

**Planning Commission  
Staff Report**  
June 5, 2014



<b>Case No:</b>	16777
<b>Project Name:</b>	Blankenbaker Station I- Tract 3
<b>Location:</b>	12400 Sycamore Station Place
<b>Owner(s):</b>	Pinnacle Partners LLC and TSF Properties LLC
<b>Applicant:</b>	Pinnacle Partners LLC and TSF Properties LLC
<b>Representative(s):</b>	Mindel Scott and Associates, Inc.; Bardenwerper Talbott and Roberts PLLC
<b>Project Area/Size:</b>	19.16 acres
<b>Existing Zoning District:</b>	PEC
<b>Existing Form District:</b>	SW
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20-Stuart Benson
<b>Case Manager:</b>	Julia Williams, AICP, Planner II

**REQUEST**

- Change in zoning from PEC to C-2
- Building façade waivers from Chapter 5.6.1.B.1 and 5.6.1.C.1 regarding windows, doors, and articulation on the façade for Lot 8 that is adjacent to Sycamore Station Place
- General and Detailed District Development plans

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The proposal is to change the zoning from PEC to C-2. The site is currently vacant and appears to have been used agriculturally in the past. The applicant is proposing a movie theatre, an entertainment facility, and restaurants. 1,070 parking spaces provided overall and there will be a shared parking agreement between the uses. The two lots associated with the change in zoning are vacant. There are a couple of outbuildings on the 12400 Sycamore Station lot. To the north of the site is the I-64 ROW. To the south of the site and across Sycamore Station Place is PEC zoned property. One of the properties is vacant while the other is the FBI building. To the east of the site are large lot R-4 zoned property that is residentially used. To the west of the site are PEC zoned properties. One is vacant and the other is Sam's Club.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	PEC	Suburban Workplace
<b>Proposed</b>	Commercial	C-2	Suburban Workplace
<b>Surrounding Properties</b>			
<b>North</b>	I-64	ROW	ROW
<b>South</b>	Vacant/Office	PEC	Suburban Workplace
<b>East</b>	Residential	R-4	Suburban Workplace
<b>West</b>	Vacant/Commercial	PEC	Suburban Workplace

## PREVIOUS CASES ON SITE

- 9-68-00- 12400 Sycamore Station Place property was rezoned from R-4 to PEC.  
10-30-02- Subdivision to create Sycamore Station Road and associated lots.  
9-34-03/10-15-03- TB 39 Lot 1078 was rezoned from R-4 to PEC (known as Blankenbaker Station I).

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

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 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 will be located in an area where there is mainly PEC zoning that includes office, light industrial uses and some commercial. Some of the C-2 uses are geared to a regional-type center instead of a workplace center. A consistent 15' LBA is provided along the sites Sycamore Station Place frontage. The proposal is for a high intensity commercial district in an area that is mainly PEC. The C-2 zoning will allow commercial uses that would relate to or integrate within the office/workplace atmosphere of the area. Some of the C-2 uses are geared to a regional-type center instead of a workplace center. Pedestrian connectivity and vehicular connectivity is provided throughout the proposal. All types of users are provided for. The proposal is a high intensity commercial district located in a mainly office oriented activity center and not along a transit route. The PEC zoning is also a high intensity zoning district as it permits M-2 uses. Landscape buffer areas are located between the site and the expressway as required by the LDC. This area mainly has large office/industrial

buildings surrounded by parking lots on large lots. The proposal is not incompatible with the surrounding developments as everything surrounding the site is non-residential and the property is currently zoned non-residential. The lots meet form district requirements. 4 of the proposed lots are smaller than what can be found throughout the existing PEC area. The only portion of the site that is located near residential zoning is along Tucker Station with the residential being located across Tucker Station. The VUA LBA located in this area will minimize any impacts the parking may have on the residential area.

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 BUILDING FAÇADE WAIVERS**

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

STAFF: The waiver will affect adjacent property owners as the other buildings within the office park development have windows and articulation along their facades that face a roadway.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The proposal violates the guidelines of the Comprehensive Plan. While the lots are compatible with the overall lots within the industrial subdivision the building design of the lot 8 building is not compatible with the adjacent buildings which have windows and articulation along their facades.

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

STAFF: The applicant could add more architectural features to the facades of the building that face roadways without disrupting the internal layout of the building.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: No other design measures have been incorporated into the architecture of the building that compensates for non-compliance nor would the provision deprive the applicant use of the land.

### **STANDARD OF REVIEW FOR DEVELOPMENT PLAN**

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 are no natural features evident on the site. Trees will be added to the site as a natural feature.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Both pedestrians and vehicle users have been provided for on the plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is provided in the form of focal points and buffer areas.

- 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: MSD has preliminarily approved the proposal.

- 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: With the exception of the waiver request the proposal is compatible with the existing development in the area. The building façade waivers requested do not meet the LDC and are not consistent with the other developments in the area as the other developments provide windows, doors, and architectural features on their building facades that face the streets.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: The building façade waivers requested do not meet the LDC and are not consistent with the other developments in the area as the other developments provide windows, doors, and architectural features on their building facades that face the streets.

The development otherwise meets the requirements of the LDC and guidelines of the Comprehensive Plan.

### **TECHNICAL REVIEW**

All technical review comments have been addressed.

### **STAFF CONCLUSIONS**

The proposal will be located in an area where there is mainly PEC zoning that includes office, light industrial uses and some commercial. Some of the C-2 uses are geared to a regional-type center instead of a workplace center. A consistent 15' LBA is provided along the sites Sycamore Station Place frontage. The proposal is for a high intensity commercial district in an area that is mainly PEC. The C-2 zoning will allow commercial uses that would relate to or integrate within the office/workplace atmosphere of the area. Some of the C-2 uses are geared to a regional-type center instead of a workplace center. Pedestrian connectivity and vehicular connectivity is provided throughout the proposal. All types of users are provided for. The proposal is a high intensity commercial district located in a mainly office oriented activity center and not along a transit route. The PEC zoning is also a high intensity zoning district as it permits M-2 uses. Landscape buffer areas are located between the site and the expressway as required by the LDC. This area mainly has large office/industrial buildings surrounded by parking lots on large lots. The proposal is not incompatible with the surrounding developments as everything surrounding the site is non-residential and the property is currently zoned non-residential. The lots meet form district requirements. 4 of the proposed lots are smaller than what can be found throughout the existing PEC area. The only portion of the site that is located near residential zoning is along Tucker Station with the residential being located across Tucker Station. The VUA LBA located in this area will minimize any impacts the parking may have on the residential area.



The building façade waivers do not meet the guidelines of the Comprehensive Plan and Land Development Code. Additional building articulation and façade treatment would mitigate the waiver request.

The Committee should also discuss the existing and proposed binding elements.

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.

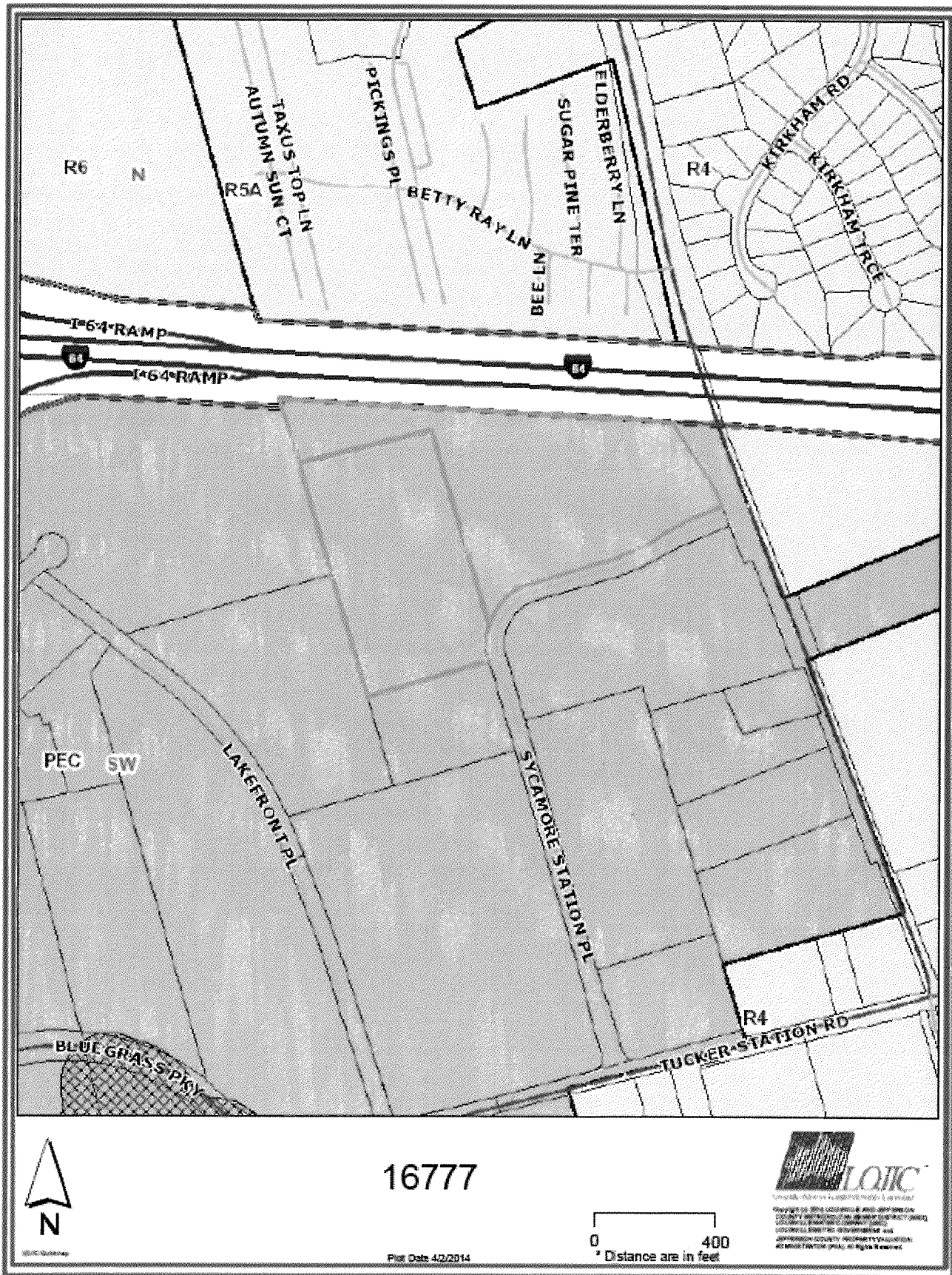
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/23/12	Hearing before LD&T on 4/12/12	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
4/13/12	Hearing before PC 5/31/12	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
4/13/12	Hearing before PC 5/31/12	Sign Posting on property
4/27/12	Notice of cancellation of the 5/31/12 PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
4/24/14	Hearing before LD&T on 5/8/14	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
5/21/14	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
5/21/14	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements
5. Existing Binding Elements
6. Applicant's Justification Statements-Waivers

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph





### Attachment 3: Cornerstone 2020 Staff Checklist

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

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff 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 will be located in an area where there is mainly PEC zoning that includes office, light industrial uses and some commercial. Some of the C-2 uses are geared to a regional-type center instead of a workplace center. A consistent 15' LBA is provided along the sites Sycamore Station Place frontage.
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 is for a high intensity commercial district in an area that is mainly PEC. The C-2 zoning will allow commercial uses that would relate to or integrate within the office/workplace atmosphere of the area. Some of the C-2 uses are geared to a regional-type center instead of a workplace center.
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.	√	Pedestrian connectivity and vehicular connectivity is provided throughout the proposal. All types of users are provided for.
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 building materials are similar to the building materials of other businesses in the 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 a not a non-residential expansion into a residential area.
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 not indicated any issues with the proposal.
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.	√	Transportation Planning has not indicated any issues with the traffic.

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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 meet LDC requirements.
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 proposal is a high intensity commercial district located in a mainly office oriented activity center and not along a transit route. The PEC zoning is also a high intensity zoning district as it permits M-2 uses.
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.	√ —	Landscape buffer areas are located between the site and the expressway as required by the LDC. This area mainly has large office/industrial buildings surrounded by parking lots on large lots. While the lots are compatible with the overall lots within the industrial subdivision the building design of the lot 8 building is not compatible with the adjacent buildings which have windows and articulation along their facades.
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 is not incompatible with the surrounding developments as everything surrounding the site is non-residential and the property is currently zoned non-residential.
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.	√	The lots meet form district requirements. 4 of the proposed lots are smaller than what can be found throughout the existing PEC area.
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.	√	The only portion of the site that is located near residential zoning is along Tucker Station with the residential being located across Tucker Station. The VUA LBA located in this area will minimize any impacts the parking may have on the residential area.
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.	√	Parking areas will be screened per the LDC within a minimum 15' LBA.
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 for the site.

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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 meet LDC requirements within the SW form district.
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.	√	Open space is provided in the form of focal points within the development and the required landscape buffers.
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.	NA	The proposal is not located within the NFD.
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.	√	There are little to no natural features evident 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.	√	There are little to no natural features evident 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 site has no historic or cultural value.
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.	√	Soils are not an issue with development 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.	√	C-2 uses allow for diversification of the workplace area adding uses that would benefit workers and regional visitors.
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.	NA	The proposal is not for industrial zoning.

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 commercial zoning is located in an office/industrial activity center. The proposed zoning could produce uses that generate large amounts of traffic. The proposal is located along a local road (Sycamore Station Place) and a primary collector (Tucker Station Road). There is good access to I-64 nearby and through the industrial subdivision.
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.	NA	The proposal is not for industrial zoning.
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.	√	Transportation Planning has not indicated any roadway improvements.
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.	√	Pedestrian connectivity and vehicular connectivity is provided throughout the proposal. All types of users are provided for.
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 interior drive lanes provide access to all the lots within the proposal. Stubs streets are not necessary as the proposal is bound by ROW on 3 sides with the 4th side being an existing commercial development.
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.	√	ROW dedication is not necessary for the proposal.
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.	√	Adequate parking is being provided.

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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.	√	Cross access to and from all the lots will be provided.
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.	√	Stub streets are not provided as the site has ROW on 3 sides with the rear property already developed.
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.	√	Access to the site is from already established ROW.
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 proposal does not create new streets but uses the existing ones to link the proposed site to the rest of the office/industrial subdivision.
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.	√	Pedestrian connectivity and vehicular connectivity is provided throughout the proposal. All types of users are provided for.
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 preliminarily approved the proposal.
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 not indicated any issues with the proposal.
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.	√	Natural corridors are created along the perimeter of the site with buffer areas.
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 and proposed utilities serve the area.
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.	√	An adequate water supply exists for the site.



#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
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 Health Department has not indicated any issues with the proposal.

**Attachment 4: Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission’s designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development of Lot 7 shall not exceed 11,970 square feet of gross floor area, Lot 8 shall not exceed 49,900 square feet of gross floor area, Lot 9 shall not exceed 58,856 square feet of gross floor area, and Lot 10 shall not exceed 15,052 square feet of gross floor area.
3. No pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3’ of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from 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. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. 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. 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.
  - e. 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. **The landscaping shall be minimally provided as indicated on the rendering presented at the June 5, 2014 Planning Commission hearing.**

- f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 property owner shall provide a cross over access easement if the properties to the south and west are ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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. The materials and design of proposed structures for Lots 8 and 9 shall be substantially the same as depicted in the rendering as presented at the June 5, 2014 Planning Commission meeting.
12. The façade elevations for Lots 7 and 10 shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
13. Parking lot lights shall be reduced to a minimum security level of lighting one hour after final shifts are over.

14. Traffic BE added next by Jeff  
BE Bind out  
car sales  
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## Attachment 5: Existing Binding Elements

### 9-34-03 Existing Binding Elements (Proposed to be removed)

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. All binding elements from the approved General District Development Plan Docket Number 9-68-00 are applicable to Blankenbaker Station site.
3. 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.
4. 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.
5. There shall be no direct vehicular access to Tucker Station Road. The existing access points to Tucker Station Road are to be closed once development occurs, and access to the site will be made from Street "A" as shown on the development plan.
6. Signs shall be in accordance with Chapter 8.
7. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
8. 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.
9. 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 Department of Inspections, Permits and Licenses (617 W. Jefferson Street)* and the *Metropolitan Sewer District (700 West Liberty) and Public Works*.
  - 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.

- 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
  13. 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.
  14. The materials and design of proposed structures shall be addressed at the time of detailed plans review and approval for each site.
  15. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
  16. 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 for each site.
  17. 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.
  18. Prior to demolition of the existing principal structures/residence on site, the Office of the Historic Preservation and Archives / Landmarks Commission shall be notified and allowed to document the building.

#### **Existing Binding Elements from 9-68-00 (Proposed to be removed)**

All binding elements from the approved (9-41-78) General Development Plan are applicable to this site, in addition to the following: **(Case 16777 update: 9-41-78 binding elements are not applicable to the site)**

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, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from *Louisville Metro Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty) and Public Works.*
  - 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 Certificates of Occupancy.
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 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 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 for each site. 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 and TSF Properties, LLC- 33.17 +/- ACThe design of the improvements will begin April 1, 2004 and will be submitted to KDOT District Office #5 May 15, 2004 for review and approval. Pinnacle Properties LLC, and TSF Properties, LLC will be the entity responsible for securing the agreements and constructing the improvements. All work is to be complete November 1, 2004.
18. Parking lot lights shall be reduced to a minimum security level of lighting one hour after final shift is over.

**Attachment 6: Applicant's Justification Statements-Waivers**

**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**Waiver of: Section 5.6.1.C.1 for 50% of the wall surfaces at street level to consist of clear windows and doors.**

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the property to the south is the FBI which is not really concerned about a building design issue such as this. But moreover there is lots of animation in this façade elevation already. The only question is whether the lack of windows, as opposed to façade design animation, is sufficient enough to satisfy the Planning Commission in the granting of this waiver, which we submit the elevations filed herewith demonstrate.
2. The waiver will not violate the Comprehensive Plan because for the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan previously filed with this application.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because this particular façade of this building is animated in a way that ought to compensate for what the LDC might otherwise suggest is lacking in terms of windows.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant has provided a very attractive building with adequate animation and articulation, despite the lack of windows on this side of the building, especially given this business park location across from a government facility that is not visited by the public.



**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

**Waiver of: Section 5.6.1.B.1 to allow the building façade to have an uninterrupted length greater than 100 feet.**

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because the property to the south is the FBI which is not really concerned about a building design issue such as this. But moreover there is lots of animation in this façade elevation already. The only question is whether it is enough to satisfy the Planning Commission in the granting of this waiver, which we submit the elevations filed herewith demonstrate.
2. The waiver will not violate the Comprehensive Plan because for the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan previously filed with this application.
3. The extent of waiver of the regulation the minimum necessary to afford relief to the applicant because this particular façade of this building is animated in a way that ought to compensate for what the LDC might otherwise suggest is lacking.
4. Strict application of the provisions of the regulation will not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the applicant has provided a very attractive building with adequate animation and articulation, especially given this business park location across from a government facility that is not visited by the public.

**Land Development and Transportation Committee  
Staff Report**  
May 8, 2014

*June 5th*



<b>Case No:</b>	16777
<b>Project Name:</b>	Blankenbaker Station I- Tract 3
<b>Location:</b>	12400 Sycamore Station Place
<b>Owner(s):</b>	Pinnacle Partners LLC and TSF Properties LLC
<b>Applicant:</b>	Pinnacle Partners LLC and TSF Properties LLC
<b>Representative(s):</b>	Mindel Scott and Associates, Inc.; Bardenwerper Talbott and Roberts PLLC
<b>Project Area/Size:</b>	19.16 acres
<b>Existing Zoning District:</b>	PEC
<b>Existing Form District:</b>	SW
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20-Stuart Benson
<b>Case Manager:</b>	Julia Williams, AICP, Planner II

**REQUEST**

- Change in zoning from PEC to C-2
- Building façade waivers from Chapter 5.6.1.B.1 and 5.6.1.C.1 regarding windows, doors, and articulation on the façade for Lot 8 that is adjacent to Sycamore Station Place
- General and Detailed District Development plans *amended PEC's*

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The proposal is to change the zoning from PEC to C-2. The site is currently vacant and appears to have been used agriculturally in the past. The applicant is proposing a movie theatre, an entertainment facility, and restaurants. 1,070 parking spaces provided overall and there will be a shared parking agreement between the uses. The two lots associated with the change in zoning are vacant. There are a couple of outbuildings on the 12400 Sycamore Station lot. To the north of the site is the I-64 ROW. To the south of the site and across Sycamore Station Place is PEC zoned property. One of the properties is vacant while the other is the FBI building. To the east of the site are large lot R-4 zoned property that is residentially used. To the west of the site are PEC zoned properties. One is vacant and the other is Sam's Club.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	PEC	Suburban Workplace
<b>Proposed</b>	Commercial	C-2	Suburban Workplace
<b>Surrounding Properties</b>			
<b>North</b>	I-64	ROW	ROW
<b>South</b>	Vacant/Office	PEC	Suburban Workplace
<b>East</b>	Residential	R-4	Suburban Workplace
<b>West</b>	Vacant/Commercial	PEC	Suburban Workplace

## PREVIOUS CASES ON SITE

9-68-00- 12400 Sycamore Station Place property was rezoned from R-4 to PEC.  
10-30-02- Subdivision to create Sycamore Station Road and associated lots.  
9-34-03/10-15-03- TB 39 Lot 1078 was rezoned from R-4 to PEC (known as Blankenbaker Station I).

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

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 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.

## TECHNICAL REVIEW

All technical review comments have been addressed.

## STAFF CONCLUSIONS

The Committee should discuss the existing and proposed binding elements. The proposal is ready for a public hearing date to be set.

## NOTIFICATION

Date	Purpose of Notice	Recipients
3/23/12	Hearing before LD&T on 4/12/12	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
4/13/12	Hearing before PC 5/31/12	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
4/13/12	Hearing before PC 5/31/12	Sign Posting on property
4/27/12	Notice of cancellation of the 5/31/12 PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
4/24/14	Hearing before LD&T on 5/8/14	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

## ATTACHMENTS

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

Attachment 1: Zoning Map





Attachment 2: Aerial Photograph



### Attachment 3: Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development of Lot 7 shall not exceed 11,750 square feet of gross floor area, Lot 8 shall not exceed 51,080 square feet of gross floor area, Lot 9 shall not exceed 58,856 square feet of gross floor area, and Lot 10 shall not exceed 13,232 square feet of gross floor area.
3. No pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
  - a. The development plan must receive full construction approval from 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. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. 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. 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.
  - e. 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.
  - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 property owner shall provide a cross over access easement if the properties to the south and west are ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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. The materials and design of proposed structures for Lots 8 and 9 shall be substantially the same as depicted in the rendering as presented at the \_\_\_\_\_ Planning Commission meeting.
12. The façade elevations for Lots 7 and 10 shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
13. Parking lot lights shall be reduced to a minimum security level of lighting one hour after final shifts are over.

*DEC  
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PDS*



**Attachment 4: Existing Binding Elements**

**9-34-03 Existing Binding Elements (Proposed to be removed)**

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. All binding elements from the approved General District Development Plan Docket Number 9-68-00 are applicable to Blankenbaker Station site.
3. 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.
4. 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.
5. There shall be no direct vehicular access to Tucker Station Road. The existing access points to Tucker Station Road are to be closed once development occurs, and access to the site will be made from Street "A" as shown on the development plan.
6. Signs shall be in accordance with Chapter 8.
7. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
8. 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.
9. 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 Department of Inspections, Permits and Licenses (617 W. Jefferson Street)* and the *Metropolitan Sewer District (700 West Liberty) and Public Works*.
  - 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.

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- 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
13. 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.
14. The materials and design of proposed structures shall be addressed at the time of detailed plans review and approval for each site.
15. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
16. 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 for each site.
17. 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.
18. Prior to demolition of the existing principal structures/residence on site, the Office of the Historic Preservation and Archives / Landmarks Commission shall be notified and allowed to document the building.

#### **Existing Binding Elements from 9-68-00 (Proposed to be removed)**

All binding elements from the approved (9-41-78) General Development Plan are applicable to this site, in addition to the following: **(Case 16777 update: 9-41-78 binding elements are not applicable to the site)**

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, or demolition permit) is requested:
  - a. The development plan must receive full construction approval from *Louisville Metro Department of Inspections, Permits and Licenses (617 W. Jefferson Street) and the Metropolitan Sewer District (700 West Liberty) and Public Works.*
  - 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 Certificates of Occupancy.
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 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 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 for each site. 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 and TSF Properties, LLC- 33.17 +/- ACThe design of the improvements will begin April 1, 2004 and will be submitted to KDOT District Office #5 May 15, 2004 for review and approval. Pinnacle Properties LLC, and TSF Properties, LLC will be the entity responsible for securing the agreements and constructing the improvements. All work is to be complete November 1, 2004.
18. Parking lot lights shall be reduced to a minimum security level of lighting one hour after final shift is over.