

**Land Development & Transportation  
Committee  
Staff Report  
September 26, 2019**



<b>Case No:</b>	19-AMEND-0001
<b>Project Name:</b>	4100 Cane Run Rd
<b>Location:</b>	4100 Cane Run Rd
<b>Owner(s):</b>	James S. Womack
<b>Applicant:</b>	James S. Womack
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	1 – Jessica Green
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

**REQUEST**

- **Amendment of Binding Element 13**
- **Amendment of Binding Element 16**

**CASE SUMMARY/BACKGROUND**

The subject site is primarily zoned C-2 Commercial, with a small portion of R-4 Single Family Residential on the southeast side. It is currently developed with mini-warehouse structures, plus a 1,800 square foot office and apartment building. The subject site is currently developed with Buildings 1-8 as shown on the approved plan. Stor All is now preparing to construct Building 9, the final building.

The subject site was rezoned from R-4 Residential Single Family to C-2 Commercial under case 9-72-96, with a Conditional Use Permit (CUP) for mini-warehouses. A detailed district development plan, 14DEVPLAN1147, was submitted and approved in 2014.

The applicant is requesting to amend two binding elements from the subject site. Binding Element #13 refers to an 8-foot tall solid wood fence near Building Number 9. Binding Element #16 refers to the style and design of Buildings 2, 3, and 9 and requires that the developer obtain approval from the Land Design and Transportation Committee prior to requesting a building permit.

**STAFF FINDING**

The request is adequately justified and meets the standard of review.

**TECHNICAL REVIEW**

There are no outstanding technical issues concerning this request.

The applicant is requesting to amend binding elements #13 and #16 in case 14DEVPLAN1147, as follows:

13. An 8-foot high solid wood fence shall be constructed along the proposed exterior line of Building Number 9 to screen and buffer the mini-warehouses from the adjoining mobile home park. ~~The portion of the fence adjoining Building 9 may be removed when that building is constructed during Phase 3.~~

16. The exterior walls of the perimeter buildings 2, 3 and 9 shall be split face block with natural gray color. The doors shall be dark green color. ~~Prior to requesting a building permit, the developer shall obtain approval from the Land Development and Transportation Committee for the style and design of the buildings.~~

According to the applicant's justification statement, they propose the 8 foot fence remain on the subject site in perpetuity. The proposed amendment to Binding Element #13 removes the applicant's ability to remove the fence from the property.

According to the applicant's justification statement, with the fence in place, the view of Building 9 is blocked from view from the mobile home park in the adjacent property and therefore does not need to comply with the style and design specified in Binding Element #16. The applicant is requesting the exterior walls of Building 9 be metal siding.

### **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR AMENDMENT TO BINDING ELEMENTS**

- (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: No changes to the site layout are proposed with this request. There do not appear to be any natural resources on the site, which is already mostly developed.

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

STAFF: There are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request.

- (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 pertinent to the current proposal.

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

STAFF: The subject site is already developed, and obtained a building permit for the existing structures. New building permits for the proposed structure, Building 9, will be obtained. MSD reviews all building permits.

- (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: This binding element modification has been submitted in order to allow the applicant to make aesthetic design modifications to the proposed building exterior. There are existing buildings on the subject site which have metal siding rather than split face block.

- (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 requested modification of binding elements conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. The intent of requesting the binding element amendment is so that the applicant can make alterations to the proposed building façade.

**REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Amendment of Binding Elements**

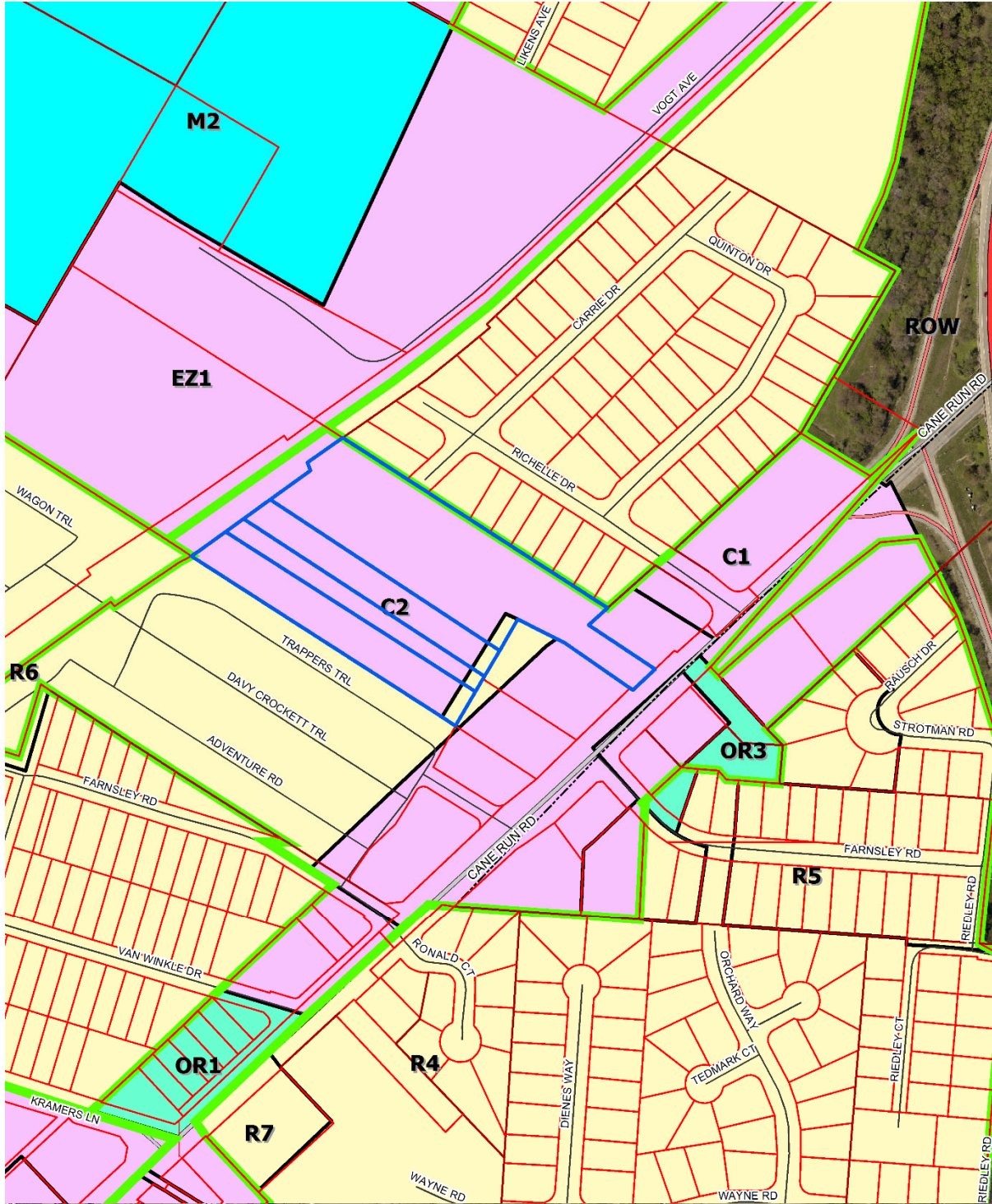
**NOTIFICATION**

Date	Purpose of Notice	Recipients
9-26-2019	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 1

**ATTACHMENTS**

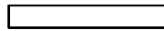
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements 14DEVPLAN1147
4. Proposed Binding Elements

1. Zoning Map



4100 CANE RUN ROAD

feet



320

Map Created: 9/4/2019



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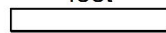


2. Aerial Photograph



4100 CANE RUN ROAD

feet



320

Map Created: 9/4/2019



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**3. Existing Binding Elements 14DEVPLAN1147**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.
2. The development shall not exceed 800 square feet of gross floor area for the office, 1000 square feet of gross floor area for the apartment and 118,800 square feet of gross floor area for the mini-warehouse storage (8 mini-warehouse buildings).
3. There shall be no direct vehicular access to Carrie Drive.
4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 64 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site. The existing billboard shall be removed.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
8. Construction fencing shall be erected at the edge of the area of development 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 place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
9. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJOC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
10. 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 the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - d. 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.
  - e. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded among all tracts in the development. 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. 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.
  12. A certificate of occupancy must be received from the appropriate code enforcement office 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.
  13. An 8-foot high solid wood fence shall be constructed along the proposed exterior line of Building Number 9 to screen and buffer the mini-warehouses from the adjoining mobile home park. ~~The portion of the fence adjoining Building 9 may be removed when that building is constructed during Phase 3.~~
  14. All landscaping shall be installed during Phase 1 and maintained thereafter.
  15. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
  16. The exterior walls of the perimeter buildings 2, 3 and 9 shall be split face block with natural gray color. The doors shall be dark green color. ~~Prior to requesting a building permit, the developer shall obtain approval from the Land Development and Transportation Committee for the style and design of the buildings.~~

#### **4. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.

2. The development shall not exceed 800 square feet of gross floor area for the office, 1000 square feet of gross floor area for the apartment and 118,800 square feet of gross floor area for the mini-warehouse storage (8 mini-warehouse buildings).
3. There shall be no direct vehicular access to Carrie Drive.
4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 64 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site. The existing billboard shall be removed.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
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  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJOC topographic information is acceptable)).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
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16. The exterior walls of the perimeter buildings 2 and 3 shall be split face block with natural gray color. The doors shall be dark green color.