

Development Review Committee

Staff Report

May 24, 2023



Case No:	23-DDP-0012
Project Name:	Blankenbaker Distribution Center West
Location:	2910 Blankenbaker Rd
Owner(s):	Mills Properties Jefferson LLC
Applicant:	Stanley Lichtefeld
Jurisdiction:	Louisville Metro/City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Ethan Lett, Planner I

REQUESTS

- Amendment to the General Plan Binding Elements
- Detailed District Development plan

CASE SUMMARY/BACKGROUND

The applicant is proposing an 86,000 square foot warehouse building with metal fabrication and office space on a 9.5-acre site. A detached 5,000 square foot fabrication shop and outdoor storage space is also proposed. The subject site was originally included on a general district development plan as part of a change in zoning from R-4 to PEC under Docket # 9-21-97. The site is bordered by PEC lots to the north, east, and southeast and is bordered by R-4 lots and one OR-3 lot to the southwest. The northernmost portion of the property is within the city limits of Jeffersontown. Frontage along Blankenbaker Road provides access to two minor arterial roadways: Blankenbaker Parkway, just south of the subject site, and Plantside Drive, just over a half-mile to the north. Along with the required landscape buffers, preserved tree canopy provides additional screening and buffering along the northern property line and the western property line abutting residential lots.

STAFF FINDING

Staff finds that the proposal meets the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Land Development Code (2006) Jeffersontown

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN 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 do not appear to be any 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 has 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. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- 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. Preserved tree canopy provides additional screening and buffering between lower intensity uses. 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 proposed development is located in a major employment center characterized by established industrial subdivisions and uses of similar intensity. The area has established infrastructure and transportation facilities that will serve the subject site and provide appropriate connectivity to nearby arterial streets. Setbacks, buffering and landscaping will minimize negative impacts of activity on abutting properties with lower intensity land uses. For these

reasons, 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 **Amendment to the General Plan Binding Elements**
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Amendment to the General Plan Binding Elements**
- **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Detailed District Development Plan with Binding Elements**

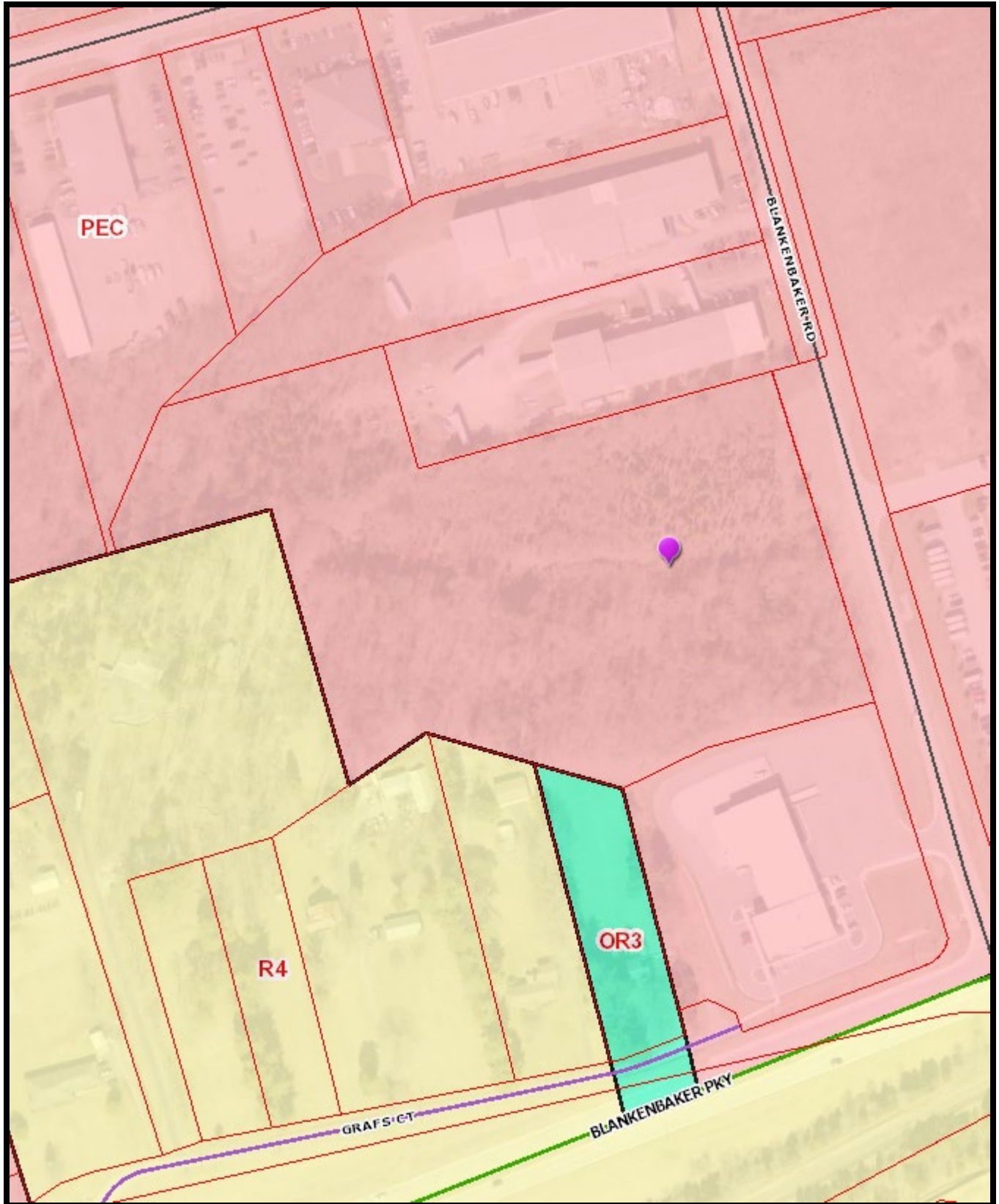
NOTIFICATION

Date	Purpose of Notice	Recipients
5/12/2023	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 11

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements with Proposed Changes
4. Proposed Detailed District Development Plan Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing General Plan Binding Elements with Proposed Changes

1. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan showing existing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on site as shown by aerial photo or MSD topography.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
2. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities – preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
3. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
4. The development shall be in accordance with the approved general district development plan/preliminary subdivision plan and agree upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
5. Prior to development of each lot of this subdivision, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. Screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking

- h. sidewalks
- i. site design elements relating to alternative transportation modes
- j. outdoor lighting
- k. minor subdivision plat approval
- l. air pollution
- m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
- n. dumpsters

6. ~~There shall be no direct vehicular access to Rehl Road. Only Lots 1 and 2 shall have access to Blankenbaker Road, limited to one curb cut each.~~

- 7. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site.
- 8. There shall be no outdoor storage on the site without appropriate screening or buffering.
- 9. Outdoor lighting shall be directed down and away from surrounding residential properties.
- 10. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
- 11. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (400 S. Sixth Street).
 - b. The size and location of any proposed freestanding sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
 - c. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

- d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- 12. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
- 13. A certificate of occupancy must be received from the appropriate code enforcement officer 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.
- 14. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
- 15. Existing vegetation in the perimeter landscape buffer area (LBA) shall be preserved to provide buffering for the surrounding residential area. A dense screen shall be provided with the construction of a berm and evergreen trees planted 15 feet on center within the remaining portion of this LBA.

4. Proposed Detailed District Development Plan Binding Elements

All binding elements from the approved General Development Plan are applicable to this 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 and Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission, or the Planning Commission's designee, and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Construction Review, Louisville Metro Public Works, the Metropolitan Sewer District, and the City of Jeffersontown (10416 Watterson Trail).
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 24, 2023 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
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 and the City of Jefferson
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.

7. No overnight idling of trucks shall be permitted on-site.
8. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
9. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
10. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
11. If a building permit is not issued within two years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of Jeffersontown.
12. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.