

Development Review Committee

Staff Report

July 31, 2019



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| Case No: | 19DEVPLAN1106 & 19-WAIVER-0015 |
| Project Name: | Blankenbaker Station I – Lot 7 |
| Location: | 12550 Sycamore Station Pl |
| Owner(s): | Gregory W. Oakley, Pinnacle Partners LLC/TSF Properties |
| Applicant: | Dwayne Hunt, Buck Creek Explorations LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 20 – Stuart Benson |
| Case Manager: | Lacey Gabbard, AICP, Planner I |

REQUESTS:

1. **Waiver** of Land Development Code section 5.6.1.C to allow less than 50% of the wall surfaces at street-level to consist of clear windows and doors and for the windows to be less than 8 feet in height and greater than 2 feet above sidewalk
2. **Revised Detailed District Development Plan** and **Binding Element Amendments**

CASE SUMMARY/BACKGROUND

The subject site is zoned C-2 Commercial in the Suburban Workplace form district. The site is located at the southwest quadrant of the intersection of I-64 and Tucker Station Road, and the northwest quadrant of Tucker Station Road and Sycamore Station Place. The site is currently undeveloped. The applicant is proposing to construct a three-story, 118,500 square foot, climate controlled, self-storage, mini-warehouse facility.

There is a related case, 19CUP1123, to allow a mini-warehouse on a C-2 zoned property. The applicant is also requesting relief from Land Development Code section 4.2.35.G to allow the building to be more than one (1) story/15 feet in height. The applicant is also requesting relief from Land Development Code section 4.2.3.5.H to allow more than one freestanding sign on the site. The Development Review Committee does not act on this case. It will be heard before the Board of Zoning Adjustment on August 5, 2019.

Previous cases:

- 16777: Change in zoning from PEC Planned Employment Center to C-2 Commercial, with building façade waivers

STAFF FINDINGS

The development plan and waiver request are adequately justified and meet the standard of review.

TECHNICAL REVIEW

MSD and Public Works have provided their preliminary approval.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.6.1.C TO ALLOW LESS THAN 50% OF THE WALL SURFACES AT STREET-LEVEL TO CONSIST OF CLEAR WINDOWS AND DOORS AND FOR THE WINDOWS TO BE LESS THAN 8 FEET IN HEIGHT AND GREATER THAN 2 FEET ABOVE SIDEWALK

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

STAFF: The requested waiver will not adversely affect adjacent property owners because the surrounding properties are commercial uses internal to the Blankenbaker Station I development. The nearest buildings in the vicinity, the Federal Bureau of Investigation and Xscape Theatres, do not appear to comply with this façade requirement.

- (b) The waiver will not violate specific guidelines of Plan 2040

STAFF: Land Use & Development Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance the compatibility of development and redevelopment projects.

The nearest buildings in the vicinity, the Federal Bureau of Investigation and Xscape Theatres, do not appear to comply with this façade requirement. The subject site and these two neighboring sites are internal to the Blankenbaker Station I development. Aside from the requested waiver, the building façade design meets Land Development Code requirements for building design. The proposed elevations provide clear windows and doors, but they do not cover 50% of the wall surfaces at street-level and they do not meet the height requirements.

- (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 the minimum necessary to afford relief to the applicant since there is a security element to a mini-warehouse that could be compromised by the addition of additional transparent windows and doors.

- (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 provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because there is a security element to a mini-warehouse that could be compromised by the addition of additional transparent windows and doors, and nearby structures do not appear to comply with this façade requirement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP 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. Public Works has provided preliminary plan approval. At the time this staff report was published, MSD was reviewing the downstream sanitary capacity facility 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 pertinent to 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 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. 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 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 **Waiver**
- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

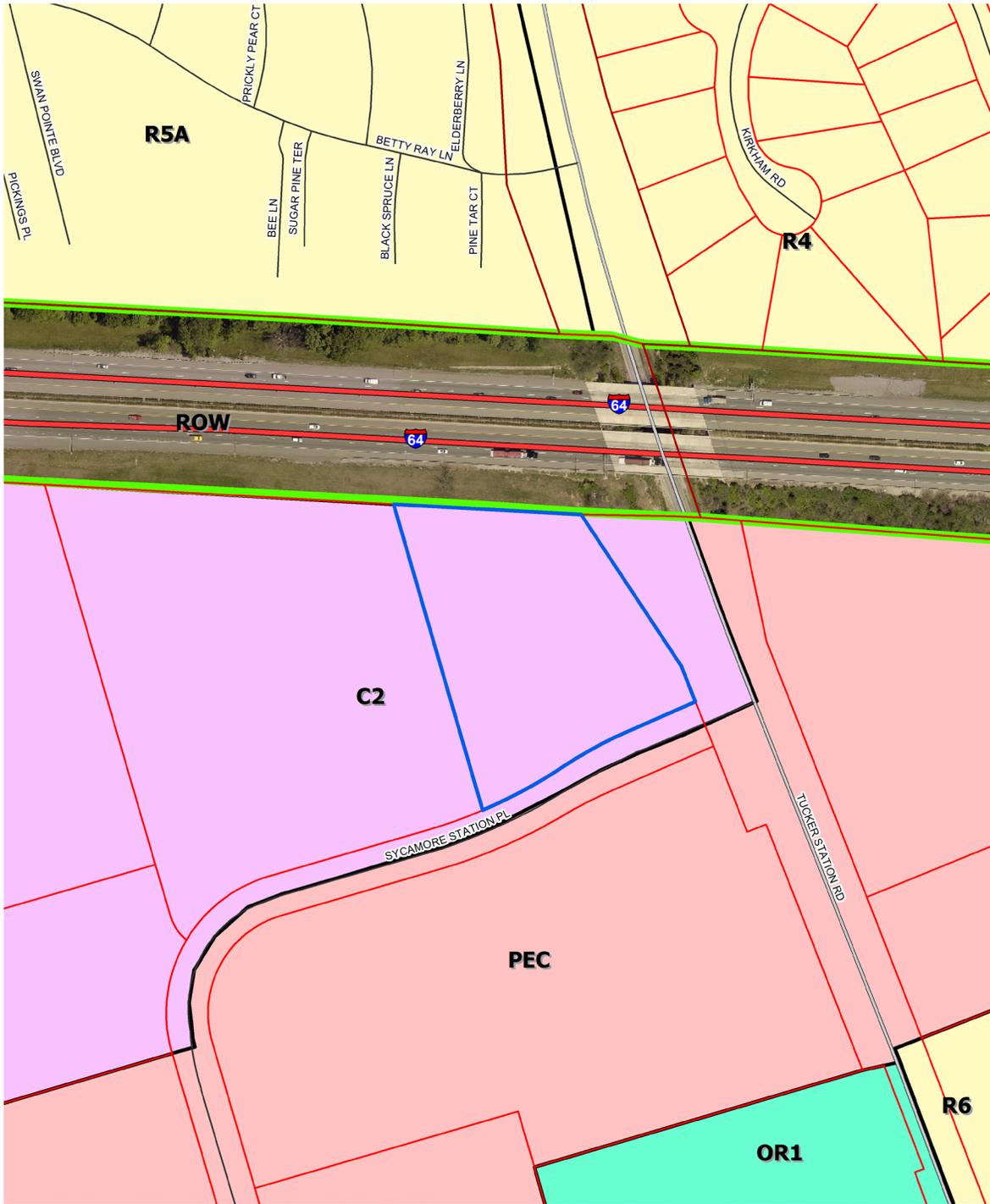
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------|--------------------------|---|
| 7-31-19 | Hearing before DRC | 1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20 |

ATTACHMENTS

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

1. **Zoning Map**



12550 SYCAMORE STATION PL

feet



190

Map Created: 7/11/2019



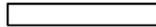
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2. Aerial Photograph



12550 SYCAMORE STATION PL

feet



190

Map Created: 7/11/2019



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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 of Lot 7 shall not exceed 11,970 square feet of gross floor area, Lot 8 shall not exceed 49,900 square feet of gross floor area, Lot 9 shall not exceed 58,856 square feet of gross floor area, and Lot 10 shall not exceed 15,052 square feet of gross floor area.~~

~~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 shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.~~
- 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.
- e. 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. The landscaping shall be minimally provided as indicated on the rendering presented at the June 5, 2014 Planning Commission hearing.
- ~~f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.~~

~~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 properties to the south and west are ever developed for a nonresidential use. A copy of the signed easement agreement shall be provided to Planning Commission staff upon request.~~

10. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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.

~~11. The materials and design of proposed structures for Lots 8 and 9 shall be substantially the same as depicted in the rendering as presented at the June 5, 2014 Planning Commission meeting.~~

~~12. The façade elevations for Lots 7 and 10 shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.~~

13. Parking lot lights shall be reduced to a minimum security level of lighting one hour after final shifts are over.

14. The applicant, owner, and all contractors on this site shall access the site by way of Bluegrass Parkway, to a short stretch of Tucker Station Road, to Sycamore Station Place.

15. A contribution for a left-turn lane from northbound Tucker Station Road to Sycamore Station shall be provided for the construction of the lane within 60 (sixty) days of a request from Louisville Metro Public Works. Request for the turn lane contribution shall not occur prior to the intersection meeting traffic volume warrants for a left-turn lane as determined by the KTC Turn Lane Policy. Contributions shall be based on the total cost of the turn lane construction, with the developer paying a share proportional to the number of trips generated by the development for the current IETE Trip Generation Handbook, versus the total actual traffic through the intersection.

~~16. Automobile sales will not be permitted unless approved by the Planning Commission or their designee.~~

3. 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. 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.

3. 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 and the Metropolitan Sewer District.
- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- c. 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.
- d. 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. The landscaping shall be minimally provided as indicated on the rendering presented at the June 5, 2014 Planning Commission hearing.
- e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.

4. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment 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. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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.

7. Parking lot lights shall be reduced to a minimum security level of lighting one hour after final shifts are over.

8. The applicant, owner, and all contractors on this site shall access the site by way of Bluegrass Parkway, to a short stretch of Tucker Station Road, to Sycamore Station Place.

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