

Development Review Committee

Staff Report

January 4, 2017



Case No:	16DEVPLAN1214
Project Name:	Excel Services
Location:	2301 Nelson Miller Parkway
Owner:	Cumberland Investments, LLC
Representative:	Mindel, Scott, & Associates
Project Area/Size:	3.5 acres
Existing Zoning District:	PEC, Planned Employment Center
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Revised Detailed District Development Plan** for outdoor storage

CASE SUMMARY

The applicant proposes a 20,483 square foot outdoor storage area for an existing warehouse in the Eastpoint Business Center; East of La Grange Road, North of Old Henry Road, and within close proximity to Interstate-265. The outdoor storage area will be enclosed for safety and screened from view of the public street. Binding Element 6 will need to be amended to allow this request as it currently prohibits outdoor storage.

LAND USE/ZONING DISTRICT/FORM DISTRICT

The subject site is zoned PEC in the SW form district and is surrounded by the same. The immediately surrounding area consists of a mixture of commercial, warehouse and distribution facilities, and office uses.

PREVIOUS CASES ON SITE

9-5-89 Change-in-Zoning from R-4 to PEC

9-5-89: DDDP plan approved by LD&T on July 9, 1998

9-5-89: RDDDP, sign plan, and amended to BE 4 to allow an increase of 6 inches to the permitted height of the monument sign, approved at LD&T on April 22, 1999.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comment at this time.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**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: The proposal does not appear to adversely impact the conservation of natural resources on the property proposed for development as there are no environmental constraints.

- 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 the development and the community is provided as the development will not alter existing access to public roads or walks. Public safety will be increased by enclosing the truck loading and storage area with a fence and restricting it to employee use only. The subject site is easily accessible from major transportation infrastructure.

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

STAFF: Open space is not required for the requested detailed district development plan. Landscaping will be provided as required by the Land Development Code. The proposal does not impact the railway to the rear of the subject site.

- 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 designs (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 existing and projected future development as the site is located within an area of mixed commercial, warehouse and distribution facilities, and office uses. Screening will be provided for the outdoor storage area in accordance with Land Development Code standards.

- 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 proposal is in conformance with applicable policies of the Comprehensive Plan as Guideline 3, Policy 4 discourages non-residential expansion into existing residential areas, while encouraging appropriate transitions from non-residential to residential uses. The Planned Employment Center zoning district is designed to provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system. The subject site is within a PEC zoning district which is comprised of a mixture commercial, warehouse and distribution facilities, and office uses.

TECHNICAL REVIEW

Preliminary approval has been received by Transportation Planning and Metropolitan Sewer District.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for recommending approval of a revised detailed district development plan as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan with an amendment to remove binding element 6.

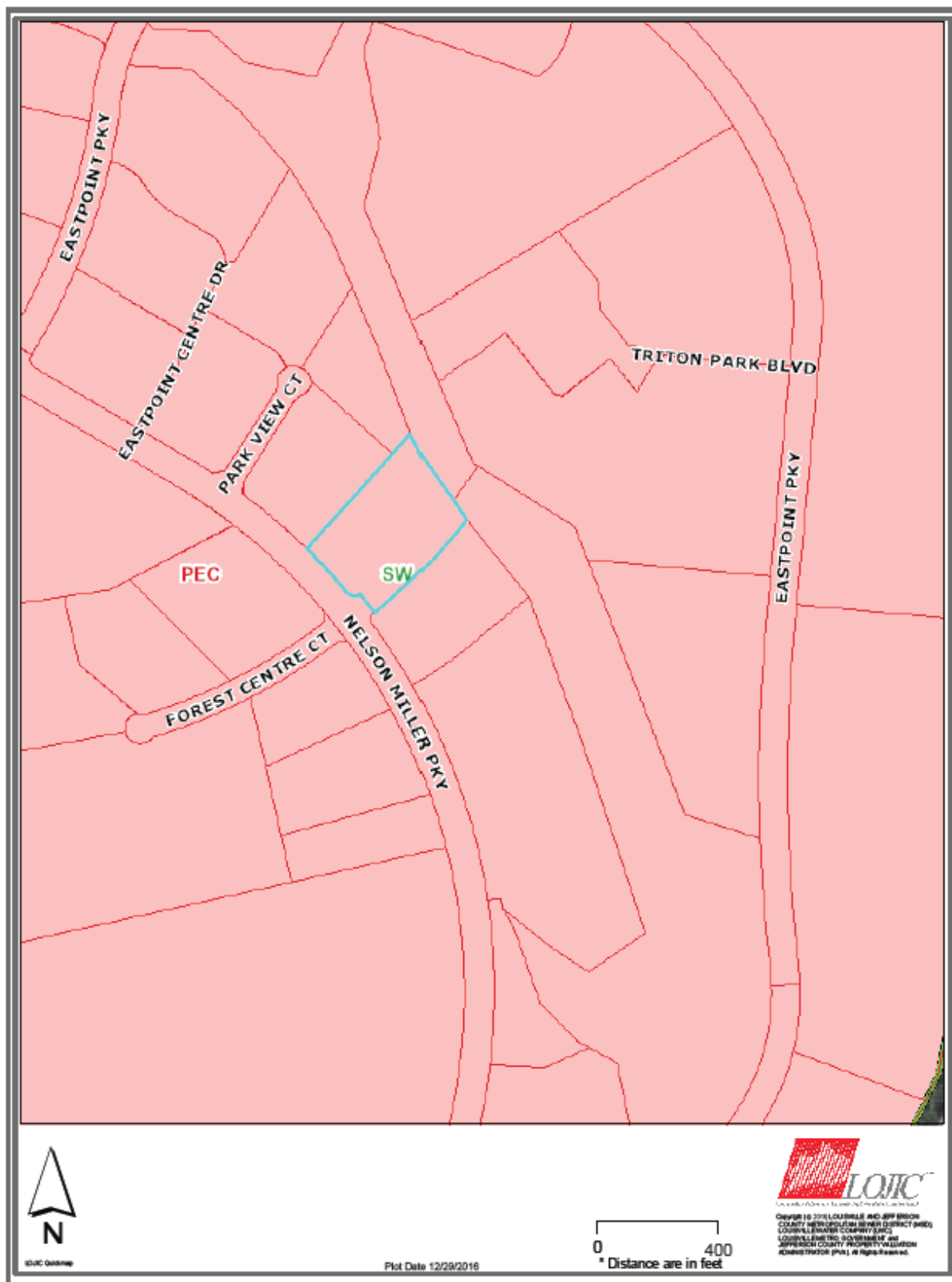
NOTIFICATION

Date	Purpose of Notice	Recipients
12/21/16	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 19.

ATTACHMENTS

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

1. Zoning Map



2. Aerial



3. Binding Elements

All binding elements from the approved General District Development Plan (9-5-89) are applicable to this 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. No further development shall occur without prior approval from the Planning Commission except for land uses permitted in the established zoning district.
2. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.
3. The development shall not exceed 38,710 square feet of gross floor area (4,880 square feet for first floor office, 29,620 square feet for first floor warehouse and 4,210 square feet for second floor office).
4. The only permitted freestanding signs shall be monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 35 feet to front property line. The sign shall not exceed 24 square feet in area per side and 4.5 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
- 8a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
- 8b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.

9. 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 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
10. 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.
11. A certificate of occupancy must be received from the appropriate code enforcement office 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.
12. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
13. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
14. Each individual lot shall have a covenant whereby Jefferson County Department of Public Works and Transportation will have the right to require each property owner to install sidewalks at such time as the Eastpoint Business Center is 80% developed. 80% shall be based on the total lots in the entire development. The pedestrian connection shall be installed when the sidewalk has been constructed.
15. 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.

3. Proposed Binding Elements

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3. The development shall not exceed 38,710 square feet of gross floor area (4,880 square feet for first floor office, ~~29,620~~ **29,648** square feet for first floor warehouse and 4,210 square feet for second floor office).
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 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **Chapter 10 of the land Development Code** prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

10. If a building permit is not issued within ~~one~~**Two**-years 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.
11. A certificate of occupancy must be received from the appropriate code enforcement office 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.
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