

**Land Development and Transportation
Committee
Staff Report
January 11, 2018**



Case No:	16zone1083
Project Name:	Tucker Station Senior Apartments
Location:	1408-1412 Tucker Station Road
Owner(s):	Arnold Family Living Trust
Applicant:	Clover Construction Management West
Jurisdiction:	Louisville Metro
Council District:	20-Stuart Benson
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Change in zoning from PEC to OR-1
- District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

The proposal is for 119 senior living units within the Suburban Workplace Form District. Access to the site is from Tucker Station Road. The proposal is surrounded on 3 sides by PEC zoning with R-6 located across Tucker Station. All adjacent properties are located within the Workplace Form. The property was rezoned from R-4 to PEC in 2008 under case number 9585.

STAFF FINDING

The proposal is ready for public hearing date to be set.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

The demolition of the structures could have an adverse effect on sites potentially eligible for the National Register. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition. The structures are over 65 years, if determined eligible for the National Register as per Wrecking Ordinance Section 150.110 there will be a required 30-day hold on the issuance of the permit.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW FOR REZONING

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

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

STAFF ANALYSIS FOR CHANGE IN ZONING

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.

REQUIRED ACTIONS:

- SET the public hearing date

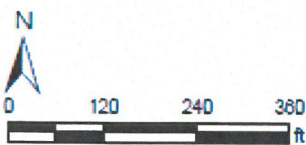
NOTIFICATION

Date	Purpose of Notice	Recipients
12/26/17	Hearing before LD&T on 1/11/18	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 20
	Hearing before ____	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District ____
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

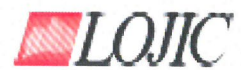
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements (to be removed/replaced with the Proposed Binding Elements)
4. Proposed Binding Elements

1. Zoning Map



1408 Tucker Station

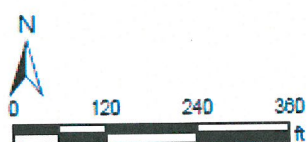
Thursday, January 4, 2018 | 11:53:31 AM



LOJIC © 2018

This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



1408 Tucker Station

Thursday, January 4, 2018 | 2:32:42 PM



LOJIC © 2018

This map is not a legal document and should only be used for general reference and identification.

3. Existing Binding Elements (to be removed/replaced with the 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. Prior to development (includes clearing of the site or trees along Tucker Station Road, 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. Use of the subject site shall be limited to office and warehouse. There shall be no other use of the property unless prior approval is obtained from the LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The LD&T Committee may require a public hearing on the request to amend this binding element.
4. The development shall not exceed a total of 157,205 square feet of gross floor area of offices and warehouse as shown on the approved development plan.
5. Signs shall be in accordance with Chapter 8 of the LDC and/or as presented at the July 17, 2008 public hearing.
6. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
7. The existing access points to Tucker Station Road are to be closed and access to the site be made from the new curb cuts as shown on the development plan.
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, 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 dedicating additional right-of-way to Tucker Station Road to provide a total of 50 feet from the centerline. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit.

- Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. 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. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 11. 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.
 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. The property owner shall provide connection and a cross over access easement if the property to the south is ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
 14. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 17, 2008 Planning Commission meeting.
 15. No idling of trucks shall take place within 100 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 16. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
 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. Trees will be preserved and provided on site as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Detailed Development/Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the LDC. A tree preservation plan shall be submitted for

review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

19. Developer shall construct Tucker Station Road improvements as per MPW requirements as indicated on the approved development plan and/or binding elements and road improvement schematic. Developer shall be responsible for utility relocations (if required), final surface overlay, signage, and striping associated with required road improvements. Construction plans, bond, and permit are required by Metro Public Works prior to construction approval. Developer shall not request a certificate of occupancy until road improvements are complete.
20. The developer shall participate in the funding for the design and installation of a traffic signal at Tucker Station Road and Bluegrass Parkway, if and when required by Metro Public Works, assuming same have not been previously required as a consequence of other development plan approvals; traffic signal installation shall be performed by Metro Electrical Maintenance (Pursuant to Docket No. 9-67-05).
21. Prior to construction approval by Metro Public Works for buildings representing 50% or more of the total development, the developer shall contribute \$60,000 toward improvements at Bluegrass Parkway and Blankenbaker Road.
22. The developer shall submit updated trip generation data upon submission of detailed district development plans.
23. A request for a certificate of occupancy for a warehouse use, or other use which frequently attracts semi-trailer truck traffic (as determined by Metro Public Works), on the subject property shall not be made until Tucker Station Road from the entrance to the development, south to the intersection with Pope Lick Road, and east to Sycamore Station Place, has been widened to three lanes.
24. If any proposals for detailed district development plans or changes to these binding elements are made, prior written notice shall be given to the Tucker Station Neighborhood Association.
25. All exterior lighting shall be turned off or dimmed to the lowest level necessary for adequate security between the hours of 11:00 p.m. and 7:00 a.m.
26. Use of the subject site shall be limited to uses permitted in the PEC district with the following exceptions: trailer courts or recreational vehicle campgrounds; junk yards; drilling for and removing of oil, gas, or other hydrocarbon substances; refining of petroleum products; commercial petroleum storage yards; commercial excavation of building or construction materials (except as excavation is necessary in the course of construction on this site); distillation of bones; dumping, disposal, incineration or reduction of garbage, sewer, dead animals or other refuse; fat rendering; stockyard or slaughter of animals; smelting of iron, tin, zinc or other ores; cemeteries; jail or honor farms; labor or migrant worker camps; foundries; animal or poultry farms; production of insecticides, fungicides, or disinfectants; bus garages or repair shops; fairgrounds; flea markets; coal and coke storage and sales. Notice of a request to amend this binding element shall be given in accordance with Planning Commission policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.
27. All stormwater drainage from impervious areas of development shall be channeled to a stormwater retention basins in order to achieve established standards for minimizing impact on the water quality, quantity, and rate of flow onto neighboring properties and into neighboring

streams and ponds. A note to this effect shall be added to the development plan. This requirement shall be monitored and enforced by the Metropolitan Sewer District.

28. The development shall include a set of Covenants, Conditions and Restrictions (CCRs) substantially in accordance with that produced at the July 17, 2008 public hearing, which final set of CCRs shall be reviewed prior to recording by Planning Commission legal counsel for consistency with these binding elements and the CCRs finally presented to the Planning Commission in this case.
29. If the property is developed as more than one lot, the development shall include a property owners association to maintain roads, common areas, fences, detention areas, and vegetation within common areas of the development.
30. Except for landscape and accent lighting, all exterior lighting, whether attached or freestanding, and whether on building lots or along streets or in common areas, shall be fully shielded, shall utilize flat lenses, and shall be pointed directly to the ground.
31. A four-board horse fence shall be constructed along the Tucker Station Road frontage of the property as shown on the approved development plan.
32. The developer agrees to work with Louisville Metro Public Works to widen Tucker Station Road along the east side of the road in an effort to preserve the existing trees along the west side of the road if adequate right-of-way has been dedicated to accomplish the improvements required by Public Works. At the time of review of each detailed plan, the Planning Commission (or appropriate committee thereof) shall specifically consider, with input from Public Works, whether adequate right-of-way has been dedicated on the east side of Tucker Station Road to install the required improvements.
33. Signage shall be posted at the exit on Tucker Station Road directing truck traffic to turn right only out of the development.
34. At the time of detailed development plan approval, if no loading is proposed adjacent to the residential properties to the south, a berm shall not be required along the south property line.
35. Façade elevations for each detailed district development plan shall be in accordance with applicable form district standards and shall be reviewed by the Planning Commission, or a committee thereof, prior to approval and transmittal of the plan(s) to the appropriate permitting agencies.
36. The site shall be developed in accordance with the site/design guidelines of the Blankenbaker Station Business Park submitted at the July 17, 2008 public hearing.
37. The existing line of mature trees within the 10-foot landscape buffer area on the western boundary of the property shall be preserved and their root structures shall be protected during any construction activities on the site.
38. No skylights or sidelights (which is defined as a translucent wall, but does not include windows), which emit light between dusk and dawn shall be allowed in any building.
39. While not required to be implement on the site, any developer of the property shall consider recommendations of MSD as to the possible use of pervious pavement and/or rain garden areas in parking areas.

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to receiving a building permit.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. A minor subdivision plat or legal instrument shall be recorded dedicating additional right-of-way to Tucker Station Road. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
5. 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.
6. 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.

7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
8. The developer shall construct Tucker Station Road improvements as per Public Works requirements as indicated on the approved development plan and/or binding elements and road improvement schematic. Developer shall be responsible for utility relocations (if required), final surface overlay, signage, and striping associated with required road improvements. Construction plans, bond, and permit are required by Metro Public Works prior to construction approval. Developer shall not receive a certificate of occupancy until road improvements are complete.
9. The developer shall participate in the funding for the design and installation of a traffic signal at Tucker Station Road and Bluegrass Parkway up to \$7,200, if and when required by Metro Public Works, assuming same have not been previously required as a consequence of other development plan approvals; traffic signal installation shall be performed by Metro Electrical Maintenance (pursuant to Docket #9-67-05).
10. If any proposals for Detailed District Development Plans or changes to these binding elements are made, prior written notice shall be given to the Tucker Station Neighborhood Association.
11. All stormwater drainage from impervious area of development shall be channeled to a stormwater retention basin in order to achieve established standards for minimizing impact on the water quality, quantity, and rate of flow onto neighboring properties and into neighboring streams and ponds. This requirement shall be monitored and enforced by the Metropolitan Sewer District.
12. A four-board horse fence shall be constructed along the Tucker Station Road frontage of the property.
13. All exterior lighting, whether exterior or attached, including accent lighting, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground. Pole lighting for the parking areas shall be limited to 12 feet in height from ground level.
14. No deliveries, garbage collection, exterior site work or construction, or parking lot cleaning (except for snow and ice) shall occur between the hours of 9pm and 7 am.