

# Development Review Committee Staff Report

November 5, 2014



<b>Case No:</b>	14MINORPLAT1109
<b>Project Name:</b>	Green Mill Drive
<b>Location:</b>	7600 Green Mill Drive
<b>Owners/Applicants:</b>	Mark Bruce - Bruce Development Company, Inc
<b>Representative:</b>	Scott Corrick - Mindel, Scott & Associates, Inc.
<b>Project Area/Size:</b>	10.69 acres
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zone
<b>Existing Form District:</b>	SW, Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Rick Blackwell
<b>Case Manager:</b>	Matthew R. Doyle, Planner I

## REQUEST

- Record Plat Amendment

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to create 5 lots from 1 lot at the Southeast corner of the intersection of Greenbelt Highway and Distribution Drive. The minor subdivision is being requested on a vacant tract of 10.69 acres located within the Green Mill Center Subdivision.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant Commercial/Industrial	EZ-1	SW
<b>Proposed</b>	Vacant Commercial/Industrial	EZ-1	SW
<b>Surrounding Properties</b>			
<b>North</b>	Industrial	EZ-1	SW
<b>South</b>	Residential/Institutional/Vacant	R-6	N
<b>East</b>	Industrial/Vacant	EZ-1	SW
<b>West</b>	Commercial	PEC	SW

### PREVIOUS CASES ON SITE

Docket 9-46-00:

Change in zoning from R-4 Single Family Residential to EZ-1 Enterprise Zone containing 82.62 acres for proposed commercial and light industrial development was recommended for approval by the Planning Commission on February 1, 2001 and passed by the Fiscal Court of Jefferson County on May 8, 2001.

Docket 10-23-00:

Green Mills Plaza Preliminary Subdivision Plan was approved by the Planning Commission in conjunction with the district development plan for Docket 9-46-00 on February 1, 2001. Approval of a subdivision name change was granted October 4, 2005.

Plat Book 51 Page 13:

Green Mills Center, recorded September 23, 2005

### **INTERESTED PARTY COMMENTS**

On behalf of Councilman Blackwell's office Liz Kennedy requested information and was informed of the proposal through e-mail conversation.

### **APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code (LDC)

### **TECHNICAL REVIEW**

Per section 7.1.91 of the LDC, the Planning Commission shall have the power to amend any recorded plat, if reasonable notice and an opportunity to express objections or concerns have been given to all persons affected by the record plat amendment.

The minor subdivision plat is in order and has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Kentucky Transportation Cabinet, and Pleasure Ridge Park Fire Department.

The request complies with all zoning and subdivision regulations.

### **STAFF CONCLUSIONS**

#### Record Plat Amendment

- The proposed plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Kentucky Transportation Cabinet, and Pleasure Ridge Park Fire Department.
- The request complies with all zoning and subdivision regulations.
- This case was noticed in accordance with Policy 3.02 of the Louisville Metro Planning Commission.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for amending the recorded plat.

#### Required Actions

- **APPROVE** or **DENY** the record plat amendment.

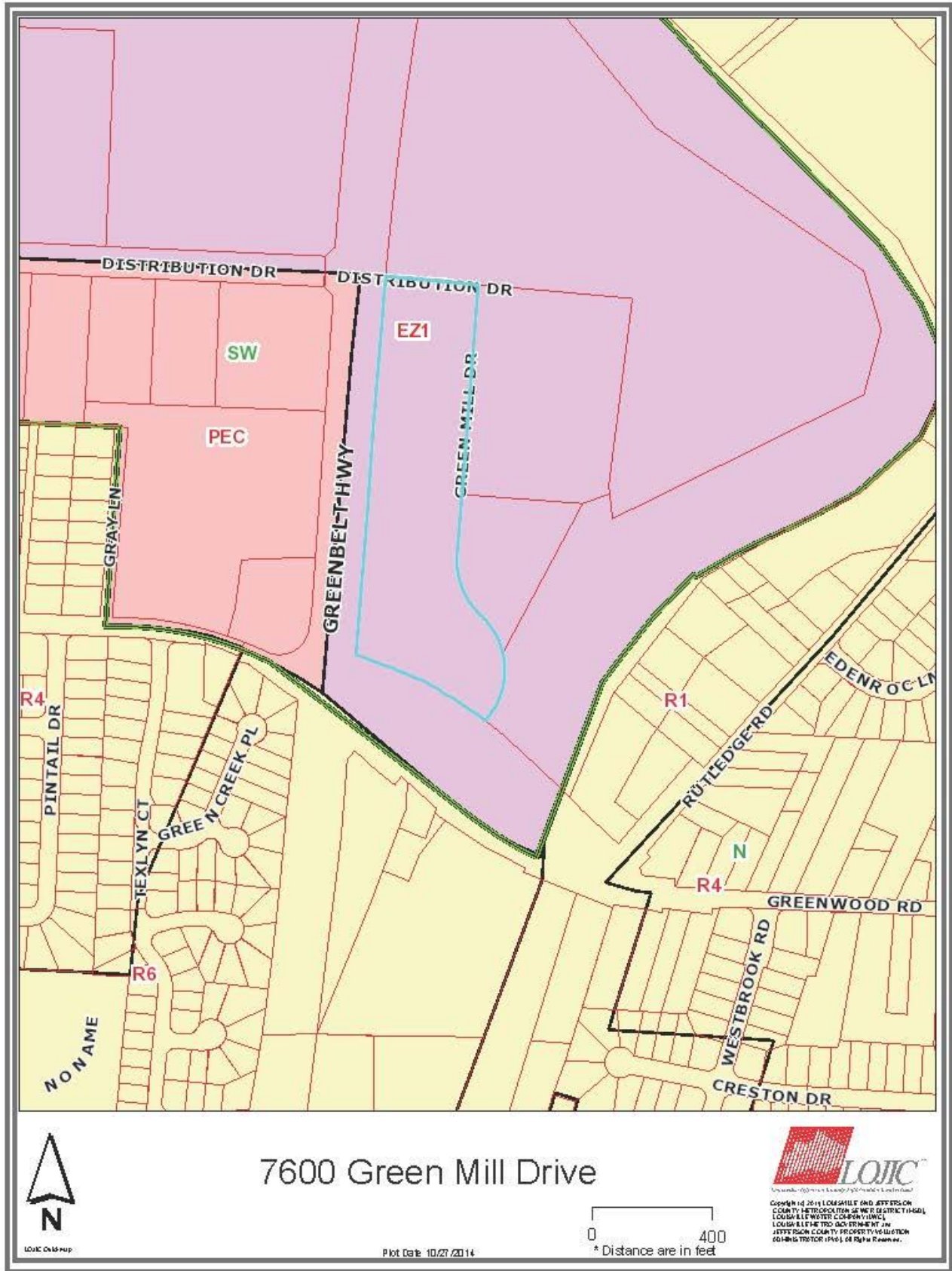
## NOTIFICATION

Date	Purpose of Notice	Recipients
10/23/14	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered neighborhood groups

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval

1. Zoning Map



2. Aerial Photograph



### 3. Existing Conditions of Approval

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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 alteration of any binding element(s) shall be submitted to the planning commission for review and approval; any changes/additions/alterations not so refereed shall not be valid.
  - 1a. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
    - a. screening, buffering, landscaping, tree preservation
    - b. density, floor area, size and height of buildings
    - c. points of access and site layout with respect to on-site circulation
    - d. land uses
    - e. signage
    - 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
2. There shall be no direct vehicular access to Greenbelt Highway or relocated Greenwood Road.
3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development Along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff, flat lens with no bulb extending below the lighting fixtures. No more than 1 foot candle of light source shall be visible beyond the interior property line of Lot 3, and no light source shall extend beyond the external boundaries of the site.
7. 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.

7a. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas/Woodland Protection Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit; not including clearing & grading) is requested: a. The development plan must receive full construction approval from

- a. the Jefferson county Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
- c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in 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.
- d. A major subdivision plat creating the lots (including the open space lot) and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits. The record plat shall be recorded by **May 8<sup>th</sup>, 2003**

9. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.

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 permitted on the site.

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. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.

14. 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.

15. The materials and design guidelines for the business park shall be substantially the same as Riverport with the exception that the landscaping guidelines as provided in Riverport will be superseded by the provisions of Article 12, the Parkway Policies and the Binding Elements. Architectural design review and approval for individual structures shall be undertaken at the time of detailed district development plan review. No more than 10% of the exterior facade of any individual structure shall be metal.

16. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

- a) Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Business Park Owners Association.
- b) A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
- c) Bylaws of the Business Park Owners Association in a form approved by Counsel for the Planning Commission.

17. At the time the developer turns control of the Business Park Association over to the owners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.

18. Further subdivision of Lots may be accomplished by utilizing the minor subdivision plat process in conformance with the rules and regulations governing minor subdivisions. A master subdivision plan shall be provided to the Planning Commission showing all current subdivision lots being created and their associated minor subdivision plat docket numbers. This master plan shall be kept current for the entire duration of the development process and shall show any revisions of existing lots, (example: shifting property lines and lot consolidation).

19. No minor plat shall be recorded prior to recording of the record plat. A minor plat index shall be provided and updated to show lots created by minor plat after



the record plat has been recorded.

20. The site shall be developed in accordance with the woodland protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.

21. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel. All plans setting out woodland protection areas must contain the following notes:

- A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, except for activities within easement required by the Metropolitan Sewer District.
- B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
- C. Tree protection fencing shall be erected around all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed.
- D. No parking, material storage or construction activities are permitted within the WPAs.

22. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the Designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

- A. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Trees in these areas may be removed during construction of buildings on individual lots.
- B. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

- C. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
- D. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
- E. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.

23. The applicant, its successors and assigns, shall limit access to the site from Greenwood Road to local access only and to vehicles less than thirty (30) feet in length. A sign no larger than 2 foot by 3 foot at the Greenwood Road entrance shall be posted and maintained as follows:

**Restricted Entrance**  
**Local Access Only**  
**Vehicle Over 30' Prohibited**

24. During the development process of the site, the developer shall furnish proposed minor subdivision plats, detailed district development plan and other documents prepared for submission to the Planning Commission for construction approvals to River Fields, Inc. and to the designated neighborhood representative from Rutledge Road. Both River Fields, Inc. and the designated neighborhood representative from Rutledge Road shall receive copies of all materials submitted by the developer to the Louisville and Jefferson County Metropolitan Sewer District and the Jefferson County Public Works and Transportation Department when preliminary approval is requested from such agencies. All first tier property owners shall receive written notification specifying that the developer is submitting plans, etc. to such agencies for approval. The intent of this process is to provide early notification to interested parties prior to receipt of official notification from DPDS. The developer shall request DPDS to place all minor subdivision plats and detailed district development plans on the non-consent agenda of LD&T and shall mail to River Fields, Inc. and all First and Second Tier Property Owners written notice at least ten (10) days prior to any scheduled appearance before LD&T.

25. The Applicant shall work with the Louisville and Jefferson County Metropolitan Sewer District and River Field, Inc. to develop a Greenway Trail the entire length of Lot 3 with public access at the upstream and downstream property lines of Lot 3. The goal is to preserve open space, trees, woodlands and wetlands and provide a public access wood chip trail as an amenity for the neighborhood and for site employees. Development of Lot 3 shall be limited. A pedestrian trail, consisting of shredded tree chippings, shall be constructed by the Applicant the entire length of open space lot 3. Construction of the Greenway Trail shall be coincident with the construction of the flood plain and wetland mitigation improvements, and maintenance will be the responsibility of the Applicant until such time as a Conservation Easement is granted to the Louisville and Jefferson County Metropolitan Sewer District and River Fields, Inc. for Lot 3. Upon completion of the Greenway Trail, and within two (2) years of the date this site is rezoned by the Fiscal Court of Jefferson County, the Applicant will grant a Conservation Easement, jointly, to the Louisville and Jefferson County Metropolitan Sewer District and River Fields Inc. over Lot 3 specifically providing for trail maintenance and public access, but such Conservation Easement shall retain in the Applicant the right to construct and maintain flood plain, wetlands mitigation and utilities improvements within Lot 3.
26. The treatment of the thirty (30) foot parkway buffer along the Greenbelt Highway and Greenbelt Road to the Road B entrance shall include retention of existing trees and under story vegetation to the extent possible, with the exception of the floodplain area to be filled and Road A entrance area. The applicant will amend the general district development
27. Any signage along Greenwood Road shall conform to the Parkway policies.
28. To the extent practical, the siting and construction of buildings shall take into account the tree preservation areas as set forth on the Phase 1 Tree preservation Plan.
29. The Applicant will amend the general district development plan to show the three conceptual interior walking paths and connections to the Lot 3 Greenway Trail. As each lot is developed in the future, consideration should be made to providing such pedestrian connections for the interior lots to the Greenway Trail on Lot 3.
30. The applicant agrees that any filling within the area delineated on the plan shall be compensated at a storage of equal volume in the area delineated.
31. A Landscape Plan shall be submitted to Planning Commission Staff within 60 days for there-vegetating of the cleared Woodland Protection Area. The replanting plan shall utilize native species hardwood trees with a minimum of 1 %to 2-inch caliper and planted at an average 15-ft spacing  
Such plan shall be implemented by **March 31, 2003** \

32. During construction procedures and while site disturbance is underway, a Third-Party Certified Inspector shall make daily inspections of all tree preservation fencing and make weekly reports to Planning Commission staff certifying that all tree preservation fencing is properly in place and that no clearing has occurred in TPA, WPA, or 30-foot parkway buffer areas. Any violations shall be reported immediately to Planning Commission staff. Weekly reports and violations shall also be sent to River Fields, 643 W. Main Street, Louisville, KY 40202, and to Betty T. Jarboe 7306 Rutledge Road Louisville, KY 40258.

33. The developer/engineer shall contact planning commission staff to arrange an on-site meeting to verify the proper installation tree preservation fencing prior to resuming any site disturbance.

34. A certified arborist shall oversee the digging, transport and planting of the trees to be used in the WPA replanting area. The property owner shall provide the name and contact information of the Certified Arborist to Planning Commission staff.