kramer
<b>Case Manager:</b>	Julia Williams, AICP, Planning Manager

### **REQUEST(S)**

- Revised Detailed District Development Plan with Amendments to the Existing Binding Elements

### **CASE SUMMARY/BACKGROUND**

The proposal is for a 51,500 square foot, 3-story, office building addition. The existing building is 59,000 square feet and also 3 stories. The site is divided almost in half between Louisville Metro and the city of Jeffersontown with most of the building being in Louisville Metro. The site is bound on three sides by public rights of way, Sycamore Station Place, Tucker Station Road, and Lakefront Place.

A variance for the building height is being requested and will be heard at the 3/20/23 BOZA hearing.

### **STAFF FINDING**

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

### **TECHNICAL REVIEW**

Land Development Code (2021) Jeffersontown

Transportation Planning and MSD have preliminarily approved the proposal.

### **INTERESTED PARTY COMMENTS**

None received.

### **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. 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 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. Any future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- 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:**

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Revised Detailed District Development Plan with amendments to binding elements**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan with amendments to binding elements**

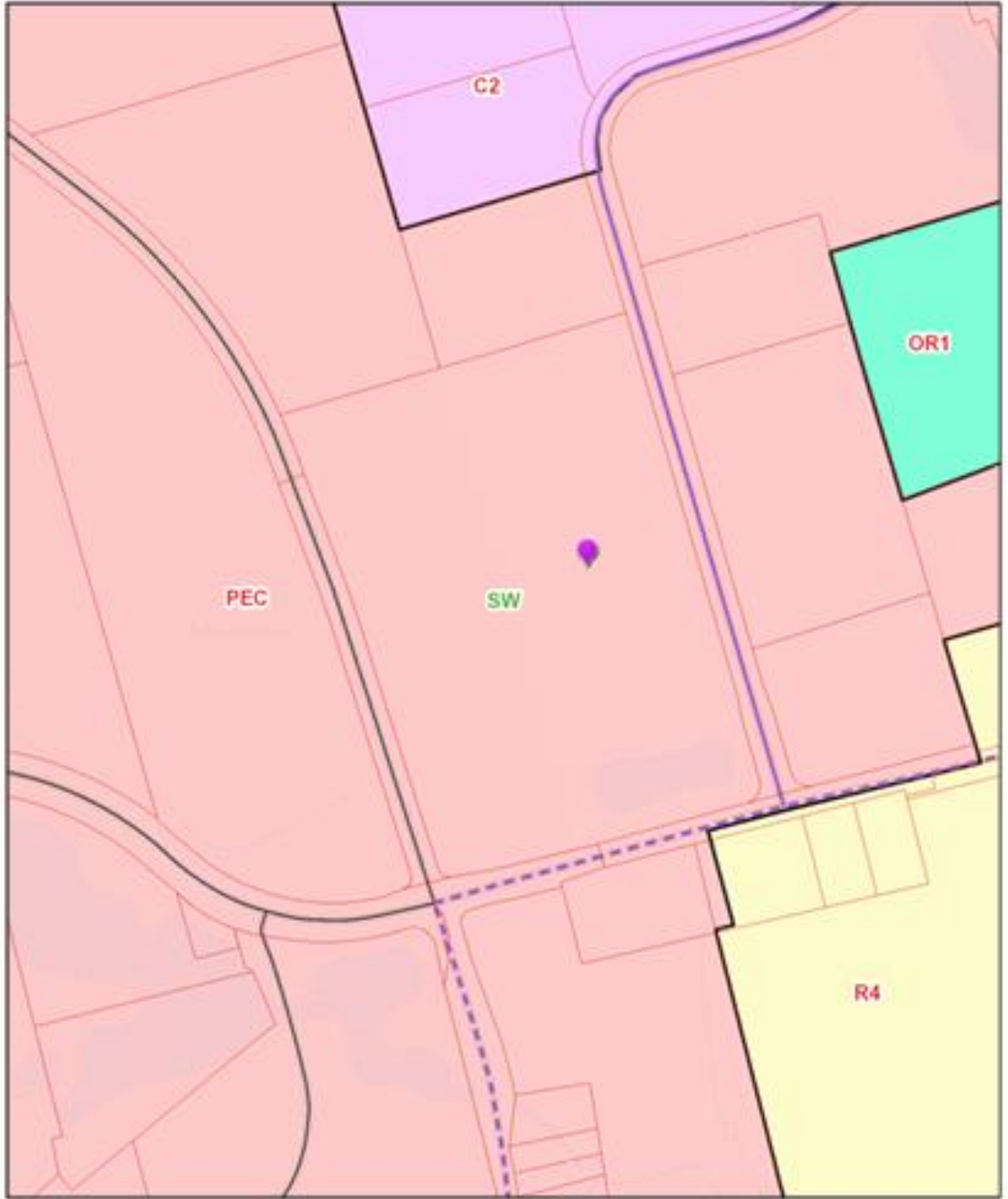
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
1/31/23	Hearing before DRC on 2/15/23	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph





### 3. Existing Binding Elements to be Removed

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#### 10-30-02 Subdivision & Detailed Plan Binding Elements:

All binding elements from the approved (9-41-78) General Development Plan are applicable to this site, in addition to the following:

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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. The development shall not exceed 344,349 square feet of gross floor area.
5. Signs shall be in accordance with Chapter 8.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. 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.
8. 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, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
9. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any Certificate of Occupancy's.
10. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.

11. 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.
  12. 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.
  13. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
    - a) Articles of incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
    - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing and other issues required by these binding elements / conditions of approval.
  14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the LD&T.
  15. The applicant shall provide documentation showing that the development complies with all the regulations from **Chapter 4, Part 1, Section 3**, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
    - a. Mounting Height Limit
    - b. Luminaire Shielding
    - c. Canopy Lighting Level
    - d. Light Trespass
  16. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
  17. The cost of the additional left turn lane at the intersection of Blankenbaker Parkway and Bluegrass Parkway, will be shared based on an acreage basis for the following properties:
    - A. Papa Johns USA Inc. – 34.56+/- AC
    - B. Cecelia S. Knight – 23.01 +/- AC
    - C. Pinnacle Partners, LLC & TSF Properties, LLC – 33.17+/- ACThe design of the improvements will begin April 1, 2004 and will be submitted to KDOT District Office #5 by May 15, 2004 for review and approval. Pinnacle Properties, LLC & TSF Properties, LLC will be the entity responsible for securing the agreements and constructing the improvements. All work is to be complete by Nov. 1, 2005.
  18. Parking lot lights shall be reduced to a minimum security level of lighting one hour after the final shift is over.
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#### **4. Proposed Binding Elements**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
  - a. The development plan must receive full construction approval from Construction Review, the City of Jeffersontown, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Tucker Station Road to provide a total of 40 feet from the centerline). A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
  - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
  - d. 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.
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
  - f. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 15, 2023 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. 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.
6. 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.

7. The developer shall contribute their prorated portion, not to exceed \$27,600 to the cost of the signal installation at Tucker Station Rd and Bluegrass Pkwy; this shall be paid within 30 days of the request by the Director of Louisville Metro Public Works.
8. The size and location of any proposed freestanding sign in the City of Jeffersontown must be in compliance with the City of Jeffersontown Sign Ordinance.
9. Outdoor lighting in the City of Jeffersontown (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
10. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.
11. Parking lot lights shall be reduced to a minimum security level of lighting one hour after the final shift is over.