

Land Development & Transportation Committee

Staff Report

March 23, 2017



Case No:	17DEVPLAN1002
Project Name:	Poplar Logistics
Location:	5360 Rangeland Road
Owner(s):	Adventure Development Co.
Applicant:	Duane Realty & Development
Representative(s):	Mindel, Scott, & Associates
Project Area/Size:	26.06 acres
Existing Zoning District:	M-2, Industrial/R-4, Single-family Res.
Existing Form District:	SW, Suburban Workplace/N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	2- Barbara Shanklin
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Revised Detailed District Development Plan**
- **Waiver** of Land Development Code (LDC), section 5.12.2.A.1 to reduce outdoor amenity area

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a total of 425,275 square feet of warehouse and office space on two proposed lots in South-Central Louisville Metro; roughly 3.5 miles from Interstate-65 via Fern Valley Road. Polar Level, Shepherdsville, and Rangeland roads form the Southern, Eastern, and Northern boundaries of the 26 acre subject site. Loading, vehicle maneuvering, and parking areas on Lot 1 will be located towards the interior between the two buildings with a single access point to Shepherdsville Road. These areas on Lot2 will be located on the West side of the building and be screened from public streets as required by the Land Development Code. The material of the screening is at the discretion of the developer, but must meet the following standard:

Screening may be accomplished through use of a fence with landscaping that at maturity will equal the height of the fence, or a wall constructed of the same building materials as the principal structure.

Access to Lot 2 will be gained from Shepherdsville Road as well. Sidewalks will be provided where absent in the abutting rights-of-way and an internal network of sidewalks will connect entrances to the public walks. Where public sidewalks shift into the development site a sidewalk easement will be provided to ensure public mobility and maintenance.

The requested waiver is being made to reduce the required outdoor amenity area from the required 10% of the total building footprint to 10% of the total office space. This request is consistent with previous requests for similar projects within Louisville Metro.

Lot 3 will be granted to an abutting property to the West in exchange for a similarly sized property due to the location of a drainage ditch that reduces the use of each area as they currently exist. The swap is to the benefit of each property owner.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	M-2/R-4	SW/N
Proposed	Warehouse with office	M-2/R-4	SW/N
Surrounding Properties			
North	Warehouse	M-2	SW
South	Res./Office/Commercial	R-4/OR-1/C-1	N/SW
East	GE Appliance Park/mixed-use	M-2/R-4/C-2	SW
West	Religious Grounds/SF Res.	R-4	N

PREVIOUS CASES ON SITE

10831: Rezoning from R-7, C-1, & C-2 to M-2 for proposed 13 lot office/warehouse subdivision with 501,201 square feet of floor area (approved 11/6/2008).

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

LDC, section 5.12.2.A.1 to reduce outdoor amenity area

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

STAFF: The waiver will not adversely affect adjacent property owners as the development is in an area of industrial development and the outdoor amenity is for the benefit of employees only.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 4, Policy 1 calls for open space that is designed to meet outdoor recreation, natural resource protection, aesthetic, cultural and educational or public, health and safety needs. The outdoor amenity area is intended for the use of employees only and is based on the office square footage only as a reflection of employment needs.

- (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 as the outdoor amenity would be restricted to employees only.

- (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 as the outdoor amenity is being reduced to reflect office use and employment.

STANDARD OF REVIEW FOR DDDP, RDDDP, AND AMENDMENT TO BIDNING 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 have any adverse impact on any environmental features or historic resources. Redwing engineering determined that the potential wetlands that can be observed using LOJIC data and one additional wetland previously noted by the development plan engineer near the West site of the North building on Lot 1 are non-jurisdictional, isolated with no connection to other waters or tributary systems, and not regulated by the Army Corps of engineers.

- 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. Connection to the public roads and sidewalks is provided.

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

STAFF: 10% of the total square footage of the office spaces will be provided in an outdoor amenity and two detention areas will remain pervious.

- 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 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 as the proposed warehouse is similar in design and scale to surrounding uses.

- 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 as Guideline 6, Policy 1 recommends limiting land uses in workplace districts only to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees. Guideline 6, Policy 4 encourages industries, to the extent possible, to locate in industrial subdivisions or adjacent to an existing industry to take advantage of special infrastructure needs. The proposed plan is located within an industrial area of the workplace form district with infrastructure in place to accommodate transportation needs.

TECHNICAL REVIEW

All agency comments have been addressed.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Waiver appear to be adequately justified and meet 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 meeting, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the LDC for approving a Revised Detailed District Development Plan and Waiver.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Waiver LDC, section 5.12.2.A.1 to reduce outdoor amenity area to 10% of the office area.
- **APPROVE** or **DENY** the Revised Detailed District Development Plan

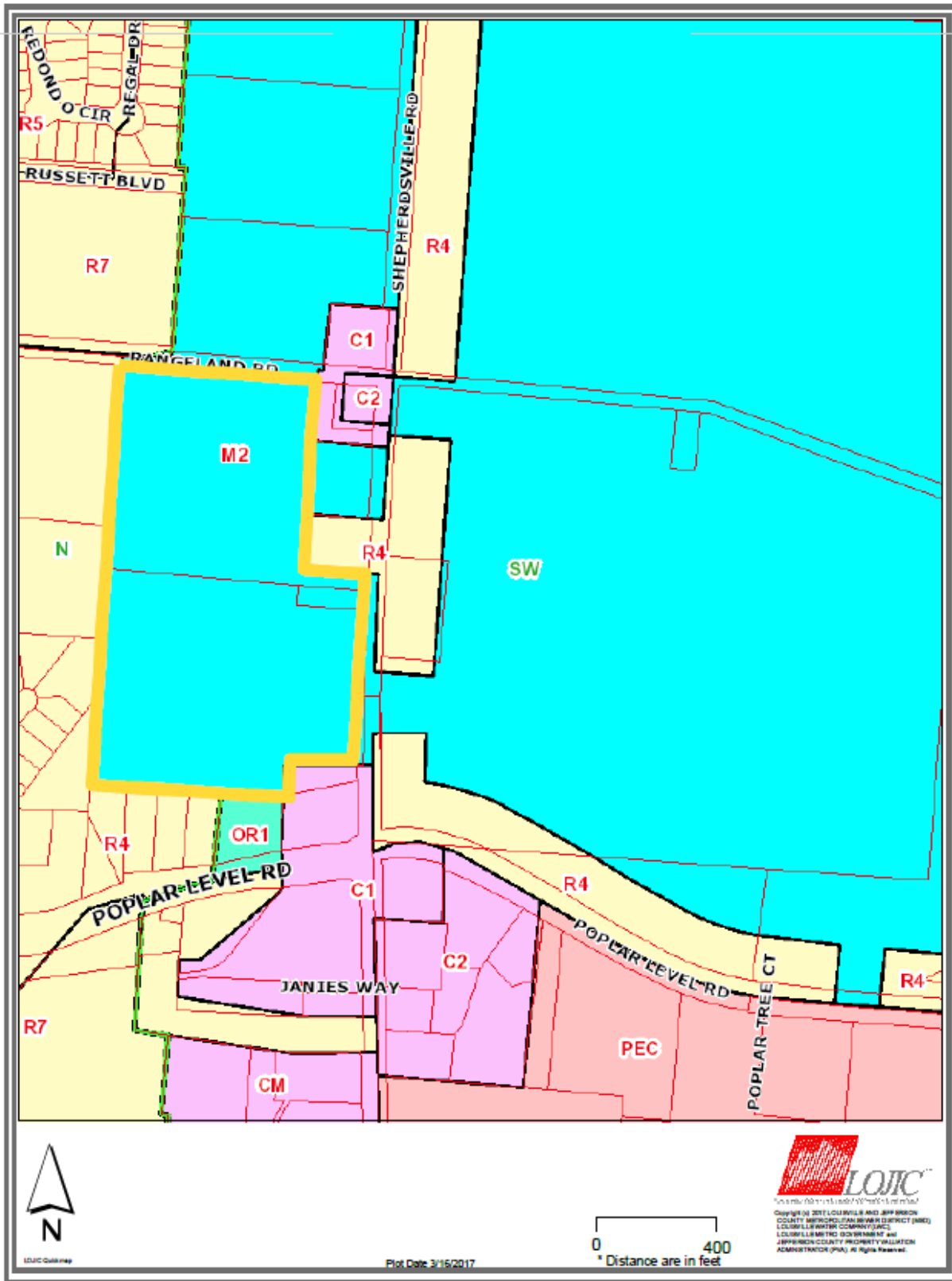
NOTIFICATION

Date	Purpose of Notice	Recipients
3/9/17	Hearing before LD&T	Adjoining property owners, applicant, owner, and registered users of Council District 2.

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



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 shall not exceed 501,201 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 or as presented at the public hearing.
4. 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. 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. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Enhanced buffering along the west boundary of the development site shall be provided through increased landscaping around detention basin areas, as well as to fill-in the area between the detention basin areas to adequately screen adjacent residential properties from industrial uses on the development site.
6. A sanitary sewer connection shall be provided by the applicant to the adjacent BBQ restaurant as agreed upon at the public hearing.
7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 6, 2008, Planning Commission hearing.
8. 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. Tree in these areas may be removed during construction of homes or 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.
10. Any proposed use at the development site that generates hazardous materials shall be limited to a Small Quantity Generator or a Conditionally Exempt Small Quantity Generator as those terms are defined by the United States Environmental Protection Agency or any successor thereto.

4. **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.
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