

Development Review Committee

Staff Report

November 20, 2019



Case No:	19-DDP-0019
Project Name:	Blankenbaker Station II lots 11, 12, 14, 15A and 15B
Location:	2211 Tucker Station Rd
Owner(s):	Hosts Development
Applicant:	Hosts Development
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waivers:**
 1. (19-WAIVER-0086) Waiver from 10.2.4 to omit the 15 foot PEC property perimeter buffer in the areas where shared access easements are proposed.
- **Revised General District Development Plan** including release of binding elements associated with 15ZONE1028 for portion of lot 12 and adoption of binding elements associated with 9-67-05 as revised under docket 14489 to that portion.
- **Revised Detailed District Development Plan** with replacement of existing binding elements for a portion of lot 12.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct five new warehouse and office buildings on five lots within the Blankenbaker Station II development. Most of the subject site was rezoned under docket 9-67-05, with the current general plan and associated binding elements established under docket 14489. A portion of lot 12 was rezoned under docket 15ZONE1028 and the existing binding elements for that section are proposed to be released. The existing Blankenbaker Station II general plan binding elements will be applied to that section, and new detailed plan binding elements will be established for all lots within the proposed development. The subject site is zoned PEC in the Suburban Workplace form district and is located in eastern Louisville Metro south of Plantside Dr.

STAFF FINDING

The requests are adequately justified and meet standards of review. The waiver will allow unified circulation between sites that will reduce curb cuts. The resulting development pattern is in keeping with the prevailing development of the area and with the purpose and intent of the original development plans.

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 WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the properties are being developed together with unified circulation between sites.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

The waiver will not violate the Comprehensive Plan, as it will allow for a unified circulation system between the individual sites within the development. Adequate screening and buffering will still be provided around the subject site, especially where adjacent to residential properties.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all other screening and buffering will be provided on the subject site.

- (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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the sites could not be developed with the proposed efficient traffic circulation system.

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 some areas of steep slopes and several karst features and sinkholes on the subject site as indicated on the development plan. Disturbance of the slopes is minimized. Appropriate construction methods will be used to build over karst features, where applicable. 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: 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. 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.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised General District Development Plan**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with replacement of existing binding elements for a portion of lot 12.

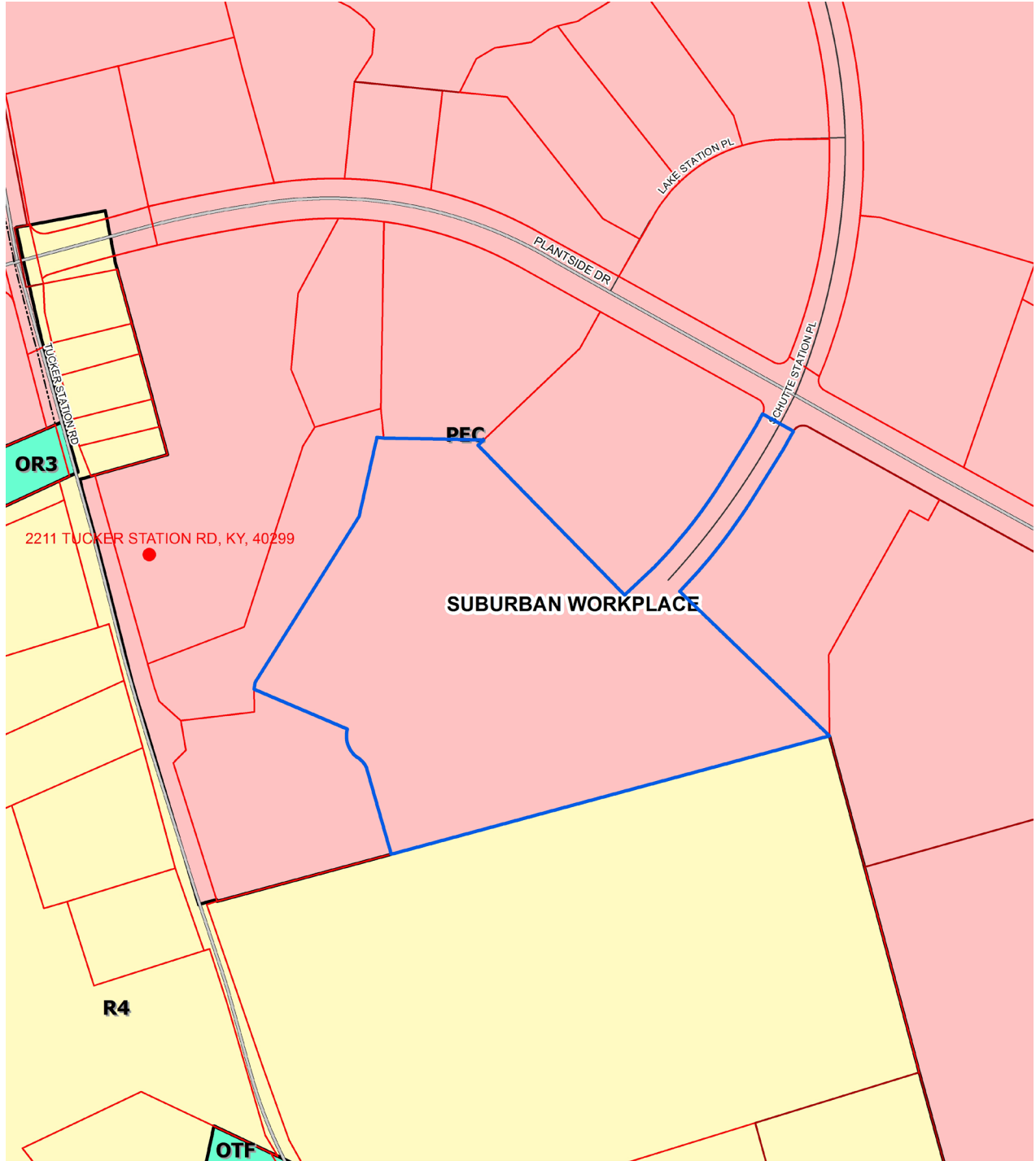
NOTIFICATION

Date	Purpose of Notice	Recipients
10-17-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

ATTACHMENTS

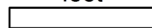
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements to be released for portion of Lot 12
4. Proposed Detailed Plan Binding Elements for all lots

1. **Zoning Map**



19-DDP-0019

feet



270

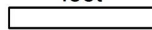
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2. Aerial Photograph



19-DDP-0019

feet



270

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3. Existing Binding Elements to be release for portion of Lot 12

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 48,000 square feet of gross floor area.~~
3. ~~No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.~~
4. ~~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.~~
5. ~~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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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. ~~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. ~~Applicant agrees to submit detailed building elevations for the proposed structures to staff for approval.~~
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. ~~There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.~~
8. ~~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.~~

- ~~9. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.~~
- ~~10. No idling of trucks shall take place within 200 feet of single family residences. No overnight idling of trucks shall be permitted on site.~~
- ~~11. There is no direct access to the site from Tucker Station Road. Access will come via an extension of Schutte Station Place.~~
- ~~12. The lighting shall be fully shielded; shall utilize flat lenses, and shall be pointed to the ground.~~

4. Proposed Detailed Plan Binding Elements for all lots

All general plan binding elements approved under docket 14489 are applicable to the site in addition to the following:

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. 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.
3. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded (creating the lot lines as shown on the development plan
 - 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 reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. 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.
5. 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.
6. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval for any development that impacts sinkholes. Construction methods and precautions recommended in the report shall be applied to construction within the development.
7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.