

Land Development & Transportation Committee

Staff Report

August 11th, 2016



Case No:	16DEVPLAN1124
Project Name:	Blankenbaker Center II
Location:	11820 Ransum Drive
Owner(s):	Sukh Bains, Kentucky Property Investments
Applicant(s):	John Miranda, Pinnacle Properties of Louisville
Representative(s):	William Bardenwerper, Bardenwerper Talbott & Roberts, PLLC
Project Area/Size:	2.82 acres
Existing Zoning District:	OR, Office Residential & C-1, Commercial
Existing Form District:	Neighborhood
Jurisdiction:	Middletown
Council District:	20 – Stuart Benson
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan review for professional office development

CASE SUMMARY/SITE CONTEXT

The proposed development is for six 3,100 square foot 2-story office buildings on three vacant parcels, located approximately a half mile north of I-64 just east of Blankenbaker Pkwy. The proposal includes 133 parking spaces and 53,788 square feet of vehicle use area. This site will be accessed from Blankenbaker Pkwy through the property to the west via a crossover access agreement along Ransum Drive. Ransum Drive then connects to the property to the north.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	OR, C-1	N
Proposed	Professional Offices	OR, C-1	N
Surrounding Properties			
North	Multi-Family Residential, Commercial	OR-2, C-1	N
South	Assisted Living Facility	R-4	N
East	Single Family Residential	R-5	N
West	Commercial	C-1, C-2	N

PREVIOUS CASES ON SITE

9-24-99: Rezoning for 815 Blankenbaker Pkwy from R-4, Single Family Residential to C-1, Commercial and OR, Office Residential for proposed Restaurant, Convenience/Gas Store, Medical and Office Condominiums.

17223: Rezoning for 815 Blankenbaker Pkwy & 11820 Ransum Drive from OR, Office Residential to C-1, Commercial and from OR, Office Residential to C-1, Commercial to permit auto sales, parking lot and offices.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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: LOJIC does not indicate any environmental constraints on the site. Tree canopy requirements of the Land Development Code will be provided on the subject site by preserving 6.5% of the existing canopy and replanting the remaining requirement.

- 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 have been provided through the proposed vehicular crossover access and the proposed sidewalk network throughout the development and connecting to adjacent properties.

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

STAFF: There is no open space requirement with this 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 land uses are compatible with the existing and future development of the area, as this area, being located near I-64, is a mix of office and commercial, as well as a mix of residential densities and other lower intensity uses.

- 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: This development conforms to the Land Development Code and the Comprehensive Plan as all requirements have been met, with the exception of a building height variance that will be heard by BOZA on August 15th, 2016.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

A variance for the building height to exceed the maximum requirement must be granted in order to bring this proposal into compliance. The applicant has applied for this under case number 16VARIANCE1054. The case is scheduled to be heard by BOZA on August 15th. In addition, this development plan includes three tracts that must be consolidated prior to building permit issuance. A crossover access agreement must be recorded in order to allow access to this site from Blankenbaker and to allow crossover access to the property to the north. This proposal has received preliminary approvals from both MSD and Transportation.

STAFF CONCLUSIONS

The Revised Detailed District Development plan is in order and the standard of review has been met.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting LDC Waivers and Detailed District Development Plan approval established in the Land Development Code.

REQUIRED ACTIONS

Recommend to the City of Middletown:

- **APPROVAL** or **DENIAL** the Revised Detailed District Development Plan

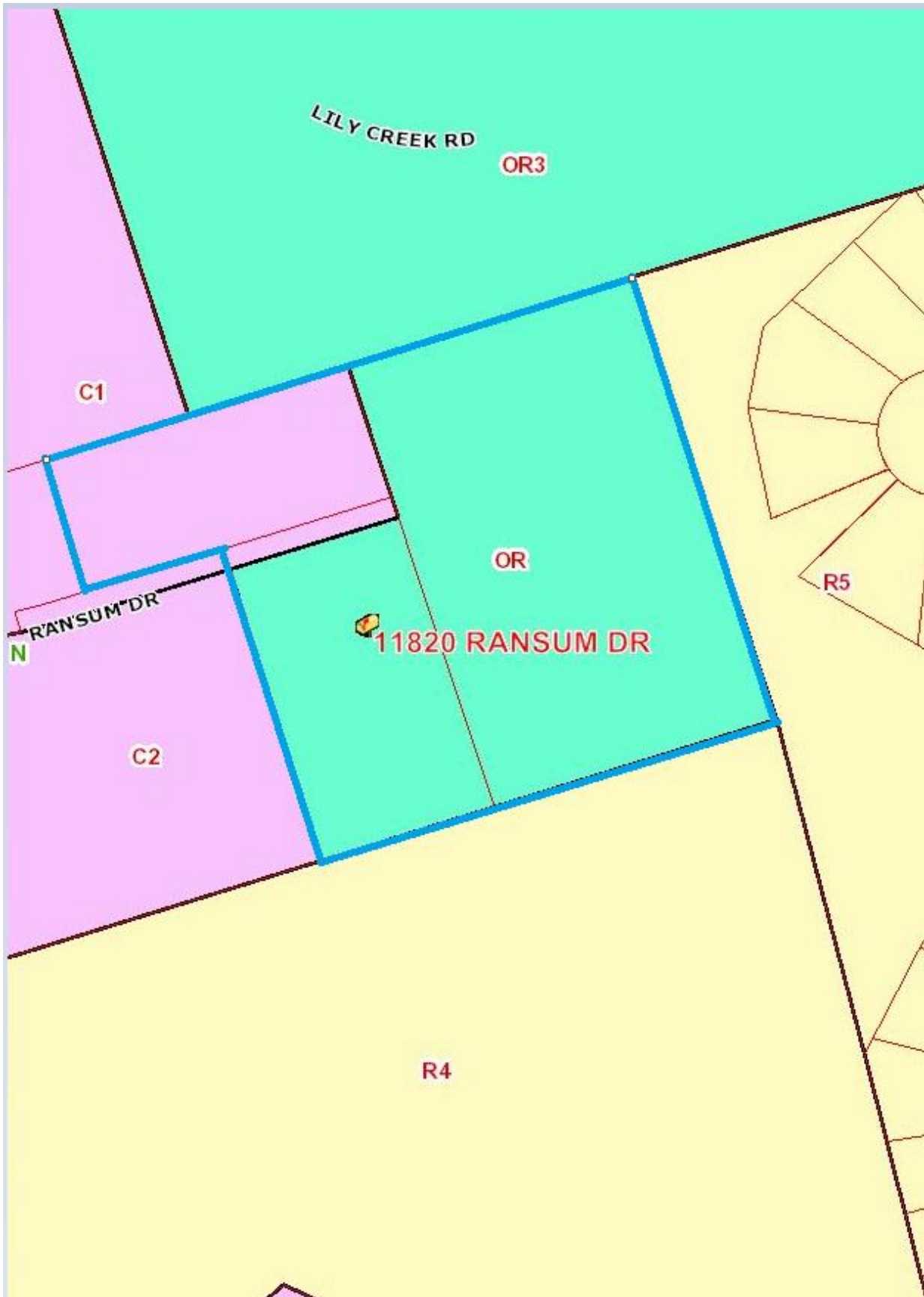
NOTIFICATION

Date	Purpose of Notice	Recipients
July 29, 2016	APO Notice of Public Meeting	First tier adjoining property owners
July 26, 2016	Notice of Public Meeting	Registered neighborhood groups

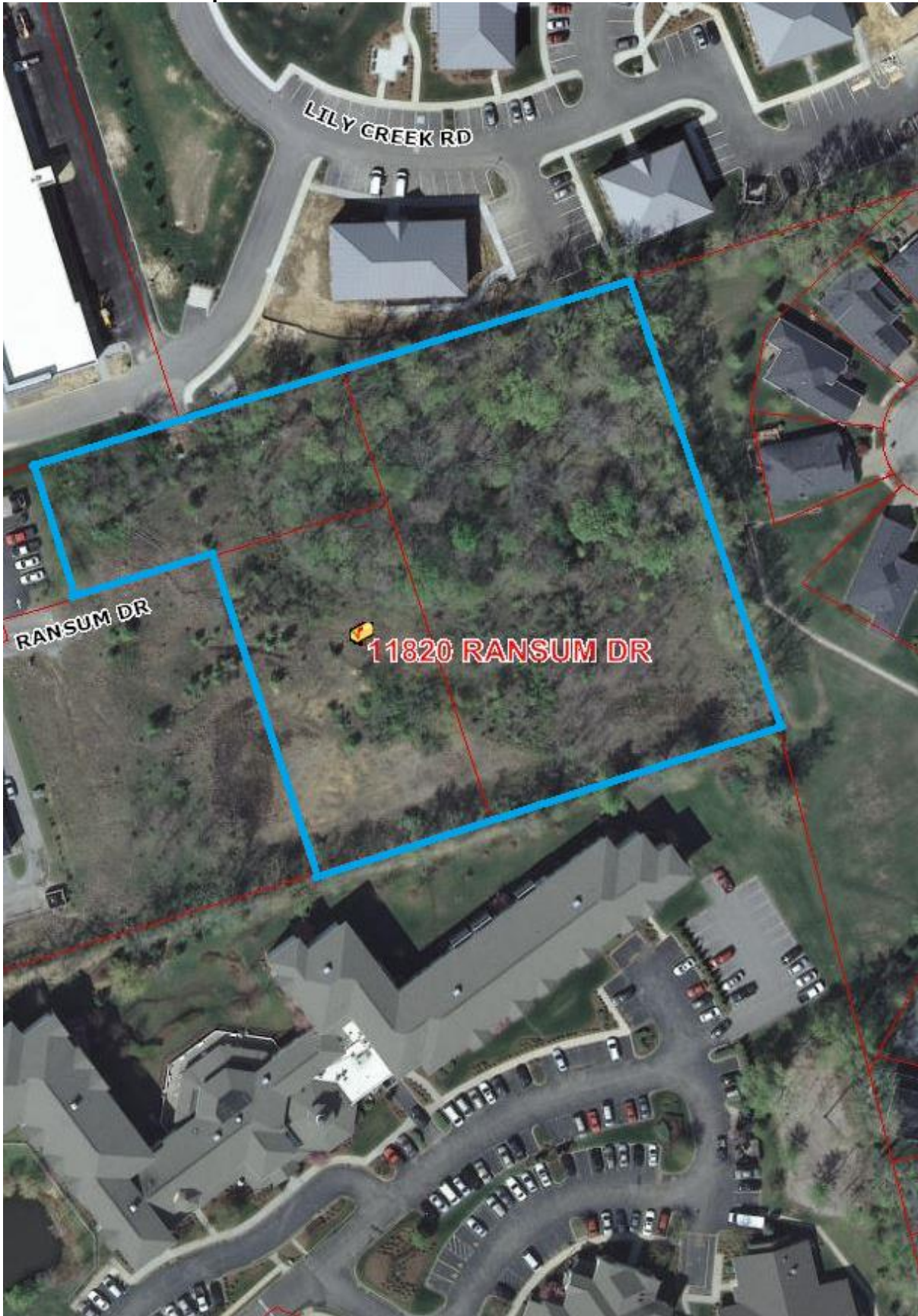
ATTACHMENTS

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

1. Zoning Map



2. Aerial Map



3. Existing 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 and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The C-2 portion of the site will be limited to only C-1 uses and Car Sales and Rental.
3. There will be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system.
4. The only permitted freestanding signs shall be located as shown on the development plan. No freestanding sign shall exceed 60 square feet in area per side and 6 feet in height. All illumination shall be internal. No sign shall have more than two sides. There shall be no off-premises signs.
5. No outdoor advertising signs, small freestanding signs, pennants, advertising balloons or banners shall be permitted on the site, other than the proposed free standing signage and the attached signage permitted by the Middletown Sign Ordinance. The City of Middletown must approve the final signage package, prior to construction, which signage package must show the placement, size scale and type of materials of the signs.
6. Construction fencing shall be erected at the edge of the area of development in accordance with the tree preservation plan prior to any grading or construction to protect the existing tree stands and their root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in the place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument 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.
 - c. The property owner/developer must obtain approval by the Planning Commission and the City of Middletown 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. There shall be no removal of the required landscaping without City Commission approval. In the event any tree or other landscaping is removed without written consent of the City, the City may require the owner/applicant to replace with a tree of similar size and age (when cut), or as approved by the City Commission, Any replacement tree or trees shall be such as are deemed adequate by the City to mitigate the impact.
 - 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved before issuance of a building permit.
 - f. The drainage construction plan must also be approved by the City of Middletown.
 - g. The name, address and telephone number of the construction manager for the project must be disclosed to the City of Middletown.
8. The Enterprise building shall be for the style and design shown on the renderings presented as further described at the January 10th, 2013 Planning Commission Public Hearing.
 9. The materials and design of all proposed structures shall be approved by the Committee of the Planning Commission and the City of Middletown.
 10. All road and parking areas must be constructed to the standard of public roadways required by Louisville Metro regulations. All cars must be parked in marked space and the connector road shall be kept free from parked cars.
 11. If a building permit is not issued within two years of the date of the City of Middletown's approval herein, the property shall not be used in any manner unless a revised district development plan is approved by the City of Middletown or an extension is granted by the Planning Commission and the City of Middletown.
 12. A certificated of occupancy must be received from the appropriate code enforcement department and the City of Middletown 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 and the City and the City of Middletown.
 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 the development of this 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 the compliance with these binding elements.
 14. If work is required within that easement causing removal or damage of landscape materials, the property owner will be responsible for replacement of materials according to the approved landscape plan.
 15. These binding elements may be amended as provided in the Zoning District Regulations upon approval by the City of Middletown.
 16. Parking lots shall be curb and gutter and with catch basins directing drainage to the detention basin. A geotechnical report must be presented to the City of Middletown prior to commencement of construction work on the entrance road portion of these facilities.
 17. The overall site shall provide 150% of the normal detention requirements of MSD.
 18. Exterior lighting shall be dimmed by 50% after hours of operation.
 19. Perimeter fencing and landscaping shall be provided as shown on the colored-up site plan and as further described at the November 1, 2012 Planning Commission Public Hearing.

20. Car sales/rental hours of operation shall be limited to Monday-Friday, 8:00 am to 8:00 pm and Saturdays 8:00am to 6:00pm. The business shall be closed on Sunday.
21. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
22. No repairing of vehicles shall be conducted in the parking lot. No vehicle shall be located on the site for the purpose of being disassembled or "Parted out" to provide parts or the repair of another vehicle.
23. Dumpster shown on plan is the only dumpster allowed on the site and it shall be screened from view, kept secured and picked up.
24. No inoperable vehicles, nor vehicles with parts missing or removed, nor vehicle parts shall be located outside of the building on the site.
25. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency and the City of Middletown, for an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted.
26. The approved construction plan for drainage and the drainage/detention structures must also be presented and approved by the City of Middletown, prior to and as a condition of any building permit application and/or for any Occupancy Permit and/or bond release. Additionally, the improvements shown on said construction plans must be fully complete prior to the application for Occupancy Permit and/or bond release. All occupancy permits must receive the prior approval of the City of Middletown. The Applicant, the Developer, the Owners (as well as their successors heirs and assigns), are all jointly and severally liable to construct and keep maintained all the detention and drainage facilities on the development plan and construction plans; and keep them maintained in a high status of functioning, without any limitation, until the end of the world.
27. The final elevations of the proposed building on the site must be submitted to the City of Middletown for approval prior to construction. Any changes in any of the drawing associated with this development must receive the prior approval of the City of Middletown prior to construction.
28. The Applicant, its successor and assigns, hereby consents and agrees that the City of Middletown has full right and authority to take any and all appropriate legal action against Applicant, its successor and assigns to enforce these binding elements and inspect the premises to determine compliance with the Binding Elements.
29. No outdoor storage of tires and parts on the site.
30. The detention basin on Phase 3; as well as everything shown on the development plan on Phases 1 and 2, as such Phases are delineated on the Phasing Plan Attachment (Exhibit One hereto), must be fully constructed, complete and function ign prior to the issuance of any certificate of occupancy for the Phases (for example, the Phase 1 work must be completed prior to the issuance of the Phase 1 Certificate of Occupancy and the Phase 2 work must be completed prior to the issuance of the Phase 2 Certificate of Occupancy). However, as part of the Phase 1 completion, the Phase 2 Area must be grade and seeded and thereafter cut and maintained to standard of City of Middletown Ordinances.
31. Further, as the landscaped areas, completion of Phase 1 landscaping, otherwise required prior to issuance of the Certificate of Occupancy, may be deferred by the City of Middletown until such time as reasonably practicable in the event of weather complications relating to installation of material and irrigation.

32. The Blankenbaker Parkway frontage portion of the site landscaping shall be irrigated.
33. Post construction review of all Phase 1 construction must be completed by a licensed professional engineer, independent of the engineering firm representing the applicants on the Detailed District Development Plan, certifying that all the Phase 1 construction has been completed in accordance with all plans. Such engineering review shall be certified by such engineer and presented to the City of Middletown for review and approval prior to issuance of a Phase 1 Certificate of Occupancy.
34. For five years following the adoption of this ordinance, annual inspection reports by a licensed professional shall be submitted to the City of Middletown by the property owner evidencing the then current condition of the vault detention basin and a time-line, if applicable , to complete any needed remediation of unacceptable conditions.
35. Prior to the issuance of Phase 1 Certificate of Occupancy, a signed agreement shall be presented to the City of Middletown evidencing the assignment of responsibilities by and between property owners, in addition to the applicants in this case, whose properties are affected by this application's storm water management and drainage detention plan.

4. Proposed Binding Elements

No proposed changes.