

Development Review Committee

Staff Report

May 24, 2023



Case No:	22-DDP-0109/23-WAIVER-0046/23-WAIVER-0052
Project Name:	Next Level Ranges
Location:	Unaddressed parcel #003910530000 (SE Corner of Electron Dr and Blankenbaker Pkwy)
Owner(s):	Naïve Realty Holdings LLC
Applicant:	Naïve Realty Holdings LLC
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Waivers**
 1. **Of Land Development Code** section 5.6.1.C to have less than 50% of facades at street level consist of clear windows.
 2. **Of Land Development Code** section 10.2.4.B.3 to permit a required buffer to overlap utility easements by greater than 50%.
- **Revised Detailed District Development plan** with revisions to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 38,659 SF indoor gun range. The subject site contains approximately 5.18 acres and is zoned PEC within the Suburban Workplace form district. The site was originally rezoned under docket 9-55-96 as a part of a general development plan. A plan for a warehouse was approved in 2002 but the site remains vacant.

STAFF FINDING

The requests are adequately justified and meets the standards of review. The proposed development is consistent with other development in the area and the form district.

TECHNICAL REVIEW

Transportation Planning and MSD have approved the preliminary development plan.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

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

STAFF: The waiver will not adversely affect adjacent property owners, as the applicant has provided design elements and landscaping to break up the facades.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as adequate screening and buffering will be provided around the subject site. The development will have animating features and landscaping so that walls facing public streets do not appear blank.

- (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.

- (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 create an unnecessary hardship on the applicant, as the nature of the shooting range use makes clear windows a potential safety hazard on certain parts of the building. The building incorporates other architectural features and landscaping to break up the facades.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

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

STAFF: The waiver will not adversely affect adjacent property owners, as the applicant will provide required landscaping and screening.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 as adequate screening and buffering will still be provided around the subject site.

- (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.

- (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 create an unnecessary hardship on the applicant, as the utility easements and equipment already exist within the required buffer areas. The applicant will still provide all required buffering and planting around the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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. All required buffering and tree canopy will be required around 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, and Metro Public Works has 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 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 **Waivers**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to binding elements.

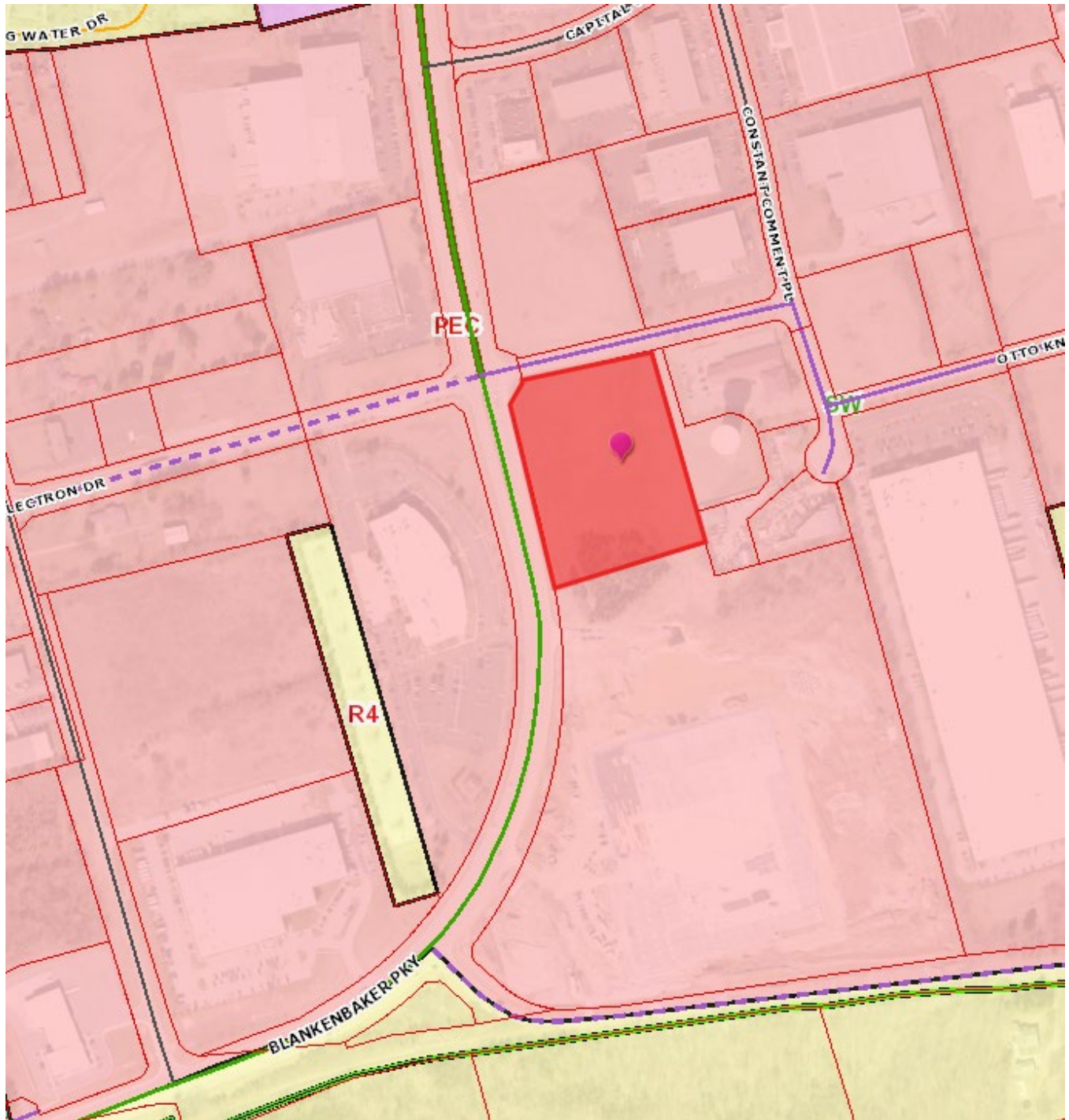
NOTIFICATION

Date	Purpose of Notice	Recipients
5-9-23	Hearing before DRC	1 st tier adjoining property owners and residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



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

All existing General Plan binding elements for the general plan are applicable to the subject site, in addition to the following:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions, or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval. Any changes/additions/alterations not so referred shall not be valid.
2. ~~The development shall not exceed 55,000 square feet of gross floor area.~~
3. ~~The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge or the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 60 square feet in area per side and 6 feet in height. No sign shall have more than two sides.~~
4. ~~No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.~~ **Signs shall be in accordance with Chapter 8 of the Land development Code and the Louisville Metro Code of Ordinances.**
5. There shall be no outdoor storage, display or sales permitted on the site.
6. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. (Light levels due to lighting on the subject site shall not exceed 0.5 foot-candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter).
7. Before any permit (including but not limited to building, parking lot, change of use or alteration, permit) is requested:
 - a. The development plan must receive full construction approval from **Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District**, ~~the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~
 - b. The property Owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in **Chapter 10** Article 12 (and in conformance with the Parkway Policy) prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. **Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations presented at the May 24, 2023 Development Review Committee meeting. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.**
8. ~~If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved, or an extension is granted by the Planning Commission.~~

9. 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.
10. 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.
11. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
12. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
- ~~13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the February 14, 2002 LD&T.~~
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.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions, or alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval. Any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8 of the Land Development Code and the Louisville Metro Code of Ordinances.
3. There shall be no outdoor storage, display or sales permitted on the site.
4. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. (Light levels due to lighting on the subject site shall not exceed 0.5 foot-candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter).
5. Before any permit (including but not limited to building, parking lot, change of use or alteration, 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. 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.
 - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff and shall be substantially similar to the elevations presented at the May 24, 2023 Development Review Committee meeting. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
- 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. 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.
 - 8. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
 - 9. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.
 - 10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.