

Planning Commission
Staff Report
January 24, 2019



Case No:	18DEVPLAN1194
Project Name:	Marathon Oil Warehouse
Location:	3920 Kramers Ln
Owner(s):	Marathon Oil Company
Applicant:	Morton Buildings, Inc.
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Revised District Development Plan with Amendments to Binding Elements**

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 2100 SF office/warehouse to support the operation of a petroleum storage facility in western Louisville Metro. The site was rezoned to M-3 under docket 9-66-79, and a Conditional Use Permit was approved under docket B-48-80 for a significant expansion of the oil storage facility onto the subject site. However, that proposed expansion was never completed, and the CUP was never exercised and is therefore expired. The existing binding elements applicable to the site are outdated and are proposed to be replaced with modern standard binding elements.

STAFF FINDING

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

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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: There are potential wetlands and hydric soils on the subject site, but not in the area of the proposed development. The scale of proposed development is not large enough to trigger landscaping or tree canopy requirements of the Land Development Code.

- (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 will 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 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 Metropolitan Sewer District has approved the preliminary development plan and will ensure 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.

- (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. 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.

REQUIRED ACTIONS:

- **APPROVE or DENY the Revised District Development Plan with Amendments to Binding Elements.**

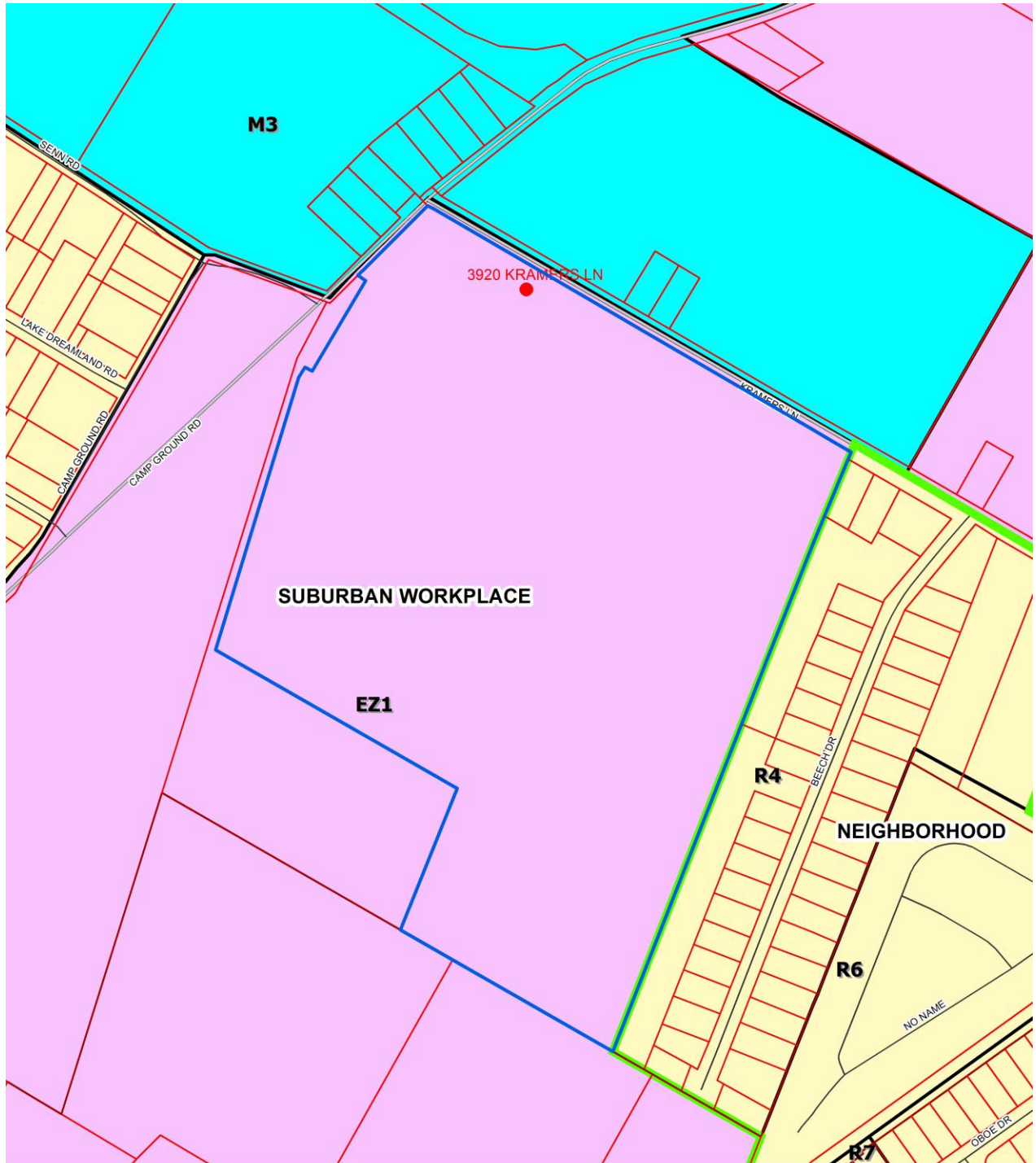
NOTIFICATION

Date	Purpose of Notice	Recipients
1-9-19	Hearing before PC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 1

ATTACHMENTS

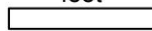
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements to be replaced
4. Proposed Binding Elements

1. Zoning Map



18DEVPLAN1194

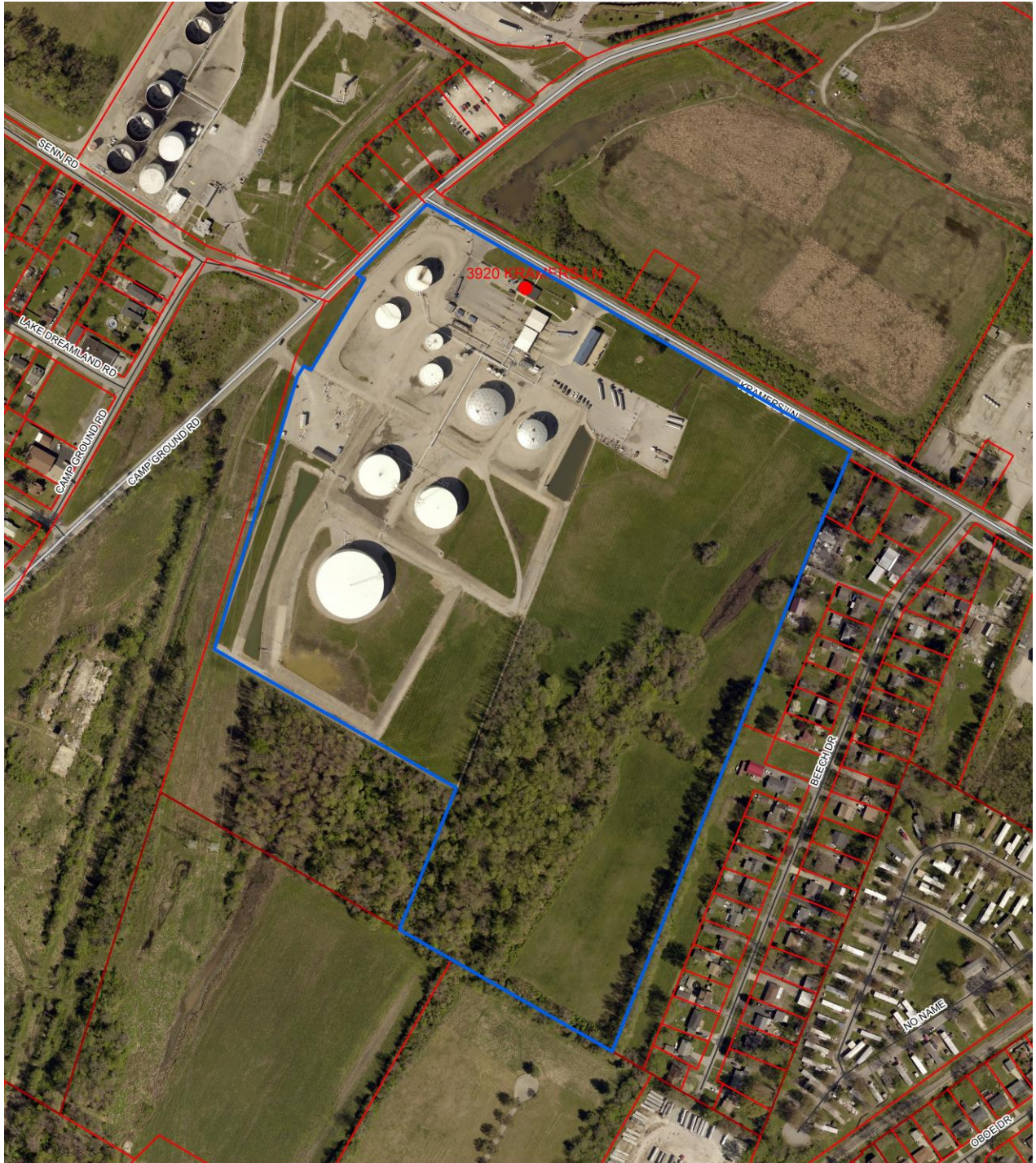
feet



320

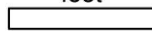
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2. Aerial Photograph



18DEVPLAN1194

feet



320

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3. Existing Binding Elements to be replaced

- ~~1. The developer will obtain a Conditional Use Permit to allow the construction and operation of the proposed facility at this location. If such Conditional Use Permit is not obtained the property may not be used in any manner until a revised detailed district development plan is submitted to and approved by the Planning Commission.~~
- ~~2. 40 feet from the centerline will be dedicated to the right-of-way of Kramers Lane along the frontage of this property. Dedication will be by minor subdivision plat.~~
- ~~3. The developer shall obtain the approval of the Executive Director of the Planning Commission of a plan for screening (landscaping, buffering) which will include the 10 feet of berm along the east property line prior to issuance of building permits. Such plan shall be implemented prior to occupancy of the site for the proposed use.~~
- ~~4. The plan must be reapproved by the Water Sections of the Jefferson County Works Department and the Fire Safety Officer before building permits are issued.~~
- ~~5. Unless use in accordance with the approved plan and binding elements have been established within two years from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.~~

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. All signs shall be in accordance with Chapter 8 of the Land Development Code.
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.
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.