

Planning Commission Staff Report

June 2, 2016



Case No:	15ZONE1028
Request:	Rezoning from R-4 to PEC, Detailed District Development Plan, and Binding Elements
Project Name:	Maple Crossing
Location:	2211 Tucker Station Rd.
Owner:	Adam Koch
Applicant:	Adam Koch
Representative:	Bardenwerper, Talbott & Roberts, PLLC Mindel, Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Brian Davis, AICP, Planning Manager

REQUEST

- Rezoning from R-4 to PEC on approximately 6.9 acres for warehouses
- Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is an existing single family residence that has street frontage along Tucker Station Road. The site is surrounded on three sides by undeveloped portions of the Blankenbaker Station II development. Across Tucker Station Road, there are single family residences, an institutional use per an approved conditional use permit, and vacant land zoned for single family residential use. Tucker Station Road is currently two lanes and designated as a primary collector level road and a scenic corridor.

The applicant proposes to construct four warehouse buildings with a total area of 48,000 square feet. There is a 50-foot stream buffer proposed along the intermittent stream on the site. The required 40-foot scenic corridor setback, 25-foot scenic corridor buffer, and a four board horse fence have been provided along the street. Access easements are proposed connecting to the future Schutte Station Place within the Blankenbaker Station II development.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	SF Residential	R-4	SW
Proposed	Warehouses	PEC	SW
<i>Surrounding Properties</i>			
North	Vacant	PEC	SW
South	Public Utility	PEC	SW
East	Vacant	PEC	SW
West	Vacant, SF Residential, Institutional	R-4	SW

PREVIOUS CASES ON SITE

- 10-17-98: A preliminary major subdivision plan was approved for the site (English Crossings) but was never constructed.
- 12237: A rezoning from R-4 to PEC for a wholesale nursery was proposed but a formal filing never occurred.

INTERESTED PARTY COMMENTS

Staff received the following email from David Kaelin on May 19, 2016:

Hello Brian, regarding the Maple Crossings case # 15ZONE1028 a road known as Shutte Station Place will come to the back of the subject property for access. On the original Blakenbaker Station II rezoning Case #9-67-05, Shutte Station Place ends in a cul de sac with a road coming off of it that continues south to our property which is 2405 Tucker Station Rd. Information for the benefit for proper design of Shutte Place is that LG&E recently purchased an over 3 acre parcel between case #15ZONE1028 and adjoining our field where they plan to construct a substation to serve the large electrical demand of the industrial developments in the area. LG&E should also access their lot from Shutte Place. This would help keep large construction vehicles and the like off of narrow Tucker Station Rd. and could lead to a nice landscape design all along our Scenic Corridor, Tucker Station Rd. Shutte Station Place is an important road adjoining our farm as it provides us access to a MSD sanitary sewer connection because our property is part of the MSD Recapture agreement. County Engineer Mr. Brown had a question about Shutte Place during the LD&T meeting held April 28, 2016. We want to make sure that the road coming to our property is in the new plan to serve our property. I hope my input is helpful for the proper routing of Shutte Station Place.

Thanks,
David Kaelin

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.

More information is required to determine if compliance with **Guideline 1 (Community Form)** and **Guideline 3 (Compatibility)** has been found for this proposal. The site is surrounded by parcels on the east side of Tucker Station Road with the same zoning as has been requested in this proposal. Therefore, the rezoning request would continue the development pattern in the area for the previously approved Blankenbaker Station II development. Appropriate setbacks, building heights, and landscaping will be provided along all lot lines, which will include the proper scenic corridor setback and buffer along Tucker Station Road. A 50-foot stream buffer has been placed around the intermittent stream on site to help protect the natural resources on site. Parking and loading areas have been appropriately placed to the side or rear of the proposed warehouses. However, concerns about this proposal are the provision for access to the site and associated truck traffic that will be generated. Warehouses are proposed to be built on the site which will assuredly increase the amount of large trucks accessing the development. The applicant has eliminated direct connections to Tucker Station Road which were shown on the pre-application plan. Access will come from a future extension of Schutte Station Place.

The proposal complies with **Guideline 4 (Open Space)** as there are no open space requirements for this proposal and there is an intermittent stream and associated 50-foot buffer integrated into the site.

A 50-foot stream buffer has been provided around the intermittent stream to help protect natural areas or habitats on this site and there are not any historic landmarks. Therefore, the proposal complies with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

More information is required to determine if compliance with **Guideline 6 (Economic Growth and Sustainability)** has been found for this proposal. As stated previously, the proposed industrial use makes this site a prime candidate for inclusion with Blankenbaker Station II as that development has been approved as an industrial development and would provide existing and proposed infrastructure to support warehouses. Of particular concern is including this proposal in the adjacent development so Tucker Station Road would not be overly stressed by the additional truck traffic created by the proposed use. The applicant will need to explain why it is not appropriate to use the existing infrastructure in Blankenbaker Station II and eliminate the access to Tucker Station Road. The applicant should also consider having the site annexed into the industrial subdivision.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. The plan provides the maximum number of spaces permitted. The site provides pedestrian and bicycle access via the sidewalk provided along Tucker Station Road and the future access points leading to the site. Mass transit does not currently serve this area and, therefore, no transit infrastructure is provided.

The site is compliant with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** if the applicant addresses MSD comments. Existing utility infrastructure will be maintained for the development and the APCD has given preliminary approval.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to Louisville Metro Council regarding the appropriateness of this zoning map amendment. Louisville Metro Council has zoning authority over the property in question.

TECHNICAL REVIEW

- The applicant has not provided building renderings. A binding element has been added requiring the applicant to submit them prior to obtaining permits.
- All other agency comments have been addressed.

STAFF CONCLUSIONS

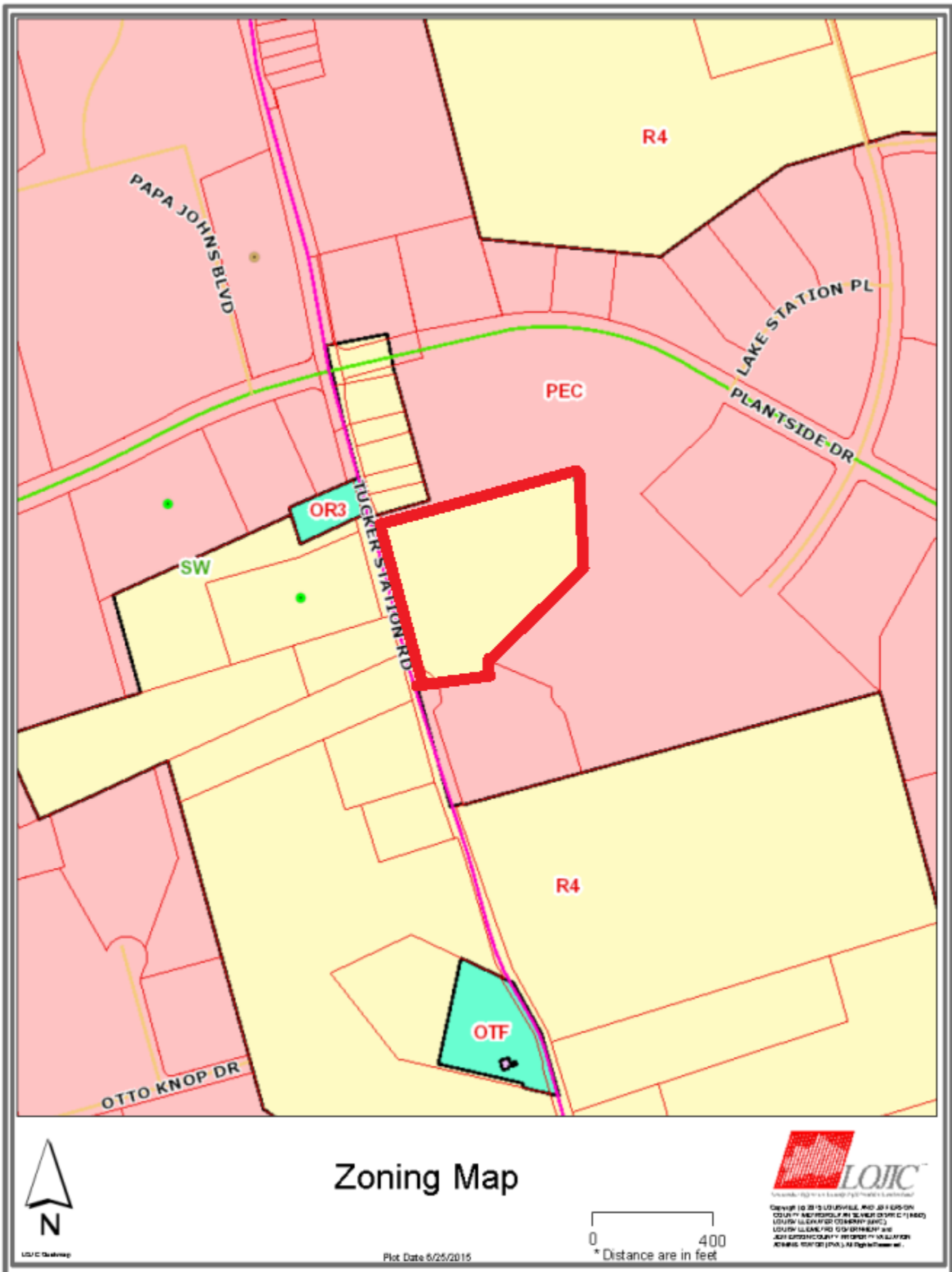
The proposal is predominately surrounded by industrially-zoned land. The proposed industrial/warehouse use is more in keeping with the form district than the existing single family use. The proposal does not have direct access to Tucker Station Road, but will construct a sidewalk along its frontage. The proposal provides the required buffering along the protected stream which traverses along the eastern portion of the property. The proposal is in compliance with the Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing zoning classification is inappropriate and the proposed classification is appropriate; OR if 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.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into the pattern of development, which features buildings set back from the street in a landscaped setting.	✓	The proposal features buildings set back from the street in a landscaped setting and meets the standards of the scenic corridor while providing a four board horse fence along Tucker Station Road which is consistent with area development.
2	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal integrates into a planned development that features a mixture of related uses, and that may contain either a single major use or a cluster of uses.	✓	The applicant has oriented the use towards the adjoining PEC development and there is no proposed access to Tucker Station Road.
3	Community Form/Land Use Guideline 1: Community Form	B.10: The proposal incorporates connected roads, encourages access to public transportation, and provides for pedestrians.	✓	
4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	+/-	More information is needed to determine compliance with this policy.
5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal is not a non-residential expansion into an existing residential area as the site is surrounded by PEC zoning on all sides on the east side of Tucker Station Road.
6	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal has been preliminarily approved by APCD.
7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	+/-	
8	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal must meet all regulations pertaining to lighting.
9	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	+/-	More information is needed to determine compliance with this policy.
10	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or	✓	The site is surrounded by PEC zoning on all sides on the east side of Tucker Station Road. Required LBA is being provided along those boundaries and the applicant has complied with the scenic corridor setback and buffer requirements along Tucker Station Road. The applicant should provide renderings that demonstrate compatibility with similar surrounding buildings.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		setback requirements.		
11	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The site is surrounded by PEC zoning on all sides on the east side of Tucker Station Road. Required LBA is being provided along those boundaries and the applicant has complied with the scenic corridor setback and buffer requirements along Tucker Station Road. The applicant should provide renderings that demonstrate compatibility with similar surrounding buildings.
12	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposal conforms to the form district setback, building height, and lot dimension standards.
13	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	NA	Parking and loading areas are located away from residences and should not impact those homes or negatively impact motorists or pedestrians.
14	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The proposal appropriately screens parking and circulation areas from the street and parking is located on the side or rear of the proposed buildings.
15	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	Parking garages are not proposed for this site.
16	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	The proposal must meet all regulations pertaining to signs.
17	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space is not required for this proposal.
18	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for this proposal.
19	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	✓	The intermittent stream on the site is protected by a 50' buffer and some tree canopy is being preserved on the site.
20	Community Form/Land Use Guideline 5: Natural Areas and Scenic and	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the	✓	The intermittent stream on the site is protected by a 50' buffer and some tree canopy is being preserved on the site.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
	Historic Resources	topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.		
21	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There are no historic structures on these parcels nor are they within a historic preservation district.
22	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	✓	The intermittent stream on the site is protected by a 50' buffer and some tree canopy is being preserved on the site.
23	Marketplace Guideline 6: Economic Growth and Sustainability	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.	✓	The newly proposed land use meets the needs of the workplace district and their employees.
24	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The proposal is not located downtown.
25	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	✓	The property abuts an existing PEC zoned development.
26	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	There is no retail component to the proposed development.
27	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	There are fewer than 100 employees proposed within the development.
28	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will contribute its proportional share of the cost of infrastructure improvements as necessary.
29	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides	✓	The site is not served by mass transit. The sidewalk addition along the street and access points from streets will provide pedestrian and bike

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		amenities to support these modes of transportation.		access.
30	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	+/-	
31	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal will contribute its proportional share of the cost of infrastructure improvements as necessary.
32	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal meets the minimum and maximum parking requirements.
33	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	Access comes through an adjoining property. There is no direct access to Tucker Station Road.
34	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	There are no vacant tracts surrounding this property.
35	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access to the site is provided through areas of similar intensity.
36	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	
37	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The site is not served by mass transit. The sidewalk addition along the street and access points from streets will provide pedestrian and bike access.
38	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff	✓	MSD has approved the preliminary plan.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.		
39	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal has been preliminarily approved by APCD.
40	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	✓	The intermittent stream on the site is protected by a 50' buffer and some tree canopy is being preserved on the site.
41	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities.
42	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal is located in an area served by existing utilities or planned for utilities.
43	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	MSD has approved the preliminary plan.

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. 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.