

# Development Review Committee

## Staff Report

January 18, 2023



<b>Case No.</b>	22-AMEND-0010
<b>Project Name</b>	Blankenbaker Plaza tenant sign
<b>Location</b>	201 Blankenbaker Parkway
<b>Owner/Applicant</b>	Blankenbaker Plaza LLC
<b>Representative</b>	Strobo Barkley PLLC
<b>Jurisdiction</b>	City of Douglass Hills
<b>Council District</b>	19 – Anthony Piagentini
<b>Case Manager</b>	Beth Jones, AICP, Planner II

### REQUEST

#### Modification of Binding Element #9

### CASE SUMMARY/BACKGROUND

The applicant proposes to remove the existing freestanding multi-tenant sign for Blankenbaker Plaza, located at the corner of Blankenbaker Lane and Shelbyville Road, and replace it with one meeting current LDC standards for sign area and overall height.

The proposed amendment of Binding Element #9 will allow any future freestanding sign, whether for the main shopping center or for an outparcel, to meet the current area and height standards for the site rather than adhering to specific standards set within a binding element. The design requirements for sign style and illumination as specified in the original binding element will remain in effect, and the sign(s) will still require the approval of the Planning Commission and the City of Douglass Hills.

The specific multi-tenant sign being proposed at this time is larger and taller than would currently be permitted by the existing Binding Element. It is smaller and shorter than what is currently permitted by the City of Douglass Hills Development Code.

<b>FREESTANDING MULTI-TENANT SIGN</b> <i>Suburban Marketplace Corridor Form District</i> <i>Minor Arterial Roadway</i>	<b>PERMITTED</b>	<b>PROPOSED</b>
Total Sign Area	Maximum 140 sf	103 sf (73%)
Overall Height	Maximum 26 ft	14 ft (54%)
Base Style	Monument	Monument
Lighting	Internal only; opaque background	Internal only; opaque background

### STAFF FINDING

The request is adequately justified and meets the standard of review. Staff supports a recommendation to the City of Douglass Hills to amend the binding element as requested.

## **TECHNICAL REVIEW**

The site was developed under Docket 9-38-94 and approved by the City of Douglass Hills under Ordinance No. 3, Series 1996.

## **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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: Relevant natural resources are being protected according to the approved development plan. This proposal does not alter any natural resources.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Vehicular and pedestrian transportation are not being impacted by this request.

- 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 associated with this request.

- 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: Adequate drainage facilities are being provided per MSD requirements and the most recent approved development plan.

- 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 site meets all required setback regulations, and there are no new landscaping requirements triggered as part of this proposal.

- 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 proposal conforms to the Louisville Metro Comprehensive Plan and Land Development Code. Further approval by the City of Douglass Hills is required. The Louisville Metro sign permitting process must also be completed.

**REQUIRED ACTIONS**

Recommendation to the City of Douglass Hills to **APPROVE** or **DENY** the amendment of the Binding Elements.

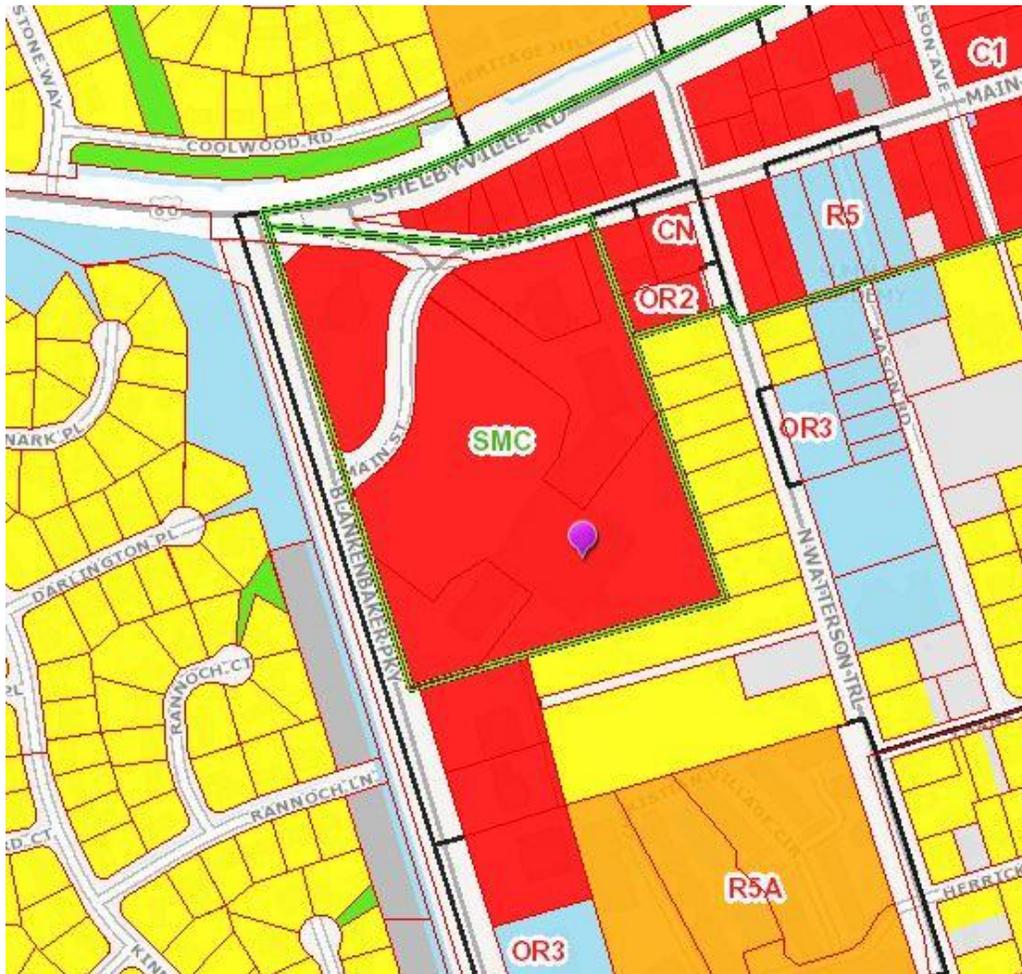
**NOTIFICATION**

Date	Purpose of Notice	Recipients
1/5/23	Hearing before DRC	1st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 19

**ATTACHMENTS**

1. Zoning Map
2. Aerial View
3. Existing Binding Elements with proposed changes

1. **Zoning Map**



2. Aerial View



### **3. Existing Binding Elements with proposed changes**

1. Development of the subject property shall only be in accordance with the approved district development plan, land uses and agreed-upon binding elements unless amended pursuant to the Zoning District Regulations. No further development, deviation from the approved plan or amendment of binding elements shall occur without prior approval of the Planning Commission and the City of Douglass Hills. These binding elements are for the benefit of surrounding areas; therefore, any further development or deviation from the approved plan or amendment of these binding elements shall require notification to the Mayor of the City of Douglass Hills at least four weeks before the Land Development and Transportation Committee meeting at which any such proposal is considered.
2. Prior to development of the OR-3 and C-1 outparcels, a detailed district development plan shall be submitted to the Planning Commission and the City of Douglass Hills for approval. Each plan shall be in adequate detail and may be subject to additional binding elements, which may relate, but not be limited to, the following items:
  - (a) Screening, buffering, landscaping
  - (b) Density, floor area, size and height of buildings
  - (c) Points of access
  - (d) Land uses
  - (e) Signs
  - (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.
3. This development shall be limited to and shall not exceed the following:
    - (a) In the C-1 commercial district, 98,925 square feet of gross floor area for retail and 14,000 square feet of gross floor area for restaurant.
    - (b) In the OR-3 office/residential district, 83,000 square feet of gross floor area for two story general/professional office.
  4. There shall be no medical offices or other uses requiring a parking ration greater than one space per 400 square feet of floor area permitted in the OR-3 area unless parking can meet the requirement of the proposed use.
  5. In the area zoned C-1, the following uses, otherwise permitted as a matter of right in the C-1 zoning district, shall not be permitted: automobile service stations, beer depots, boarding & lodging houses, bowling alleys, car washes, community residences, garage or yard sales, hotels, motels, ice storage houses, and nursing homes.
  6. In the area zoned OR-3, the following uses, otherwise permitted as a matter of right in the OR-3 zoning district, shall not be allowed: boarding & lodging houses, fraternities and sororities, and garage or yard sales.
  7. The architectural style and design of the C-1 and OR-3 zoned properties shall be Colonial Williamsburg. The Colonial Williamsburg style and design of the main shopping center building on Tract A shall be substantially similar to that shown on the architectural rendering submitted to the Planning Commission at the public hearing on October 26, 1994. Before a building permit is issued, the final proposed architectural plan must be re-approved by the Land Development and Transportation Committee and by the City of Douglas Hills for substantial consistency with this binding element and, as to the main shopping center building, with the rendering submitted as noted above.
  8. There shall be only one point of access from the Blankenbaker Road Extension (Road A) to the area zoned OR-3 (Outparcels 4-6). There shall be no direct access to Historic Main Street from the two out-parcels abutting Historic Main Street. There shall be no direct access to the Blankenbaker Road Extension from the two out-parcels located at the corner of Shelbyville Road and the Blankenbaker Extension.
  9. The only permitted freestanding signs for the main shopping center parcel (Tract A) shall be monument style ~~as shown on the approved detailed district development plan. These signs shall not exceed 60 square feet in area and six feet in height.~~ **and shall comply with all applicable sign regulations set forth in the Land Development Code.** Freestanding signs for the remainder of the development shall be monument in style and must be approved by the Planning Commission and the City of Douglass Hills on the detailed district development plans. Any lighting shall be internal (within the sign) with only the letters being illuminated. ~~Freestanding signs on all commercial outparcels shall not exceed six feet in height.~~
  10. No outdoor advertising signs (billboards), small freestanding temporary signs, pennants or banners shall be permitted on the site. This does not include signs advertising the sale or lease of the

property.

11. Building mounted signs shall be limited to lettering only with no color backdrop to the lettering other than structural elements and the building façade. Only the letters may be illuminated. Except as otherwise limited by these binding elements, signage shall be limited to the size and location requirements of the applicable sign code.
12. There shall be no outdoor display, storage or sale of merchandise including soft drink machines except that seasonal merchandise may be displayed and sold wholly under canopy between the two side walls of the proposed Winn Dixie store. No other outdoor display, storage or sale of merchandise may occur anywhere else on any part of the development site. No rides, mini-fairs, chow wagons, tent sales or comparable activities shall be permitted in the parking lots.
13. The perimeter of the parking area shall contain lighting poles and fixtures of the type and design found as of the date of these binding elements at the Woodlawn Center on Hubbards Lane. Light poles shall not exceed the height of the light poles at Woodlawn Center, and lighting shall not exceed one footcandle at the property lines adjacent to the residential areas. Lighting shall be directed down and away from residential areas so as to minimize dispersion of light toward residential areas.
14. No loudspeakers shall be used which would allow sound to be heard from the exterior of any part of any building, except that outside speakers shall be permitted at outside menu boards or bank drive-through windows to the extent that sound is not audible from an outside speaker beyond the property lines of the lot on which the speaker is located.
15. Roof-top mechanical items (such as HVAC units) on the Winn Dixie building shall be screened from view. Outside disposal/reclamation areas shall be screened from view within structures faced with the same materials as the main shopping center building to a height of the disposal/reclamation container.
16. Sidewalks shall be constructed with each phase of construction or as outparcels are developed. The developer of each respective phase/outparcel shall install sidewalks as shown on the approved general district development plan for the distance of their road frontage and where shown internally. Additional internal sidewalks may be required for the OR-3 and C-1 outparcels as detailed district development plans are approved.
17. Deliveries shall be restricted to between the hours of 7:00 a.m. and 7:00 p.m. There shall be no overnight parking of delivery vehicles, and signs shall be clearly posted to advise of this prohibition which shall be enforced by the owner or tenant.
18. 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 and demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission landscape architect, after consultation with the City of Douglass Hills, if the adjustments 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 on the site as shown by serial photo or LOJIC maps,

and

(d) Location of construction fencing for each tree/tree mass designated to be preserved.

19. A landscape buffer/tree preservation area shall be provided as shown on the approved detailed district development plan for Tract A. In this area, the developer shall retain as much natural tree growth as feasible which shall be augmented with such additional number of trees as to satisfy the Planning Commission landscape architect, after consultation with the City of Middletown (with respect to the residential property located in the City of Middletown adjoining Tract A) and with the City of Douglass Hills that an effective screen has been imposed. No trees, except dead trees and undesirable undergrowth, shall be removed from this area until a landscaping/screening plan has been submitted to and approved by the Planning Commission staff landscape architect, which plan shall take into account the screening characteristics of the existing vegetation, including details as to the trees to be retained and the number, size and species of additional trees to be planted. Construction of a berm may be substituted for the above in the landscaping/screening plan at the direction or the approval of the Planning Commission landscape architect after consultation with the City of Douglass Hills. This landscape buffer shall be perpetually maintained by the developer or its successor title holder free of weeds, trash and other debris and free of any structure, building or any other development including, but not limited to, paving for vehicles, dumpsters, or trash and garbage collection facilities.
20. Right-of-way 130 feet in width shall be provided as shown on the approved general district development plan along the east boundary of the 100 foot wide electric utility easement from Shelbyville Road to Watterson Trail. If requested to do so by the Planning Commission and the City of Douglas Hills following Planning Commission and Douglas Hills consultation with the State Transportation Cabinet which is devising plans for the construction of the new Blankenbaker Parkway extension, the property owner shall set aside, from Shelbyville Road to the C-1 and OR-3 dividing line, a strip 20 – 30 feet wide within the 130-foot right-of-way, as determined by the Planning Commission and County Works Department with input from the City of Douglass Hills and State Transportation Cabinet, and, to the extent possible, this 20-30 foot wide strip shall be set aside as a scenic easement, granted in accordance with the provisions of KRS 65.410 to preserve the natural tree growth and provide for a screen and buffer. Past the C-1 and OR-3 dividing line on Blankenbaker Parkway toward Watterson Trail, a strip the same width, also if and as determined as above, shall be set aside as provided above, in which a berm shall be constructed in accordance with plans approved by the Planning Commission and County Works Department.
21. Before a building permit or alteration permit and/or a certificate of occupancy is requested:
- (a) the development plan must be re-approved by the Jefferson County Department of Public Works and Transportation, the Metropolitan Sewer District, and the City of Douglass Hills;
  - (b) encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways;
  - (c) a minor subdivision plat shall be recorded dedicating additional right-of-way to equal 40 feet from the center line of Watterson Trail (a copy of the recorded instrument shall be submitted to the Planning Commission);
  - (d) the property owners/developers must obtain approval of the Planning Commission staff landscape architect, after consultation with the City of Douglass Hills, of a detailed screening/buffering/landscape plan as described in Article 12 of the Development Code (such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter); and
  - (e) an access and crossover easement agreement shall be executed and recorded to guarantee shared access as shown on the approved general district development plan (a copy of the recorded information shall be submitted to the Planning Commission legal counsel).

22. If a building permit is not issued by January 1, 2000, the property shall not be used in any manner until an extension is granted by the Planning Commission or until a revised district development plan is approved by the Planning Commission and the City of Douglass Hills.
23. In no event may business operations in any structure or on any of the commercial or office properties be commenced until the earliest to occur of 30 days following the opening of the Blankenbaker Extension at Shelbyville Road or January 1, 2000. A certificate of occupancy must be received from the appropriate code enforcement officer prior to the commencement of business operations in any structure. A C.O. need not be obtained for, and commencement of business operations is not deemed to include, building construction, the stocking of shelves or otherwise preparing the interior of a structure for the commencement of business operations. All binding elements must be implemented prior to requesting issuance of a C.O. on the commercial or office properties, unless specifically waived by the Planning Commission and the City of Douglass Hills.
24. If the developer is required by the State Highway Department to do so or to the extent the Developer, in accordance with Binding Element #23, commences business operations prior to the opening of the Blankenbaker Extension, the developer shall reconstruct Old Main Street at Shelbyville Road and shall keep Old Main Street open right turn in from and right turn out to Shelbyville Road as presently anticipated and as shown on the approved district development plan. The Developers may not amend their plans as set forth in the preceding sentence for construction of the Main Street connector road (Road B as shown on the approved district development plan) unless specifically required to do so by the State Highway Department after public comment at an open meeting to which representatives of the City of Douglass Hills and the Middletown Historic Commission were invited with adequate prior notice.
25. The Developer shall construct two transit shelters at the direction of TARC at such time as transit service is available and a C.O. has been obtained.