

Development Review Committee
Staff Report
January 9, 2019



Case No.	18CUP1113
Project Name	Bardstown Road Mini-Storage
Location	4401 Bardstown Road
Owner	Salt River Investment LLC
Applicant	Sterling Development LLC
Representative	Mindel Scott
Jurisdiction	Louisville Metro
Council District	2 – Barbara Shanklin
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

- **Revised Detailed District Development Plan**

CASE SUMMARY/BACKGROUND

The applicant proposes to construct mini-warehouses on a site located on the north side of Bardstown Road between Wahl Street Boulevard and Carey Avenue. The 3.19 acre site is zoned C-2 in a Suburban Marketplace Corridor form district. The proposal includes 170 storage units contained within five one-story structures. An additional 61,542 sq ft, three-story structure houses a 1,200 sq ft office space on the first floor, with the remainder of the structure to be developed as climate-controlled storage units.

Properties to the north and east are zoned R-4 Single-Family Residential in a Neighborhood form district; adjoining sites to the north are in single-family residential use, while the site to the east is in commercial use. The adjoining site to the south is zoned R-7 Multi-Family Residential in a Neighborhood form district and is in commercial use. The vacant site adjoining to the west is zoned C-1 Commercial in a Suburban Marketplace Corridor form district.

The proposed non-residential use is abutted on both sides by sites developed with and/or zoned for commercial uses. Existing development on these sites has fulfilled LDC Transit and Connection Standards requiring all abutting non-residential uses to provide for direct vehicular and pedestrian circulation between them (LDC 5.9.2.A.1.b.ii.). This development includes paved stubs intended to tie into a continuous frontage street to serve a total of six adjoining parcels, including the subject site. The applicant requested a waiver of this requirement at the 1/7/2019 BOZA hearing; results are not known at the time of the publication of this report.

RELATED CASES

13ZONE1016 Change in zoning from M-2 Industrial to C-2 Commercial (13ZONE1016) and Revised District Development Plan and amendments to previously existing binding elements

18CUP1113 CUP request for Mini-Warehouses (LDC 4.2.35) with reliefs regarding side yard LBAs, location of vehicle maneuvering areas and building height standards. The result of this hearing was not available at the time of publication of this report.

STAFF FINDING

The Development Review Committee should approve or deny the Revised Detailed District Development Plan with any and all amendments required as a result of a 1/7/2019 BOZA hearing of the applicant's CUP request for Min-Warehouses.

TECHNICAL REVIEW

The plan as presented may require revision based on the results of the BOZA hearing held on Monday, January 7, 2019.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN

- 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: The site does not include these features.

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

STAFF: Sidewalks are provided for pedestrian use. The plan may require amendment to provide for safe and efficient vehicular transportation, based on the results of the 1/7/2019 BOZA hearing.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required of this development.

- 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 proposed development is compatible with existing and projected future development of the area, with any plan amendments as required by BOZA as a result of its 1/7/2019 hearing.

- 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 plan generally conforms with the Comprehensive Plan and with CUP and form district requirements. The development is not an expansion of non-residential uses into residential areas and provides buffering for adjacent residential uses in excess of requirements .

REQUIRED ACTION

APPROVE or **DENY** the **Revised Detailed District Development Plan**

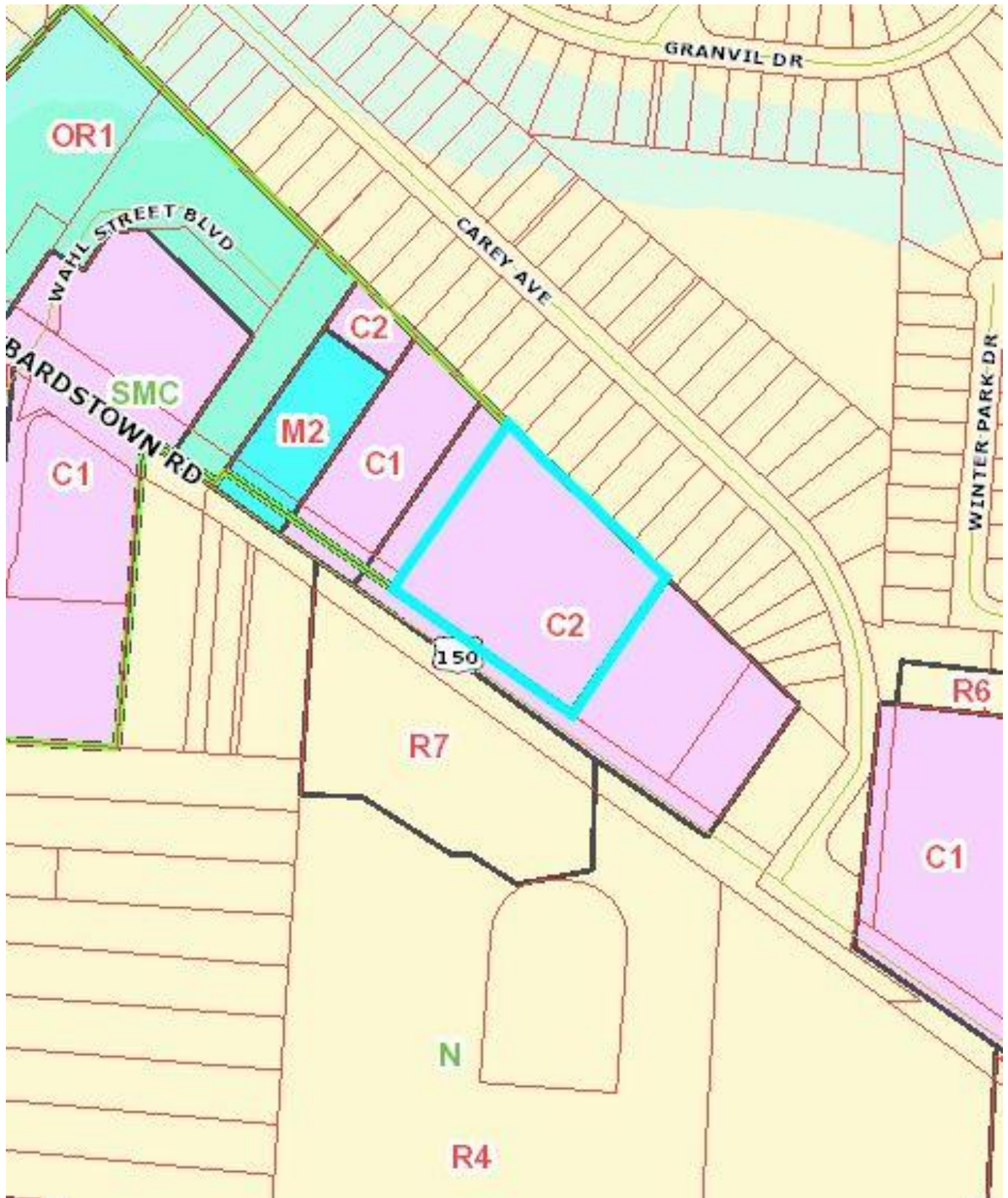
NOTIFICATION

Date	Purpose of Notice	Recipients
9/26/2018	Neighborhood Meeting	1st and 2nd tier adjoining property owners Subscribed Individuals and Registered Neighborhood Groups in Council District 2
11/29/2018	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Subscribed Individuals and Registered Neighborhood Groups in Council District 2 Sign Posting
12/21/2018	Notice of DRC Meeting	1st tier adjoining property owners Subscribed Individuals and Registered Neighborhood Groups in Council District 2

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 11,250 square feet of gross floor area for Lot 2A, 9,150 sf for Lot 28, and 4,288 sf for Lot 2C.
3. No 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, 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to Metro Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. 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 Metro Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 property owner shall provide a cross over access easement if the property to the east is ever developed for a non-residential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 29, 2014 Planning Commission meeting.
11. No idling of trucks between the rear of the shopping center and adjacent single-family residences. No overnight idling of trucks shall be permitted on site.
12. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on site.

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 11,250 square feet of gross floor area for Lot 2A, 9,150 sf for Lot 2B, and 4,288 sf for Lot 2C.~~
3. No 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, 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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~

- c. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to Metro Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in LDC Chapter 10 **and in the conditions of the approved CUP** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. ~~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.~~ **The property owner shall provide crossover access easements to adjoining properties to the east and west as they are developed for non-residential uses, so that vehicular access for all properties listed below is exclusively served by the two currently existing access points at 4335 Bardstown Road and 4405 Bardstown Road. These properties are to include all developed and undeveloped properties currently addressed as 4323, 4335, 4337, 4401, 4405 and 4409 Bardstown Road.** A copy of the recorded instrument shall be submitted to Metro Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 their content. 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 them. 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 property owner shall provide a crossover access easement if the property properties to the east and west are is ever developed for a non-residential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.~~
 10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~May 29, 2014 Planning Commission meeting.~~ **January 7, 2019 BOZA hearing.**
 11. ~~No idling of trucks between the rear of the shopping center and adjacent single-family residences. No overnight idling of trucks shall be permitted on site.~~
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