

Land Development & Transportation Committee

Staff Report

September 12, 2019



Case No:	19-ZONE-0025 & 19-STRCLOSURE-0005
Project Name:	Anchorage Plaza
Location:	12903, 12910, & 12920 Factory lane
Owner:	Ghasem Properties, Inc. & Atlantic Development Group, LLC
Applicant:	Ghasem Properties, Inc.
Representative:	Bardenwerper, Talbott & Roberts, PLLC
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Joel Dock, AICP, Planner II

REQUEST(S)

- **Change in zoning** from R-4 to C-1, Commercial
- **Street Closure**
- **Variance** to encroach 5' upon the required 25' front yard setback
- **Revised Detailed & Detailed District Development Plan**

CASE SUMMARY

The final remnant of an R-4 zoning district between existing and proposed mixed-use developments is proposed to be rezoned to C-1 f. A 4,000 sq. ft. restaurant with drive-thru is proposed. In addition to the change in zoning, the remaining section of "Old Factory Lane" will be closed. The closed right-of-way will be used for parking and access to the center. Minor improvements are being made in previously rezoned portions of the development site.

STAFF FINDINGS

The applications are in order and ready for the next available public hearing before the Planning Commission. 100% consent has been received for the street closure application.

TECHNICAL REVIEW

The binding elements of the prior Revised Detailed & Detailed District Development Plan for 9-74-00 & 9-88-98 & 18ZONE1022 will be continued upon the new development area. This will result in the proposed plan serving as the most recent approved development plan with binding elements for the entire development site known as Anchorage Plaza.

Fire District – PDS staff has not received any formal objections.

E-911/Metro Safe Addressing – E-911 has no objections to the proposed closure. Cross access and/or consolidation will be needed after recordation of the street closure plat.

AT&T – PDS staff has not received any formal objections.

MSD – MSD will require continued access to utilities in the form of an easement.

Louisville Metro Health Department – Health and Wellness has no objections to the proposed closure.

Louisville Gas & Electric – LG&E will require continued access to utilities in the form of an easement.

Louisville Water Company – LWC will require continued access to utilities in the form of an easement.

Louisville Metro Public Works – DPW has no objections to the proposed closure.

Historic Preservation – Historic Preservation has no objections to the proposed closure.

TARC – TARC has no objections to the proposed closure.

Staff last requested comment on the closure on July 29, 2019.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Plan 2040 which have substantially altered the basic character of the area.

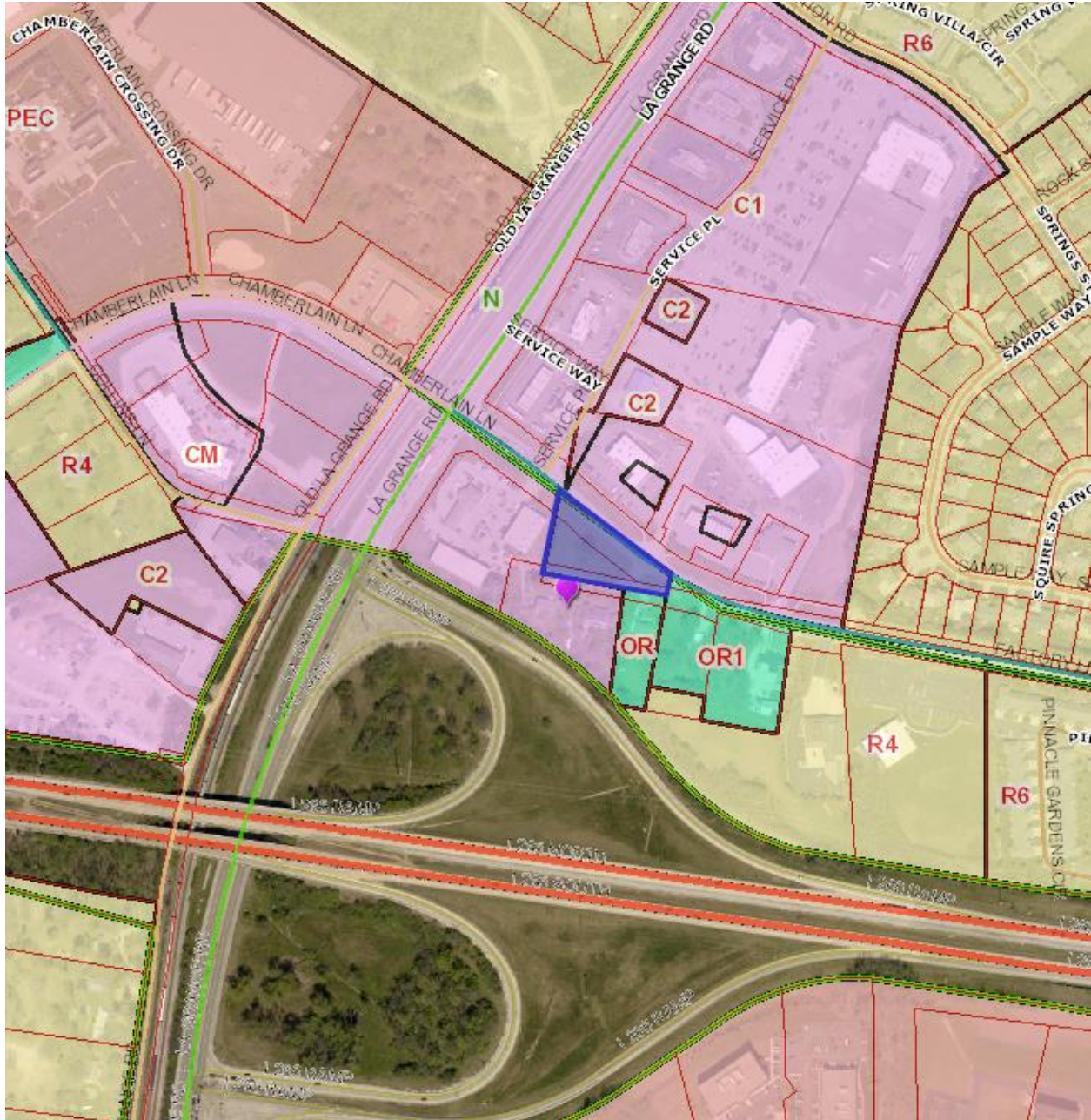
NOTIFICATION

Date	Purpose of Notice	Recipients
8/30/19	Hearing before LD&T (zoning and closure)	1 st and 2 nd tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
	Hearing before PC	Sign Posting on property (zoning only)
	Hearing before PC	Legal Advertisement in the Courier-Journal (zoning only)

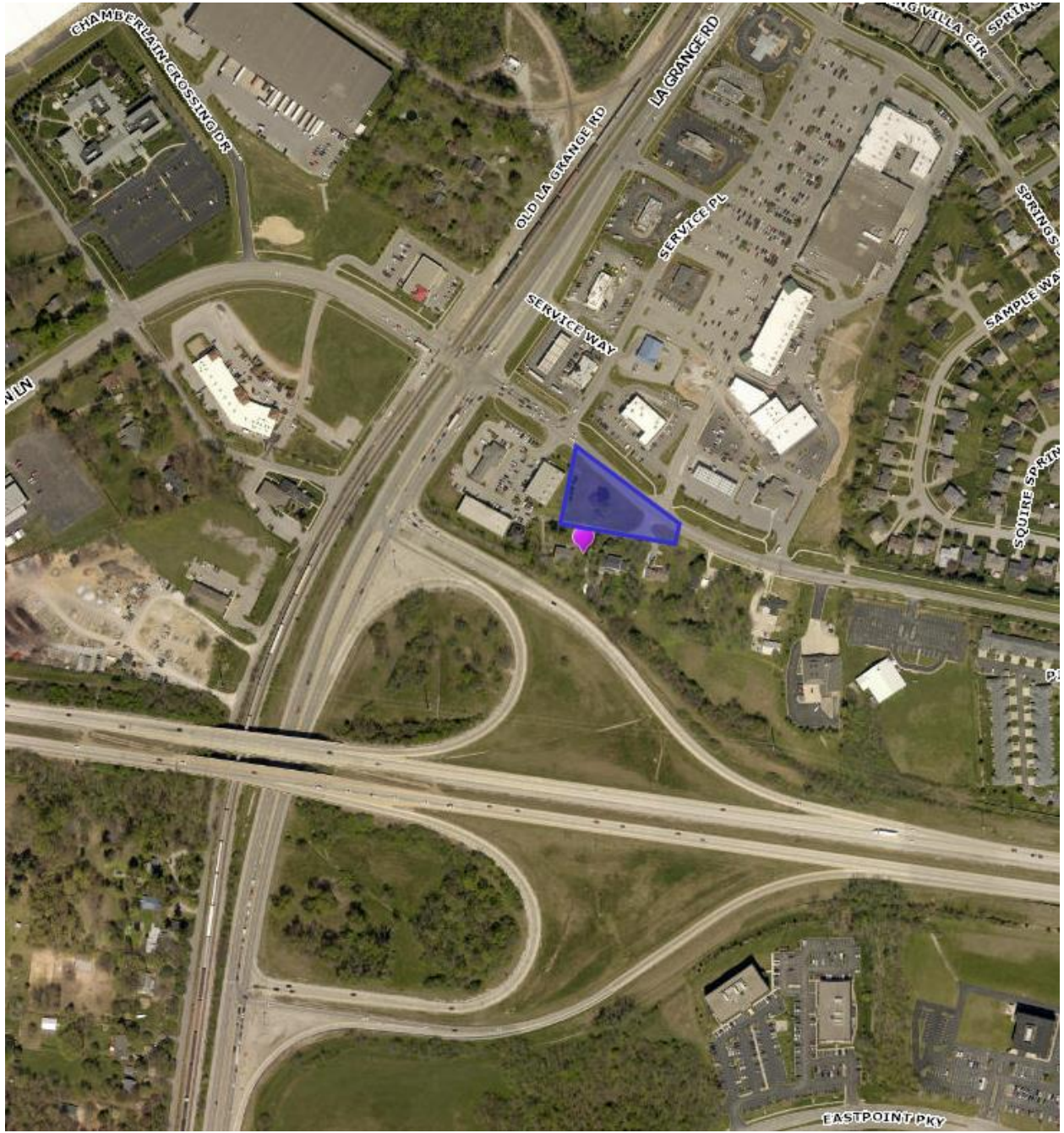
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements (Revised Detailed & Detailed District Development Plan for 9-74-00 & 9-88-98 & 18ZONE1022)

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. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. An Individual Historic Resource Survey Form shall be completed for any historic resources (structures over 65 years old) on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.
3. Signs shall be in compliance with Ch. 8 of the Land Development Code.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage sales, or display on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible off-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 or alteration 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. 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 Land Development Code, 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor plat creating the lots as shown on the approved district development plan shall be recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. 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.

- g. A road closure for a portion of "Old Factory Lane" as shown on the development plan shall be recorded prior to requesting a building permit. Easements will be provided prior to recording of the street closure for each utility agency requesting the retention of their services within the area of the closure
 - h. Building renderings for all new structures and additions shall be approved by Planning Commission staff
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- 9. 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.
 - 10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
 - 11. 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.
 - 12. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. A copy of said plan shall be provided to Planning and Design Services for incorporation into the record.
 - 13. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the November 2, 2000 & October 18, 2018 public hearings of the Planning Commission.
 - 14. The property owner shall provide a cross over access easement if the property to the east is ever re-developed for a nonresidential use requiring the provision of additional parking or any voluntary expansion of parking. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.

3. Proposed Binding Elements (Revised Detailed & Detailed District Development Plan for 9-74-00, 9-88-98, 18ZONE1022 & 19-ZONE-0025)

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