

Land Development & Transportation Committee

Staff Report

March 27th, 2014



| | |
|--------------------------|--|
| Case No: | 13ZONE1026 |
| Request: | Change in Zoning from M-2, Industrial to CM, Commercial Manufacturing, Landscape Waivers and Detailed District Development Plan |
| Project Name: | Kentucky Gymnastics Academy |
| Location: | 13705 Aiken Road |
| Owner: | F & R Friedman, LLC |
| Applicant: | Kentucky Gymnastics Academy, Inc. |
| Representative: | Prism Engineering & Design Group, LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 19 – Jerry Miller |
| Case Manager: | Christopher Brown – Planner II |

REQUEST

- Change in zoning from M-2 to C-M
- Landscape Waivers:
 1. Chapter 10.2.4 to reduce the required 15' LBA to 10' along the north property line
 2. Chapter 10.2.4 to allow the property perimeter LBA along the south property line to vary from 3' to 15'
 3. Chapter 10.2.4.B to allow encroachment of utility easements by more than 50% into the property perimeter buffers along the north and south property perimeters
- Abandon existing Conditional Use Permit
- Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: M-2, Industrial
Proposed Zoning District: CM, Commercial Manufacturing
Existing Form District: Suburban Workplace
Existing Use: Vacant
Proposed Use: Gymnastics Facility
Minimum Parking Spaces Required: 40
Maximum Parking Spaces Allowed: 120
Parking Spaces Proposed: 54
Plan Certain Docket #: None

The subject site has existed as a mix of vacant land and a contractor's shop. The applicant is proposing to plat a portion of the existing lot for the proposed zone change to allow gymnastics facility. This portion of the lot is 1.9 acres of vacant land. The facility would be 12,000 SF located in an area of mixed commercial and manufacturing uses with the railroad line located to the west. Beyond the rail line, there is an excavating facility and the Gene Snyder Freeway. To the north of the site, there is an existing commercial kennel facility at the end of the Avoca Station Court private access easement. To the east and south along Avoca Station Court,

there is a mix of manufacturing and contractor facilities. The area is all within the Suburban Workplace form district.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|-------------------------------|--|--------|---------------|
| Subject Property | | | |
| Existing | Vacant | M-2 | SW |
| Proposed | Gymnastics Facility | M-2 | SW |
| Surrounding Properties | | | |
| North | Pet Suites Pet Resort & Spa | M-2 | SW |
| South | Custom Pool Contractors | M-2 | SW |
| East | Covenant Industries - Manufacturing | M-2 | SW |
| West | Railroad Schmeing E A Excavating | M-2 | SW |

PREVIOUS CASES ON SITE

B-234-02: A conditional use permit was approved for the M-2 zoned property to allow a commercial pet kennel. The Board of Adjustment approved the conditional use permit on November 4, 2002 with waivers of the conditions requiring a 30' setback, all kennel facilities to be located indoor and restrictions on the signage. Seven conditions of approval were attached to the property. The existing conditional use permit will need to be abandoned for the subject site.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES

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 REZONING AND FORM DISTRICT CHANGES

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

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.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

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

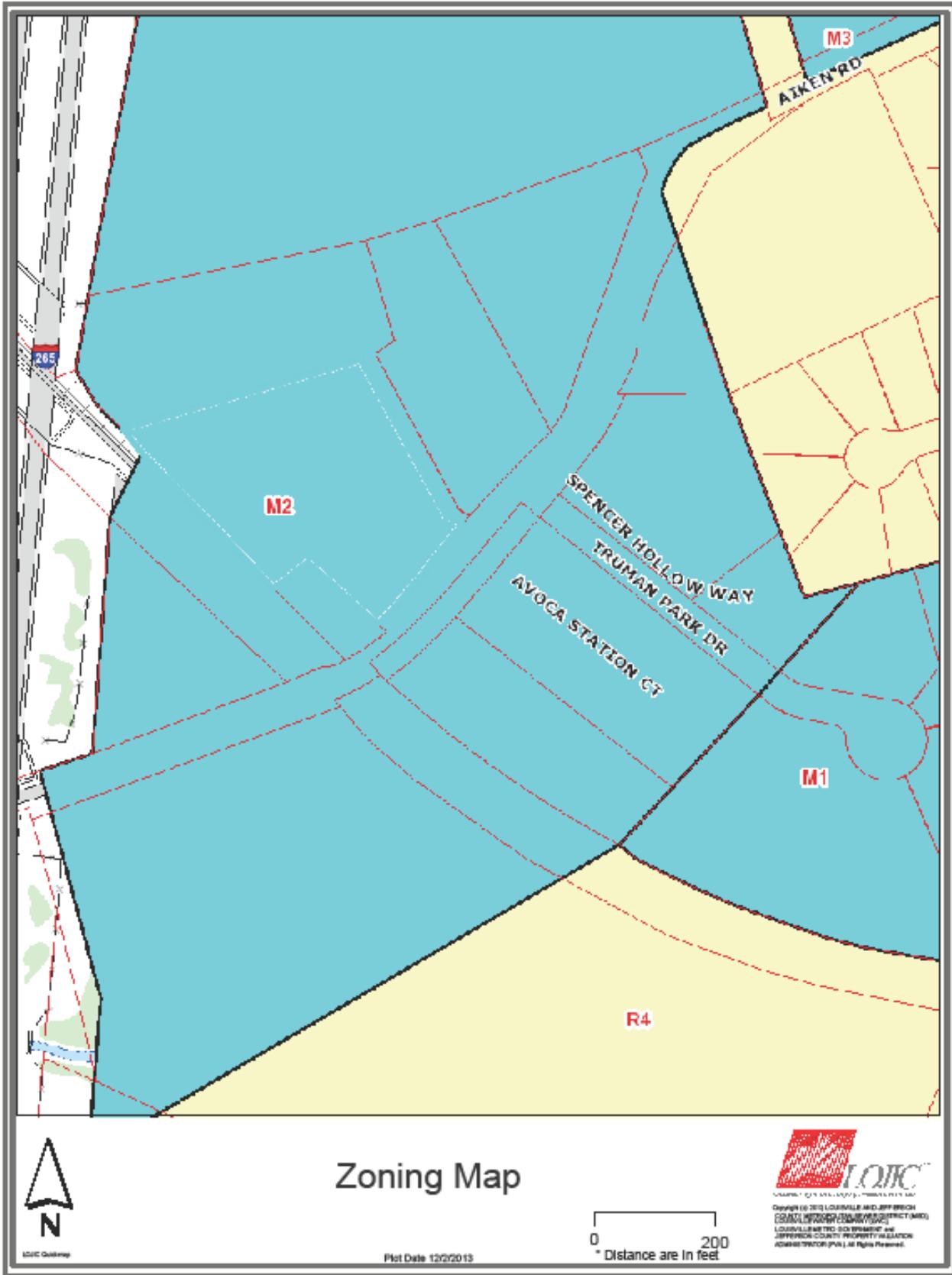
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|---------------------|--|
| 3/12/14 | Hearing before LD&T | 1 st and 2 nd tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals |
| | Hearing before PC | 1 st and 2 nd tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals |
| | Hearing before PC | Sign Posting on property |
| | Hearing before PC | Legal Advertisement in the Courier-Journal |

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 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. The development shall not exceed 12,000 square feet of gross floor area.
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, 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. 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 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.
5. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the _____ Planning Commission meeting.
6. 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.
7. 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.