

Development Review Committee

Staff Report

December 17, 2014



Case No:	14devplan1159
Request:	General Plan, Detailed District Development Plan with a Landscape and Sidewalk Waiver
Project Name:	Blankenbaker Distribution Center
Location:	2909 Blankenbaker Road
Owner:	Synergy Logistics LLC.
Applicant:	Synergy Logistics LLC.
Representative:	Alex Rosenberg
Jurisdiction:	City of Jeffersontown
Council District:	20-Stuart Benson
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Waivers:
 1. Waiver from 5.5.4.B.1 to reduce the 50' LBA to 15'
 2. Waiver from 5.8.1 to not provide a sidewalk along Blankenbaker Road
- General Plan and Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: PEC
Proposed Zoning District: PEC
Existing Form District: SW
Existing Use: Vacant
Proposed Use: Distribution Center
Minimum Parking Spaces Required: 161
Maximum Parking Spaces Allowed: 263
Parking Spaces Proposed: 253
Plan Certain Docket #:11275

The subject site consists of one parcel of 21.16 acres in the Suburban Workplace Form District with frontage on both Blankenbaker Parkway and Blankenbaker Road. The applicant is proposing to subdivide the lot and construct an office/warehouse. A residential structure currently occupies the parcel. This structure is to be removed. The subject site is located on the north side of Blankenbaker Parkway in the Suburban Workplace Form District. The site is bordered on the north by an R-4 zoned parcel. The property to the east is zoned R-4/PEC and is used as an office and parking lot. The parking lot is permitted on the R-4 lot by CUP (B-68-04) this site was rezoned under docket number 9-22-01. To west of the property and across Blankenbaker Road are PEC zoned parcels some are vacant and the others are TOVA Industries (9-21-97). To the south and across Blankenbaker Parkway are R-4 zoned parcels owned by the Kentucky Nature Preserves Commission.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	PEC	Suburban Workplace
Proposed	Office/Warehouse	PEC	Suburban Workplace
<i>Surrounding Properties</i>			
North	Single-family residential	R-4	Suburban Workplace
South	Blackacre Nature Preserves	R-4	Suburban Workplace
East	Parking Lot	R-4 w/CUP	Suburban Workplace
West	Vacant/Industrial	PEC	Suburban Workplace

PREVIOUS CASES ON SITE

9-11275-09, Change in zoning from R-4 to PEC was approved in 2010.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR
General Plan and Detailed District 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 not environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- 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: An outdoor amenity area is being provided on the site along Blankenbaker Parkway.

- 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. Buildings and parking lots will meet all required setbacks.

- 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 applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section
5.8.1.B. to not provide a sidewalk along Blankenbaker Road**

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

STAFF: The waiver will affect adjacent property owners because as the area develops and redevelops sidewalks will be required. The property at the corner of Electron and Blankenbaker Parkway has provided sidewalks along Electron Drive, once the property adjacent to the subject site is rezoned and developed sidewalks will connect to that existing Electron Drive sidewalk providing overall connectivity.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Not providing the sidewalks along Blankenbaker will violate the Comprehensive Plan.

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

STAFF: Transportation Planning has not given any indication that the sidewalks cannot be built so there is no evidence that suggests that topography is preventing the sidewalks from being constructed.

- (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: The applicant has not indicated other design measures to mitigate for the non-compliance nor would building the sidewalk deprive the applicant of use of the land because the sidewalks are able to be constructed.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.4.B.1.
to reduce the buffer from 50' to 15'**

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

STAFF: Because the adjacent property is in a residential zone with a CUP for offsite parking that site is already being used non-residentially. Reducing the LBA will not affect any other property owners and is consistent with LBAs in the PEC zoning district.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The two sites are still compatible with the reduction in LBA. Landscape requirements will still be met in the buffer with the exception of the berm.

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

STAFF: Providing a 50' buffer adjacent to a non-residentially used site takes up more land than necessary for the two compatible uses. Allowing 35' more of land to be used as the zoning district allows affords relief to the applicant.

- (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: The buffers along the adjacent roadways to the site exceed the requirements of the LDC which compensate for not complying with the regulations in this area.

TECHNICAL REVIEW

- All technical review comments have been addressed.

STAFF CONCLUSIONS

The proposal meets the requirements of the Land Development Code and Comprehensive Plan with the exception of the sidewalk waiver.

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 waivers established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
12/4/14	Hearing before DRC on 12/17/14	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. Proposed Binding Elements

3. Proposed General Plan 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 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 not exceed 95,000 square feet of gross floor area for Tract 1.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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. 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.
 - 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 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.
7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.

10. The materials and design of proposed structures for Tract 1 shall be substantially the same as depicted in the rendering as presented at the December 17, 2014 Development Review Committee meeting.
11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
12. Except for low-voltage landscape and accent lighting, all exterior lighting, whether freestanding or attached, and whether on building lots or along streets or in common areas, shall be fully shielded, shall utilize flat or hidden lenses, and shall be pointed directly to the ground.
13. All exterior lighting shall be turned off or dimmed to the lowest level necessary for adequate security between the hours of 9:00 PM and 7:00 AM.
14. Any skylights or sidelights in any buildings shall be constructed or operated so as not to emit any light from within the building between 9:00 PM and 7:00 AM.
15. Signage attached to a building shall not be illuminated unless internally illuminated with opaque backgrounds with translucent letters, symbols and logos. No illuminated attached signage shall be visible from Blackacre Nature Preserve property.
16. Freestanding signs shall be illuminated only by one of two methods:
 - a. Internally illuminated with opaque backgrounds with translucent letters, symbols and logos, or
 - b. Externally illuminated by a fully-shielded light fixture mounted on top of the sign structure and directed towards the ground.
17. The applicant will work with PDS staff on landscaping and using native plant material in the outdoor amenity areas shown on the plan.
18. Per the plan dated 09/16/09 and Metro Public Works requirements and standards, the applicant shall provide the following: widen Blankenbaker Road to provide 24' of total pavement width (minimum 2 ft. widening) with 6 – 8 ft shoulders along the property frontage for approximately 900' north of the intersection with Blankenbaker Parkway. From this point north, pavement shall taper to provide 36' of total pavement width between the northern proposed site entrance and Election Drive. Existing driveways affected by the improvements, shall be modified or restored as required. Full width pavement overlay is required for all areas of widening.
19. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Blankenbaker Road, Blankenbaker Parkway and Election Drive. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. All street name signs and pavement markings shall conform to the manual on uniform traffic control devices (MUTCD) requirements. Developer shall not request a certificate of occupancy until road improvements are complete per binding element #17.
20. The Applicant shall make a financial contribution to off-site roadway improvements at the Blankenbaker Parkway/Bluegrass Parkway intersection. Such contribution to off-site roadway improvements by the Applicant shall not exceed \$68,000.00 which may be adjusted downward based upon financial contributions which may be made by others in connection with any subsequent development plan approvals in the affected geographic area. Said contribution to off-site roadway improvements shall be

made to Metro Works at the time of the commencement of construction of improvements to this intersection as recommended by the HOST Study under Binding Element 29 Docket No 11215.