

Planning Commission

Staff Report

February 4th, 2016



Case No:	15ZONE1034
Request:	Change in zoning from R-6 to PEC on an estimated 10 acres
Project Name:	Air Hydro Power Expansion
Location:	2550 Blankenbaker Pky
Owner:	Squire One-Blankenbaker LLC
Applicant:	MOB Investments LLC
Representative:	Cliff Ashburner – Dinsmore & Shohl Kevin Young – Land Design & Development
Jurisdiction:	Louisville Metro Jeffersontown (Existing PEC Site)
Council District:	20 – Stuart Benson
Case Manager:	Christopher Brown, Planner II

REQUEST

- Change in Zoning from R-6 to PEC
- Revised/Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-6
Proposed Zoning District: PEC
Existing Form District: Suburban Workplace
Existing Use: Vacant & Office/Warehouse
Proposed Use: Office/Warehouse
Minimum Parking Spaces Required: 128
Maximum Parking Spaces Allowed: 199
Parking Spaces Proposed: 176
Plan Certain Docket #: 9-34-04; 9-76-83; 15129

The proposal is for a change in zoning from R-6 to PEC to construct a 107,750 SF office and warehouse use expansion on the vacant property currently located within the Suburban Workplace Form District. The vacant lot is located to the west of the existing Air Hydropower site in an area of mixed industrial, office and residential with commercial located further to the north. The majority of the surrounding area located along Blankenbaker Parkway is within the PEC zoning district. Directly to the north and south, there is a mix of both single and multi-family residential uses. The subject site was rezoned to R-6 under Docket 9-34-04 to allow an expansion of an existing apartment project on the west side of Blankenbaker Road. The existing office/warehouse use was rezoned from R-4 to PEC under 9-76-83 as part of a larger rezoning in the area along Blankenbaker Parkway. A conditional use permit was granted to the rear of the building to allow off-street parking on an R-4 portion of the property under Docket #8499. Under Docket #15129, the area of the conditional use permit was rezoned from R-4 to PEC to allow an expansion of the building as well as truck maneuvering.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-6	SW
Proposed	Office/Warehouse	PEC	SW
Surrounding Properties			
North	Multi-Family Residential	R-6	SW
South	Single Family Residential	R-4	SW
	Warehouse/Loading Area	PEC	
East	Office/Warehouse	PEC	SW
West	Single Family Residential	R-4	SW

PREVIOUS CASES ON SITE

- 9-76-83: Rezoning from R-4 to PEC.
- 10-14-83: Subdivision related to 9-76-83.
- 9-34-04: Rezoning from R-4 to R-6.
- 8499: Conditional Use Permit for off-street parking on the R-4 portion of the site.
- 15129: Rezoning from R-4 to PEC.
- 15130: Revised Detailed District Development Plan for building expansion. Approved by the Development Review Committee (DRC) on 1/26/2011.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is proposed to be located in the Suburban Workplace Form District

A Suburban Workplace is a form characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Suburban workplaces often contain a single large-scale use or a cluster of uses within a master planned development. New larger proposed industrial uses are encouraged to apply for a planned development district.

In order to provide adequate transportation access in suburban workplaces connected roads, public transportation and pedestrian facilities should be encouraged. Walkways to workplace-serving uses are encouraged for workplace employees. Development within suburban workplace form districts may need significant buffering from abutting uses.

The proposal to rezone the subject site from R-6, Residential, to PEC, Planned Employment Center would expand an existing industrial site in an area of both low and high intensity uses along the Blankenbaker Parkway and Blankenbaker Road corridors. The existing form district encourages predominantly industrial and office uses. The proposed industrial warehouse and office use expansion is appropriate for this form district and follows the concepts of the Suburban Workplace found to the south and east of the site.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the Louisville Metro Council regarding the appropriateness of this zoning map amendment. The Louisville Metro Council has zoning authority over the property in question.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP/DDDP

- 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 does 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 with 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 provisions 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. The building will meet the setback requirements of the form district.

- 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.

TECHNICAL REVIEW

- No outstanding technical review issues need to be addressed.

STAFF CONCLUSIONS

The proposal meets the guidelines of the Comprehensive Plan and the requirements of the Land Development Code. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. Action must be taken on the development plan and the change in zoning. The revised development plan portion of the property will be made as a recommendation to the City of Jeffersontown.

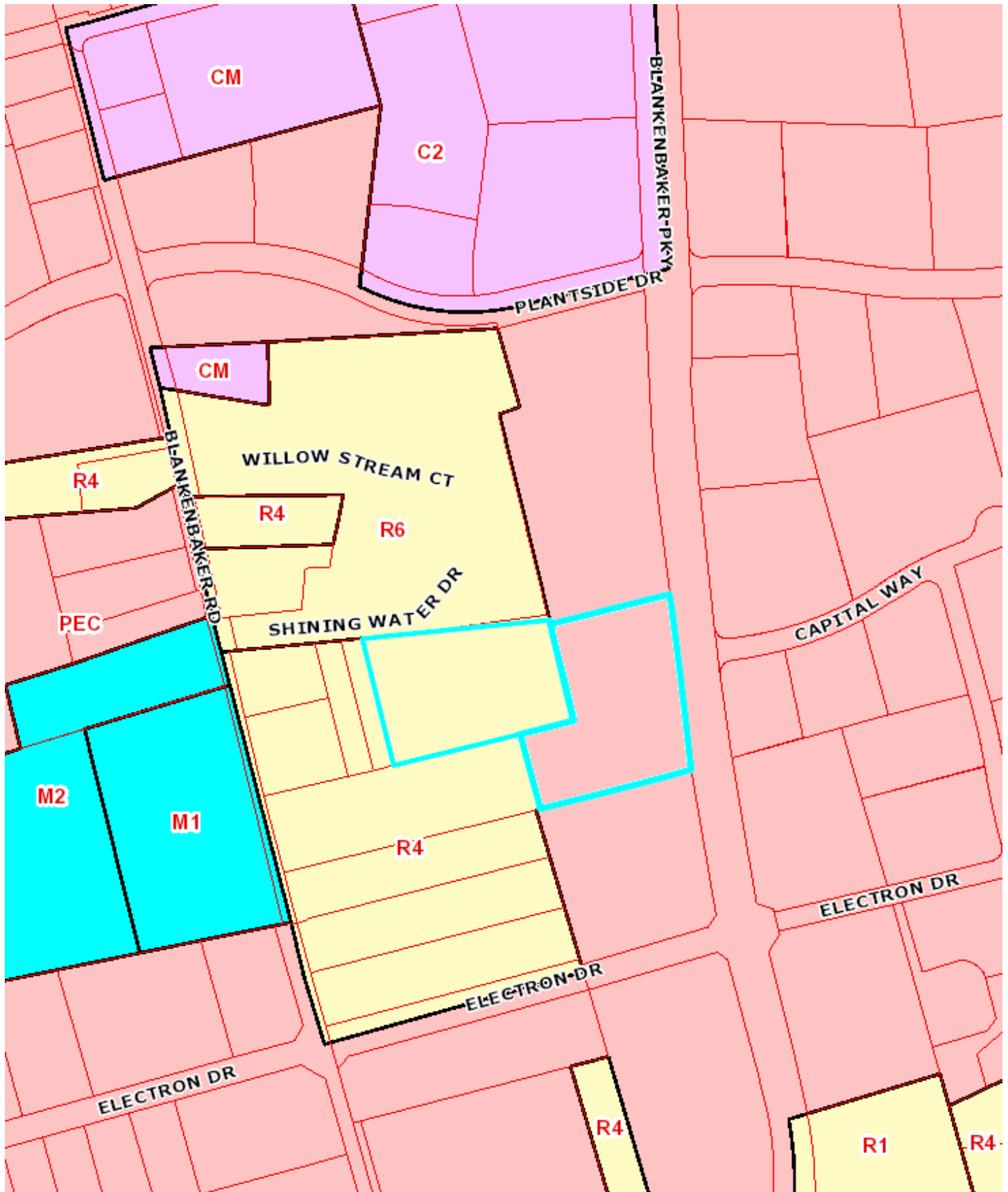
NOTIFICATION

Date	Purpose of Notice	Recipients
11/25/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 20 Notification of Development Proposals
1/21/16	Hearing before PC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 20 Notification of Development Proposals
1/20/16	Hearing before PC	Sign Posting on property
1/28/16	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Checklist

- + Exceeds Guideline
- √ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
1	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	√	The proposal integrates into the form district pattern to the east and south of the subject site along Blankenbaker Parkway.
2	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	√	The proposal contains a single major use that ties into the larger mix of office and industrial within the area.
3	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	√	The proposal incorporates vehicular connectivity, encourages access to public transportation and provides for pedestrians.
4	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposed building materials will complement the existing building and its integration into the larger area.
5	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	√	The proposal is an existing residential site in an area of mixed residential and non-residential uses. It expands the existing non-residential along this mixed use corridor with mitigation through the use of buffering adjacent to any residential areas.
6	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has given preliminary approval.
7	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.
8	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	√	Lighting will be LDC compliant.

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9	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	√	The higher intensity use is located along a transit corridor and in an area near the intersection of Blankenbaker Parkway with the I-64 corridor.
10	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	√	The proposal demonstrates transition between uses with appropriate landscape yards, berming and the building meet all setback requirements.
11	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	√	The proposal demonstrates transition between uses with appropriate landscape yards, berming and the building meet all setback requirements.
12	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks are compatible with those nearby to the east and south within the Suburban Workplace Form District.
13	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	√	All parking and loading areas adjacent to residential areas will minimize their impacts through the use of extensive buffering and berming.
14	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	√	The proposal has screening for all parking and circulations areas.
15	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	A parking garage is not proposed.
16	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1-2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	√	Signs will be LDC compliant.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
17	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space not
18	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	√	Outdoor amenity areas are provided on the site consistent with the form district.
19	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features on the site.
20	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features on the site.
21	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	√	The proposal is an addition to the existing building utilizing the existing space.
22	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no hydric soils, severe, steep or unstable slopes on the site.
23	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	√	The proposed land use is an expansion of industry similar to existing industrial uses to the east along the Blankenbaker Parkway corridor.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Final Finding	Final Comments
24	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located in a downtown.
25	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	√	The proposed land use is an expansion of industry similar to existing industrial uses to the east along the Blankenbaker Parkway corridor.
26	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	√	The proposal could generate large amounts of traffic. To account for this, it is located along the minor arterial corridor of Blankenbaker Parkway with connections to I-64 to the north of the site.
27	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	√	The proposed industrial development is located along an arterial street within close proximity of an expressway interchange to the north of the subject site.
28	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	√	All required roadway improvements will be made with the proposal.
29	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	√	Transit and bicycle access have been fully shown as supported modes of transportation on the proposed development plan. Pedestrian access is demonstrated from the street frontage to the proposed building.
30	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	√	The proposal's transportation facilities are compatible with surrounding land uses and contribute to the appropriate development of adjacent lands.
31	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	√	The proposal includes the dedication of required right-of-way.
32	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	√	The proposal includes adequate parking to support the use.

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33	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	Joint and cross access are not supported or encouraged within this form district.
34	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	No street stubs are to be provided with the proposal.
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	√	No access is proposed through areas of significantly lower intensity. Access is proposed from Blankenbaker Parkway.
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	√	The development utilizes the existing street and roadway infrastructure.
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	√	Transit and bicycle access have been fully shown as supported modes of transportation on the proposed development plan. Pedestrian access is demonstrated from the street frontage to the proposed building.
38	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	√	MSD has given preliminary approval for the plan.
39	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has given preliminary approval.

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40	Livability, Goals F1 and F2, all related objectives	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	No natural areas exist on the current subject site.
41	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities serve the site.
42	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
43	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

4. Existing Binding Elements

9-34-04:

- 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.
- Use of the subject site shall be limited to multi-family residential. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's Policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
- The density of the development shall not exceed 15.44 dwelling units per acre (328 units on 21.83 acres).
- Signs shall be in accordance with Chapter 8 or as presented at the public hearing.
- No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- Access to the site shall be made from the new curb cuts as shown on the development plan. No additional direct access shall be created to Blankenbaker Road and Plantside Drive.
- 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, or demolition permit) is requested:
 - a. The development plan must receive full construction approval from 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. A minor subdivision plat shall be recorded dedicating additional right-of-way to Blankenbaker 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; 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 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. If applicable: 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 (Murphy and Jenkins properties, and Miller property). 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - h. Prior to the issuance of a building permit, a copy of the recorded document shall be submitted assuring the permanent protection, preservation and maintenance of the proposed open space.
9. 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.
10. 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.
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. The façade elevations shall be in accordance with applicable form district standards. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 25, 2004 LD&T meeting and October 7, 2004 Planning Commission meeting.

13. 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: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.
14. 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.

For Plans with Tree Canopy Preservation Areas (TCPA-s)

15. The site shall be developed in accordance with the tree canopy preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TCPA-s) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
2. Dimension lines have been used on this plan to establish the general location of TCPA-s and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected around all TCPA-s prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TCPA, the fence shall be relocated to protect all remaining trees within that TCPA. When a tree mass contains both WPAs and TCPA-s, fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage, or construction activities are permitted within the TCPA-s beyond that allowed for preliminary site investigation work.
5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

15129:

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

Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Signs shall be in accordance with Chapter 8. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. 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.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banner 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) 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. The Conditional Use Permit granted under case number 8499 shall be abandoned by the Board of Zoning Adjustment.
6. If a building permit, parking lot permit, or site disturbance permit is not issued within two years of the date of approval of the plan, the proposed expansion shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 24, 2003 Land Development and Transportation (LD&T) Committee meeting and the September 8, 2005 LD&T Committee meeting.
10. No overnight idling of trucks shall be permitted on site.

5. Proposed Binding Elements

9-34-04:

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. ~~Use of the subject site shall be limited to multi-family residential. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's Policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.~~
3. ~~The density of the development shall not exceed 15.44 dwelling units per acre (328 units on 21.83 acres).~~
4. ~~Signs shall be in accordance with Chapter 8 or as presented at the public hearing.~~
5. ~~No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
6. ~~Access to the site shall be made from the new curb cuts as shown on the development plan. No additional direct access shall be created to Blankenbaker Road and Plantside Drive.~~
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, or demolition permit) is requested:
 - a. ~~The development plan must receive full construction approval from 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. ~~A minor subdivision plat shall be recorded dedicating additional right-of-way to Blankenbaker 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; 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 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
 - f. ~~If applicable: 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 (Murphy and Jenkins properties, and Miller property). 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.~~
- ~~h. Prior to the issuance of a building permit, a copy of the recorded document shall be submitted assuring the permanent protection, preservation and maintenance of the proposed open space.~~
- ~~9. 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.~~
- ~~10. 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.~~
- ~~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. The façade elevations shall be in accordance with applicable form district standards. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 25, 2004 LD&T meeting and October 7, 2004 Planning Commission meeting.~~
- ~~13. 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: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.~~
- ~~14. 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.~~

~~For Plans with Tree Canopy Preservation Areas (TCPA-s)~~

- ~~15. The site shall be developed in accordance with the tree canopy preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.~~

~~All plans setting out tree preservation areas must contain the following notes:~~

- ~~1. Tree preservation areas (TCPA-s) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.~~
- ~~2. Dimension lines have been used on this plan to establish the general location of TCPA-s and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.~~

- ~~3. Tree protection fencing shall be erected around all TCPA-s prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TCPA, the fence shall be relocated to protect all remaining trees within that TCPA. When a tree mass contains both WPAs and TCPA-s, fencing shall only be required at the outer most perimeter of that tree mass.~~
- ~~4. No parking, material storage, or construction activities are permitted within the TCPA-s beyond that allowed for preliminary site investigation work.~~
- ~~5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.~~

15129 (updated for current proposal with 15ZONE1034)

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 Jeffersontown for review and approval **dependent upon the jurisdiction for portions of the site**; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. 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.
4. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banner 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) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of ~~Inspections, Permits and Licenses, Louisville Metro Public Works~~ **Develop Louisville Construction Permit Review, Transportation Planning Review** 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. The Conditional Use Permit granted under case number 8499 shall be abandoned by the Board of Zoning Adjustment.

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9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~July 24, 2003 Land Development and Transportation (LD&T) Committee meeting and the September 8, 2005 LD&T Committee~~ February 4th **Planning Commission public hearing** meeting.
10. No overnight idling of trucks shall be permitted on site.