

# Development Review Committee

## Staff Report

Date: April 20, 2022



|                          |                                     |
|--------------------------|-------------------------------------|
| <b>Case No:</b>          | 22-DDP-0014                         |
| <b>Project Name:</b>     | Riverport Phase 4 Office/Warehouses |
| <b>Location:</b>         | 7000 Greenbelt Highway              |
| <b>Owner(s):</b>         | BMS Riverport Developers, LLC       |
| <b>Applicant:</b>        | Derek Triplett, LD&D, Inc.          |
| <b>Jurisdiction:</b>     | Louisville Metro                    |
| <b>Council District:</b> | 1 – Angela Bowens                   |
| <b>Case Manager:</b>     | Molly Clark, Planner I              |

### REQUEST(S)

- Detailed District Development plan with proposed binding elements

### CASE SUMMARY/BACKGROUND

This site is zoned EZ-1 in the Suburban Form District. The applicant is proposing to build 2 office/warehouses with one being 153,000 SF and the other being 168,000 SF on one 27.7-acre parcel.

This site is associated with Riverport Phase 4 under 10-01-00 & 17-01-00.

### STAFF FINDING

Staff finds that the detailed district development plan meets the standard of review.

### TECHNICAL REVIEW

MSD, Kentucky Transportation Cabinet and Transportation Planning have preliminarily approved the proposal.

### INTERESTED PARTY COMMENTS

Staff did not receive any interested party comments.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP and PROPOSED 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, and Metro Public Works and the Kentucky Transportation Cabinet have 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. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- 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:**

- **APPROVED** or **DENY** the **Detailed District Development Plan with proposed binding elements**

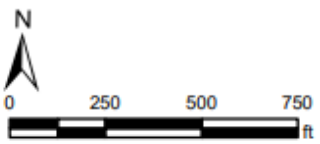
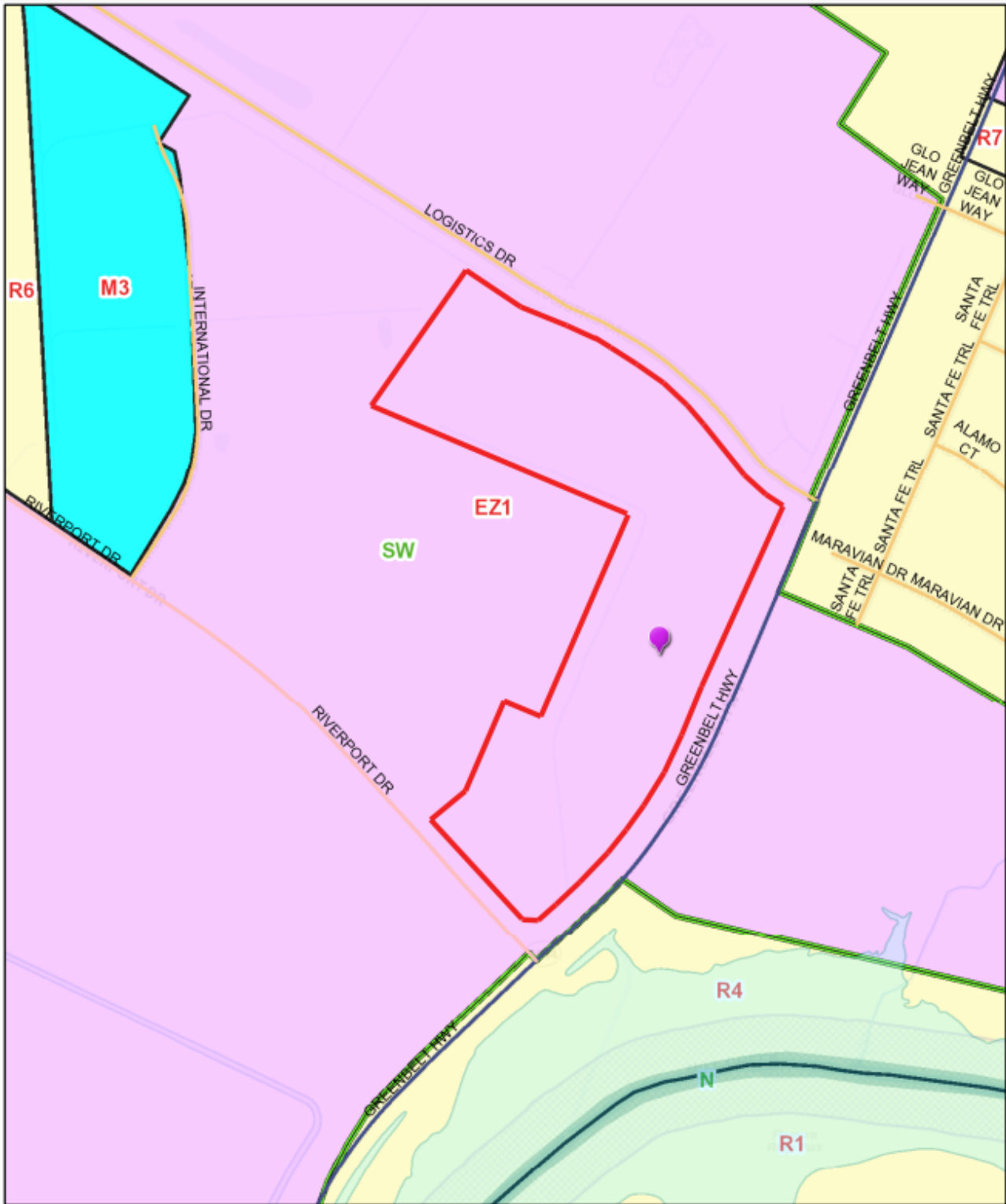
**NOTIFICATION**

| Date   | Purpose of Notice           | Recipients   |
|--------|-----------------------------|--|
| 4-8-22 | Hearing before 04-20-22 DRC | 1 <sup>st</sup> tier adjoining property owners and current residents<br>Registered Neighborhood Groups in Council District 1 |

**ATTACHMENTS**

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

1. Zoning Map



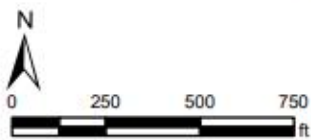
Friday, April 15, 2022 | 11:09:30 AM



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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



Friday, April 15, 2022 | 11:02:43 AM



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### **3. Existing Binding Elements for entire Riverport Phase 4**

Docket NO. 10-01-00 & 17-01-00

The site is in the Riverport Phase 4 Subdivision, and has received a waiver of the required 200 FT setback from residential properties for M-2 and M-3 uses in the EZ-1 Zoning District (Docket # 17-01-00)

#### Circulation

1. A sidewalk connection should be provided from the building out to the sidewalk along the road.
2. The sidewalk along the public access road should be provided in the right-of-way.

#### Design

3. A description of the building's exterior has not been provided
4. The applicant should address whether there will be any signs, and where they would be located.
5. The applicant should show the 50 ft wide Woodland Protection Area along the north property line adjacent to the residential properties as was approved on the Preliminary Subdivision Plan
6. The applicant should provide a 15 ft, Landscape Buffer Area along the north property line outside of the WPA area and should address what landscaping will be provided.
7. The lot pattern is different than the approved subdivision plan shows. A revised preliminary subdivision plan needs to be submitted.
8. The building is over the 75 ft parkway building limit line at the north end of the site.

#### Other

9. The record plat for the Riverport Phase 4 Subdivision Plan needs to be recorded prior to developing this site. The main access to the site is from a road that will be created by the record plat.

#### **ADDITIONAL 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/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. 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.
3. Outdoor lighting 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 two foot candles measured at the property line.
4. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree preservation Areas on site (exclusive of the 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.
5. 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 required notification of adjoining property owners and LD&T action.

6. The applicant shall provide deeds of restriction ensuring that WPA's 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.
7. Woodland Protection Areas (WPA's)) identified on this plan represent portions of the site that shall be permanently preserved including 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 with designated WPA's 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.
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. 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.
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. 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 City of Louisville Department of Inspections, Permits and Licenses (617 W Jefferson Street) and the Metropolitan Sewer District (700 W Liberty).
  - b. 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.
12. 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.
13. 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.
14. Outdoor storage shall be allowed between the building and the adjacent residential properties to the north only with Planning Commission Approval.
15. No truck parking or truck idling shall be allowed between the building and the adjacent residential properties to the north.

#### **4. Proposed Binding Elements for this specific site**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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 Transportation Cabinet.
  - c. 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.
  - d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 20, 2022 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
5. 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.
6. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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. No overnight idling of trucks shall be permitted on-site.