

# Planning Commission Staff Report

September 4th, 2014



<b>Case No:</b>	<b>14MOD1010</b>
<b>Request:</b>	<b>Binding Element Amendment</b>
<b>Project Name:</b>	<b>Blankenbaker Station II HOSTS Distribution Facility</b>
<b>Location:</b>	<b>Plantside Drive, Block 39, Lot 69</b>
<b>Owner:</b>	<b>Hosts Development LLC</b>
<b>Applicant:</b>	<b>Hosts Development LLC</b>
<b>Representative:</b>	<b>Bill Bardenwerper</b>
<b>Jurisdiction:</b>	<b>Louisville</b>
<b>Council District:</b>	<b>20 – Stuart Benson</b>
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

## REQUEST

- Binding Element Amendment

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: PEC  
 Existing Form District: Suburban Workplace  
 Existing Use: Vacant  
 Proposed Use: Office/Warehouse  
 Minimum Parking Spaces Required: 262  
 Maximum Parking Spaces Allowed: 400  
 Parking Spaces Proposed: 396  
 Plan Certain Docket #: 9-67-05

The applicant is requesting to add three new binding elements to the subject site. They will create better compatibility with the surrounding properties. They involve screening, landscaping, noise mitigation and movement of the dumpster location. The additional screening and noise mitigation will occur to the southeast and the west property line with additional landscaping along the Rehl Road frontage. The binding element regarding the dumpster will move its location from the west to the east end of the approved building.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	PEC	SW
<b>Proposed</b>	Office/Warehouse	PEC	SW
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Vacant	PEC	SW
<b>South</b>	Single Family Residential	R-4	SW
	Vacant	PEC	
<b>East</b>	Single Family Residential	R-4	SW
	Vacant	PEC	
<b>West</b>	Vacant	PEC	SW
	Single Family Residential	R-4	

## PREVIOUS CASES ON SITE

- 9-67-05: Rezoning from R-4 to PEC for Blankenbaker Station II.
- 14489: Revised General District Development Plan with General Plan Binding Element Amendments.
- 14DEVPLAN1004: Planning Commission approved a detailed district development plan for a warehouse/office and distribution center on the subject site.

## INTERESTED PARTY COMMENTS

David Dries sent in an email of concern for the subject property and the adjacent associated proposed warehouse facility. His concern is regarding the alignment and location of the Urton Lane corridor at the intersection with Plantside Drive.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR BINDING ELEMENT AMENDMENT

- 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: Tree canopy requirements of the Land Development Code will be provided on the subject site. The applicant will be natural resources on the property with the addition of landscaping, screening and berming.

- 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 with 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 provisions 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 from the activities of the proposed use. Buildings and parking lots will meet all required setbacks. The applicant has requested the amendment to binding element to address compatibility issues of noise and screening to increase the proposed developments compatibility with the existing residential properties in the area.

- 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 requirements of the Land Development Code and Cornerstone 2020.

### TECHNICAL REVIEW

Any amendments to the binding elements that require updates to the previously approved detailed plans under 14DEVPLAN1004 will need to be updated on the development plan.

### STAFF CONCLUSIONS

The standard of review has been met for the requested binding element amendments. 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 meets the standards for granting an amendment to binding elements as established in the Land Development Code.

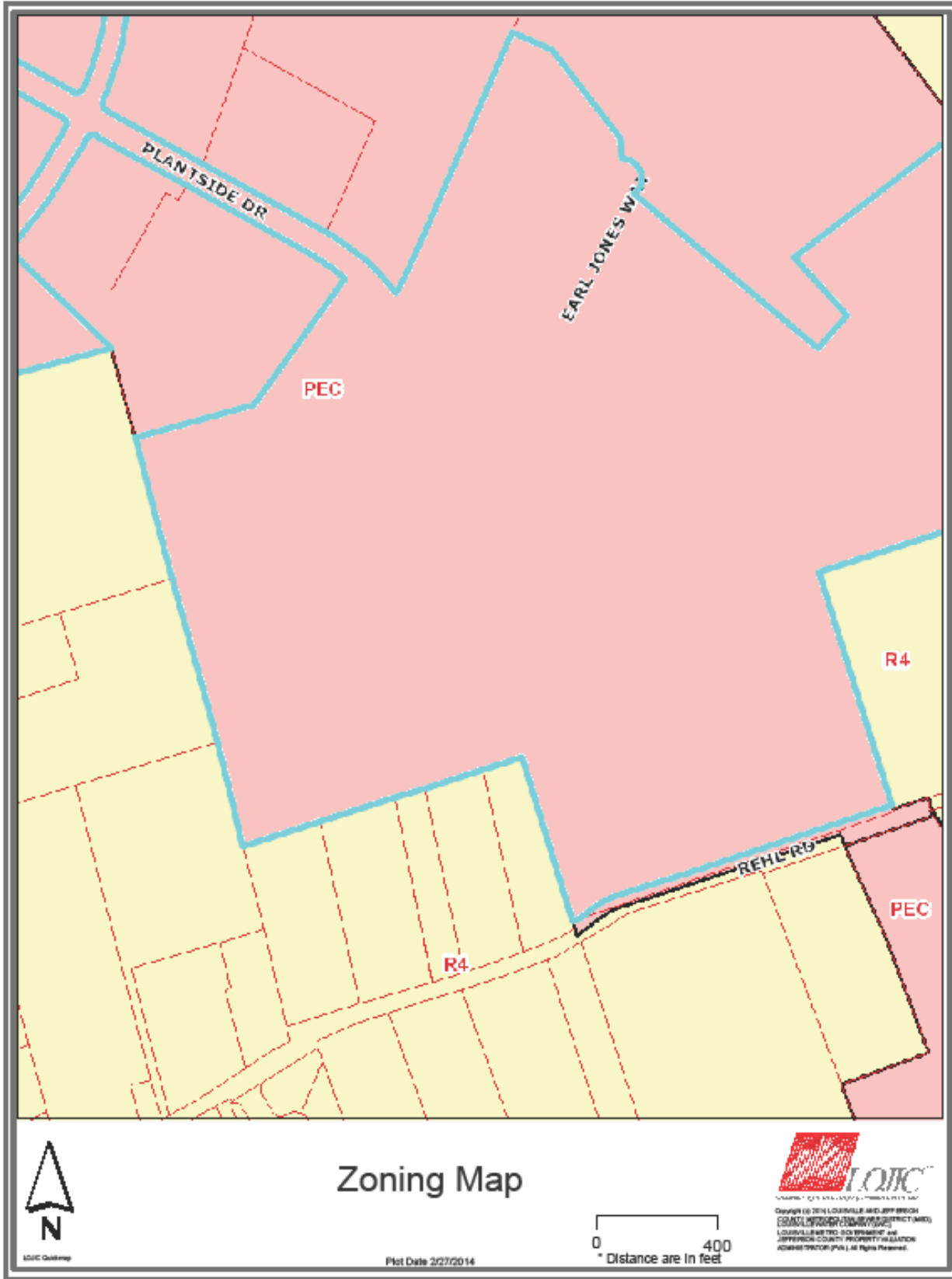
### NOTIFICATION

Date	Purpose of Notice	Recipients
8/21/14	Hearing before PC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 20 Notification of Development Proposals

### ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



### **3. Existing 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 315,000 square feet of gross floor area.
3. 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.
4. There shall be no outdoor music (live, piped, radio or amplified) or outdoor PA system audible beyond the property line.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 6<sup>th</sup>, 2014 Planning Commission meeting.
7. There shall be no direct vehicular access to Rehl Road.
8. A right turn lane from north-bound Tucker Station Rd to east-bound Bluegrass/Tucker Station Rd shall be constructed prior to the issuance of a certification of occupancy for Lot 23 or Lot 24.

### **4. Proposed Binding Elements**

9. A screening and noise mitigation fence shall be constructed by the applicant, 8 feet in height similar to the fence located at the southeast corner of Plantside Drive and Tucker Station Road, along the referenced property west property line and extending into the future Lot 24 property, which will extend from the scenic corridor setback line along Rehl Road north and connecting to a sound fence being built across the southern part of the future Lot 24 property, such west fence as shown on the exhibit presented at the September 4<sup>th</sup>, 2014 Planning Commission meeting.
10. Berming and landscaping shall be provided by the applicant on the subject site along the Rehl Road frontage of the property as shown in the exhibit presented at the September 4<sup>th</sup>, 2014 Planning Commission meeting.
11. The trash compactor shall be located along the east end of the approved building and shall not be located along the west end of the building.