

Louisville Development & Transportation Committee
Staff Report
June 25, 2015



Case No:	15DEVPLAN1066
Request:	Detailed District Development Plan and Waivers
Project Name:	Point Blank Range and Gun Shop
Location:	330 N. English Station Road
Owner:	Middletown Partners, LLC
Applicant:	Point Blank Range and Gun
Representative:	Land Design & Development, Inc.
Jurisdiction:	Middletown
Council District:	19 – Julie Denton
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUESTS

- Detailed District Development Plan to construct a 15,080 square foot building to be used as a gun shop and indoor shooting range.
- Waiver #1: A waiver of Section 10.2.4.B to allow more than 50 percent of the required Landscape Buffer Area to contain existing easements along the eastern property line adjacent to N. English Station Road.
- Waiver #2: A waiver of Section 5.6.1.B.1 & C.1 to waive the 60 percent (of the building length) animating features and 50 percent windows and/or doors on the Aiken Road building façade.
- Waiver #3: A waiver of Section 5.5.2.B to waive the vehicular connection to the south.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2

Existing Form District: Suburban Marketplace Corridor

Existing/Proposed Use: Vacant/Commercial

The applicant is proposing to construct a new 15,080 square foot building to be used as a gun shop and indoor shooting range. The site is located at the intersection of Aiken Road and North English Station Road and is a part of the Middletown Station development. It is located immediately behind the Walmart Superstore.

The proposed structure consists of multiple exterior materials to help create visual interest. The applicant is utilizing trees along the North English Station Road façade to meet the animating features requirement of the LDC; however, they are requesting a waiver of said requirements for the Aiken Road façade. The heightened security and protection needs associated with the business make it difficult to use large amounts of windows along the façade.

The applicant is also requesting a waiver to not provide a vehicular connection to the south (Walmart). The development of the Walmart involved significant earthwork and a retaining wall was constructed. Providing a connection is a topographical challenge and would require significant engineering to accommodate for working on the retaining wall.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-2	SMC
Proposed	Commercial	C-2	SMC
Surrounding Properties			
North	Commercial/Industrial	C-M	Suburban Workplace
South	Open Space/Office	C-2	SMC
East	Office/Commercial	OR-3/CM	Suburban Workplace
West	Commercial	C-2	SMC

PREVIOUS CASES ON SITE

9-82-78: The original zoning map amendment was a change from R-4 Residential and C-1 Commercial to C-2 Commercial. The Planning Commission recommended approval of the change in zoning on March 1, 1979. Jefferson County Fiscal Court approved the change in zoning on April 26, 1979. There have been multiple changes and detailed plans reviewed under this docket number since its original approval, but nothing for this particular site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1: Section 10.2.4. to allow a utility easement to encroach more than 50% into the landscape buffer area

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

STAFF: The waiver will not adversely affect adjacent property owners since

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located

adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants.

- (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

- (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:

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2:
Section 5.6.1.B.1 and C.1 to waive the 60 percent (of the building length)
animating features and 50 percent windows and/or doors on the Aiken
Road building façade:**

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

STAFF: The requested waiver will not adversely affect adjacent property owners because other design measures have been implemented so as not to be out of character with development in the vicinity.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 3, policy 1 and 2 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings.

The proposed building will utilize a variety of materials to create visual interest.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the applicant's proposed use is not conducive to having lots of windows and many windows could be deemed a security risk for the 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 regulations could deprive the applicant of full use of the building given the nature of the added security and protection that is needed for the operation.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3:
Sections 5.5.2.B.1 to not provide vehicular and pedestrian connections
between parking lots of abutting developments**

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

STAFF: The waiver will not adversely affect adjacent property owners since the connection is located at the rear of an existing Walmart's loading area.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 2, policy 13 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, policy 13 calls for the requirement of joint and cross access easements according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and to reduce traffic on the main thoroughfare. Because of the site's location in relation to the rest of the development and topographic challenges it would be difficult to construct a connection to the property to the south. The entrance has been placed on Aiken Road to help eliminate additional traffic congestion on North English Station Road.

- (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 the topography of the area is not conducive to connection.

- (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: While requiring the connection would not deprive the applicant of the reasonable use of the land, the connection would require additional grading work that would significantly alter the layout of the parking and building.

STANDARDS OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

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 does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements are not applicable in the Downtown Form District when the floor area ratio is greater than 1.0.

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 will be provided.

The provisions of sufficient open space (scenic and recreational) to meet the needs of the proposed development:

STAFF: There are no open space requirements for this proposed development.

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 will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring.

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.

Conformance of the development plan with the Comprehensive Plan and Land Development Code:

STAFF: The plan conforms to the applicable guidelines and policies of the Comprehensive Plan and to the requirements of the Land Development Code.

TECHNICAL REVIEW

- There are no outstanding technical issues regarding the proposed plan.

STAFF CONCLUSIONS

The standards of review have been met for the requested Detailed District Development Plan. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for approving the Detailed District Development Plan.

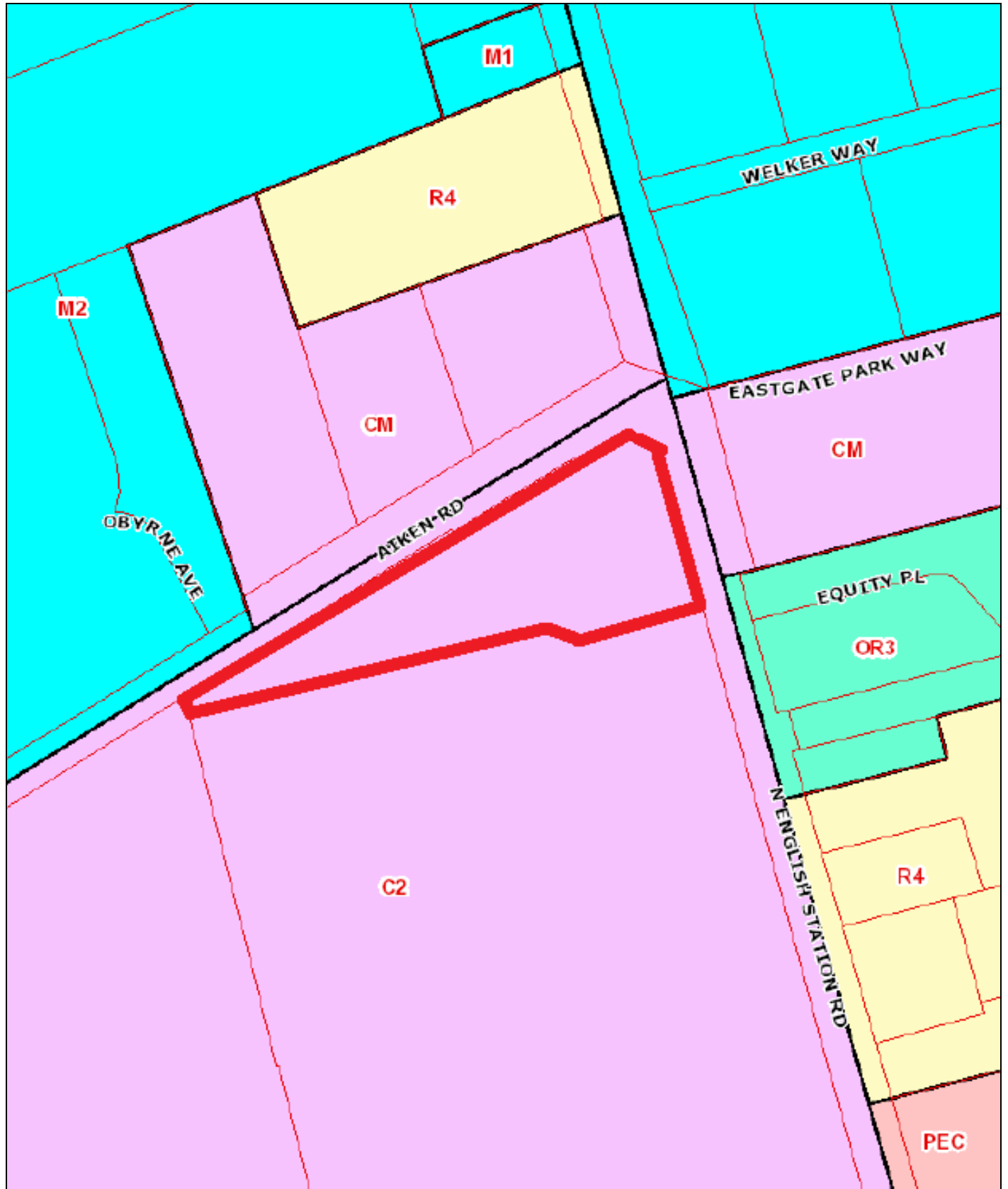
NOTIFICATION

Date	Purpose of Notice	Recipients
6/11/15	Hearing before LD&T	1 st tier adjoining property owners Subscribers of Council District 19 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 following uses permitted in a C-2 district will not be allowed in any phase of Middletown Station Center:
 - (a) Bowling Alleys
 - (b) Ice Storage Houses
 - (c) Funeral Homes
 - (d) Veterinary Hospitals
 - (e) Automobile Garages and used Car Sales Area, except as part of a new automobile sales agency.
 - (f) Dance Halls
 - (g) Kennels
 - (h) Monument Sales
 - (i) Plumbing and Heating Shops
 - (j) Refrigerated Lockers
 - (k) Sign Painting
 - (l) Skating Rinks
 - (m) Storage Garages
 - (n) Trade Schools
 - (o) Upholstery and Furniture Repair Shops
- 2) The development shall not exceed 730,245 of gross floor area. (Tract A to have 537,981 sf retail and 1,738 non-retail; Tract B to have 36,040 sf retail; Tract B1 to have 8,450 sf restaurant; Tract B2 to have 5,450 sf restaurant/bank; and Tract D to have 17,500 sf office. The remaining square footage is taken up by outlots.) Prior to the submittal of any detailed plan for tracts A, B and D, an updated traffic study shall be submitted at the direction of Planning and Design staff.
- 3) The only permitted development identification signs shall be located as shown on the approved general district development plan. The primary entrance sign shall not exceed 255 square feet in area per side and 40 feet in height. The secondary entrance signs (2) shall not exceed 71 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
- 4) The size and location of any proposed freestanding sign must be approved by the Planning Commission and the City of Middletown. The Planning Commission or the City of Middletown may require that the signs be smaller than would otherwise be permitted by the Zoning District regulations.
- 5) There shall be no direct vehicular access from outlots to Shelbyville Road.
- 6) There shall be no further creation of outlots along Shelbyville Road. Outlots are subject to all original binding elements.
- 7) 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 and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 8) No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- 9) 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district 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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
- 10) 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.
- 11) There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 12) 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.
- 13) The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 29, 2006 Development Review Committee meeting.
- 14) No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
- 15) At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

4. Proposed Binding Elements

- 1) The following uses permitted in a C-2 district will not be allowed in any phase of Middletown Station Center:
 - (a) Bowling Alleys
 - (b) Ice Storage Houses
 - (c) Funeral Homes
 - (d) Veterinary Hospitals
 - (e) Automobile Garages and used Car Sales Area, except as part of a new automobile sales agency.
 - (f) Dance Halls
 - (g) Kennels
 - (h) Monument Sales
 - (i) Plumbing and Heating Shops
 - (j) Refrigerated Lockers
 - (k) Sign Painting
 - (l) Skating Rinks
 - (m) Storage Garages
 - (n) Trade Schools
 - (o) Upholstery and Furniture Repair Shops
- 2.) The development shall not exceed **15,080 square feet** 730,245 of gross floor area. (~~Tract A to have 537,981 sf retail and 1,738 non-retail; Tract B to have 36,040 sf retail; Tract B1 to have 8,450 sf restaurant; Tract B2 to have 5,450 sf restaurant/bank; and Tract D to have 17,500 sf office. The remaining square footage is taken up by outlots.~~) Prior to the submittal of any detailed plan for tracts A, B and D, ~~an updated traffic study shall be submitted at the direction of Planning and Design staff.~~
- 3.) ~~The only permitted development identification signs shall be located as shown on the approved general district development plan. The primary entrance sign shall not exceed 255 square feet in area per side and 40 feet in height. The secondary entrance signs (2) shall not exceed 71 square feet in area per side and 10 feet in height. No sign shall have more than two sides.~~
- 4.) The size and location of any proposed freestanding sign must be approved by the Planning Commission and the City of Middletown. The Planning Commission or the City of Middletown may require that the signs be smaller than would otherwise be permitted by the Zoning District regulations.
- 5.) There shall be no direct vehicular access from **the property to N. English Station Road.** ~~outlets to Shelbyville Road.~~
- 6.) ~~There shall be no further creation of outlots along Shelbyville Road. Outlots are subject to all original binding elements.~~
- 7.) 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 and to the City of Middletown for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 8.) No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
- 9.) 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
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 - ~~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; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
- 10.) 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.
- 11.) There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
- 12.) 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.
- 13.) The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the **June 25, 2015 Land Development & Transportation Committee** ~~November 29, 2006 Development Review Committee~~ meeting.
- 14.) No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
- 15.) At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained there after. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.