

Planning Commission Staff Report

September 4th, 2014



Case No:	14MOD1009
Request:	Binding Element Amendment
Project Name:	Fed Ex Distribution Center
Location:	Plantside Drive, Block 39, Lot 69
Owner:	Hosts Development LLC
Applicant:	Setzer Properties ZELO, LLC
Representative:	Bill Bardenwerper
Jurisdiction:	Louisville
Council District:	20 – Stuart Benson
Case Manager:	Christopher Brown, Planner II

REQUEST

- Binding Element Amendment

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: PEC
 Existing Form District: Suburban Workplace
 Existing Use: Vacant
 Proposed Use: Office/Warehouse
 Minimum Parking Spaces Required: 423
 Maximum Parking Spaces Allowed: 645
 Parking Spaces Proposed: 606
 Plan Certain Docket #: 9-67-05

The applicant is requesting to amend the existing binding element #7 regarding the sound levels and study at the south property line and not the west property line. The sound mitigation is also proposed to occur along the south property line rather than the original west property line. The applicant has also requested to add a binding element to preserve the existing tree line along the south property line. These requests were reached following negotiations with the interested parties and neighborhood organizations.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	PEC	SW
Proposed	Office/Warehouse	PEC	SW
<i>Surrounding Properties</i>			
North	Parts and Supplies Warehouse	PEC	SW
South	Single Family Residential Vacant	R-4 PEC	SW
East	Vacant	PEC	SW
West	Single Family Residential	R-4	SW

PREVIOUS CASES ON SITE

- 9-67-05: Rezoning from R-4 to PEC for Blankenbaker Station II.
- 14489: Revised General District Development Plan with General Plan Binding Element Amendments.
- 14DEVPLAN1000: Planning Commission approved a Detailed District Development Plan for the proposed Federal Express Distribution Facility.

INTERESTED PARTY COMMENTS

David Dries sent in an email of concern for the subject property and the adjacent associated proposed warehouse facility. His concern is regarding the alignment and location of the Urton Lane corridor at the intersection with Plantside Drive.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR BINDING ELEMENT AMENDMENT

- 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: Tree canopy requirements of the Land Development Code will be provided on the subject site. The applicant will be conserving natural resources on the property with the preservation of the existing tree line along the south property perimeter.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements with the current proposal. The applicant will be providing 350' of open space between the proposed use and adjacent residentially zoned properties to the south.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways from the activities of the proposed use. Buildings and parking lots will meet all required setbacks. The applicant has requested the amendment to binding element to address compatibility issues of noise and tree preservation along the south property perimeter to increase the proposed developments compatibility with the existing residential properties in the area.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to requirements of the Land Development Code and Cornerstone 2020.

TECHNICAL REVIEW

Any amendments to the binding elements that require updates to the previously approved detailed plans under 14DEVPLAN1000 will need to be updated on the development plan.

STAFF CONCLUSIONS

The standard of review has been met for the requested binding element amendments. 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 meets the standards for granting an amendment to binding elements as established in the Land Development Code.

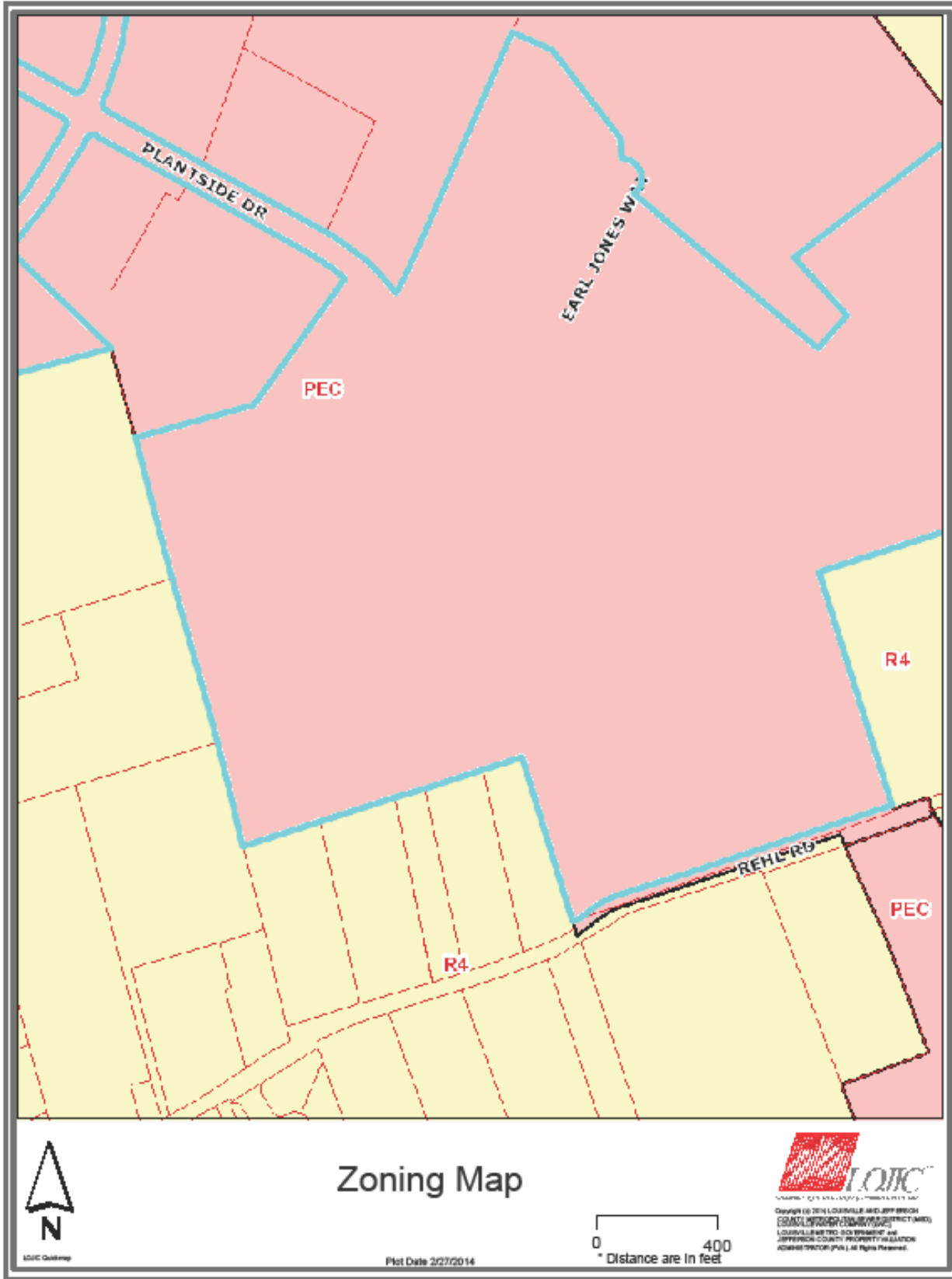
NOTIFICATION

Date	Purpose of Notice	Recipients
8/21/14	Hearing before PC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 20 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 303,370 square feet of gross floor area.
3. 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.
4. There shall be no outdoor music (live, piped, radio or amplified) or outdoor PA system audible beyond the property line.
5. 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.
6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 6th, 2014 Planning Commission meeting.
7. Use of Lot 24 shall not cause sound levels to exceed the existing average decibel level (A-weighted) as measured over a 24-hour period (24-hour) at the south and west property lines of Lot 24. A base line study shall be submitted within 30 days of the March 6, 2014 Planning Commission public hearing. A study to demonstrate compliance shall be submitted within 60 days of opening of the facility.
8. A right turn lane from north-bound Tucker Station Rd to east-bound Bluegrass/Tucker Station Rd shall be constructed prior to the issuance of a certification of occupancy for Lot 23 or Lot 24.
9. The intersection of Plantside Dr. and Blankenbaker Pkwy shall be remarked and signalized for split-phase operation and a dedicated right turn lane as recommended in the traffic study prepared by URS dated 02/25/2014.
10. Truck horns shall not be allowed to be used on the site at any time, with exception of emergency situations.

4. Proposed Binding Elements

7. Use of Lot 24 shall not cause sound levels to exceed the existing average decibel level (A-weighted) as measured over a 24-hour period (24-hour) at the south, ~~not and~~ west property lines of Lot 24. A base line study shall be submitted within 30 days of the ~~March 6~~ **September 4th**, 2014 Planning Commission public hearing. A study to demonstrate compliance shall be submitted within 60 days of opening of the facility. **A concrete screening and noise mitigation wall shall be built across the southern, not western, part of the referenced property and connecting to a sound fence to be built by the developer of the adjoining future Lot 23 along the west property line of that future Lot 23 property extending into the referenced property, such south wall as shown on the exhibit presented at the September 4th Planning Commission hearing.**

11. The applicant will preserve the existing tree line along the south property line. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved by staff.