

Development Review Committee
Staff Report
July 19, 2017



Case No:	17DEVPLAN1090
Project Name:	None
Location:	4905 Rear Cooper Chapel Road
Owner(s):	Charles Davis, Jr. and Renay Davis
Applicant:	Jason Sams
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

REQUEST(S)

- Revised Detailed District Development Plan to allow a mini-warehouse development
- Sidewalk Waiver
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND

The property is currently zoned C-1/C-2 and located in the Suburban Marketplace Form District. The proposed Storage Project will be located in the C-2 portion of the property. The proposal will include the following:

- 1 Primary structure which will be a 3-story (700 units) and 35 feet in height and contain 77,640 square feet. The structure will be air conditioned.
- 7 Secondary structures (419 units) which will be 1-story and 15 feet in height and contain 54,300 square feet.
 - Warehouse 1 – 5,400 square feet
 - Warehouse 2 – 9,450 square feet
 - Warehouse 3 – 9,450 square feet
 - Warehouse 4 – 8,100 square feet
 - Warehouse 5 – 12,150 square feet
 - Warehouse 6 – 3,900 square feet
 - Warehouse 7 – 5,850 square feet
- 10 asphalt parking spaces including 2 ADA spaces.

STAFF FINDING / RECOMMENDATION

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code. 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 granting the Revised Detailed District Development Plan, sidewalk waiver, and amendment to binding elements as established in the Land Development Code.

RELATED CASES

- 17CUP1024** A Conditional Use Permit for a mini-warehouse development was heard and approved by the Board of Zoning Adjustment on July 10, 2017.
- 17387** A Revised General District Development Plan, landscape waiver, and binding element amendments. This was an Appeal to the full Planning Commission concerning the above-mentioned items. The Planning Commission voted to uphold the waiver, development plan, and binding elements on March 7, 2013.
- 9-44-03** Change in zoning from R-4 Single Family Residential, R-5 Single Family Residential and R-7 Multi-Family Residential to C-1 Commercial and C-2 Commercial and a change in form district from Neighborhood Form district to Suburban marketplace form district on property located at 4901, 4903, 4905 and 4907 Cooper Chapel Road, containing 22.32 acres and being in Metro Louisville. This proposal was approved by the Planning Commission on March 4, 2004.

TECHNICAL REVIEW

Transportation Planning - There is an existing box culvert and guardrail along the frontage in which the culvert would need to be extended to have room for sidewalk placement. Previously approved plans 9-44-03 and 173878 show sidewalks along Preston Crossing Boulevard. There are sidewalks on the other side of Preston Crossing Boulevard, though not built to Cooper Chapel Road. TARC recommends sidewalks.

INTERESTED PARTY COMMENTS

A neighborhood meeting for the Conditional Use Permit was held on May 22, 2017 and five people attended.

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 trees on the site will be removed, but the Stream Corridor Protection Area located parallel to the unnamed tributary of Fishpool Creek will be preserved and maintained in accordance with the standards of the Land Development Code.

- 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 for this development; although the area located adjacent to the Stream Corridor Protection Area of Fishpool Creek will be preserved and maintained.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- 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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIDEWALK WAIVER

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

STAFF: The waiver will adversely affect adjacent property owners since there are limited safe pathways for pedestrians, bicyclists, and transit users to pass the subject site safely to reach nearby businesses or to board public transportation.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by

development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since the construction of sidewalks would benefit the overall well-being of the community.

- (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 not create an unnecessary hardship on the applicant since prior proposals showed sidewalk along the entire frontage of the subject site.

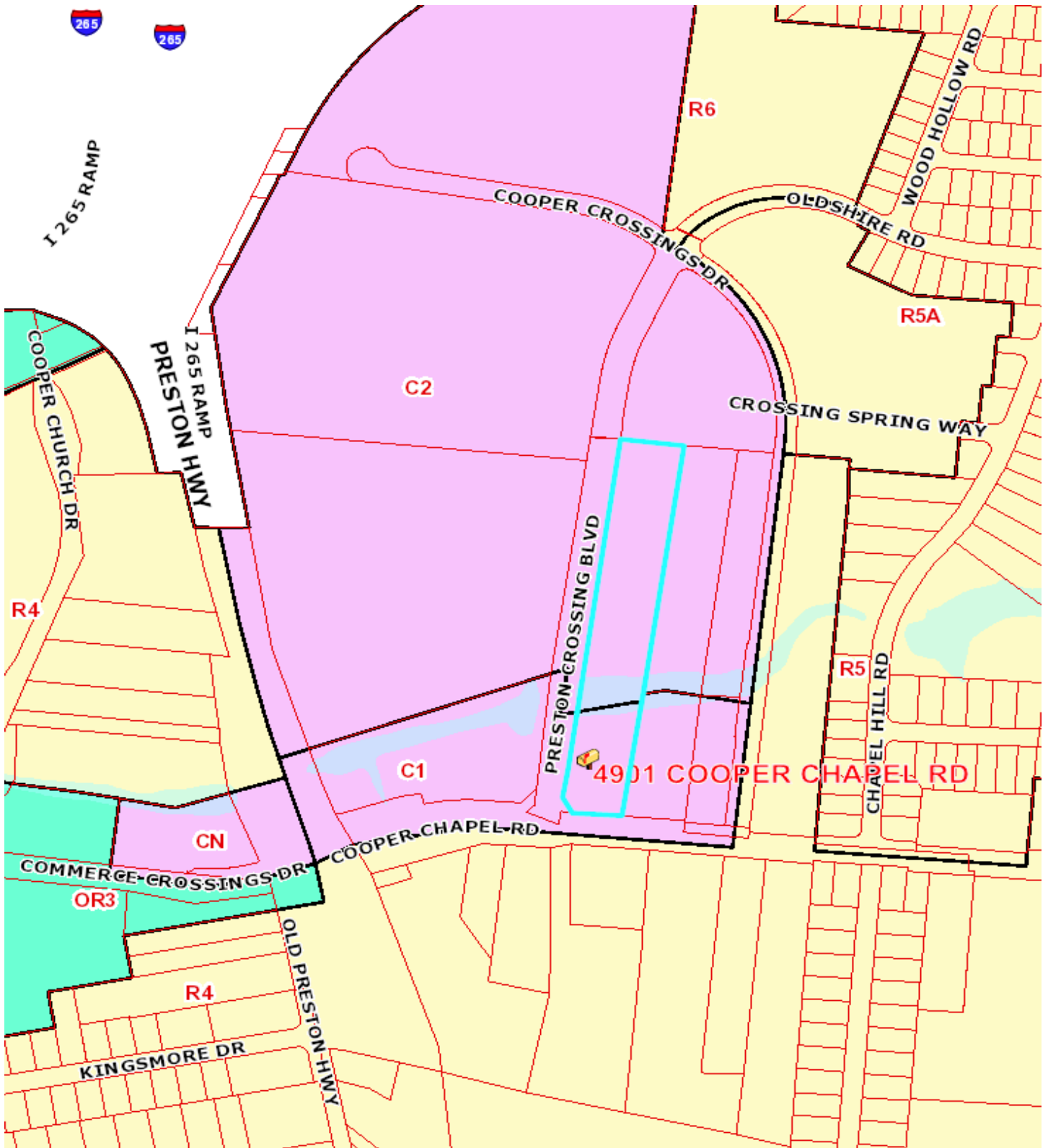
NOTIFICATION

Date	Purpose of Notice	Recipients
6/30/17	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 24

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing and 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 160,500 square feet of gross floor area.
3. Sign shall be in accordance with Chapter 8 or as presented at the public hearing.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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 (617 W. Jefferson Street) 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 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
7. 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.
8. 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.
9. 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.

10. The Stream Corridor Protection Area located parallel to the unnamed tributary of Fishpool Creek shall be preserved and maintained in accordance with the standards of the Land Development Code (Chapter 4, Part 8.).
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 4, 2004 Planning Commission meeting.
12. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approvals.
13. The applicant shall provide documentation showing that the development complies with all regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
14. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
15. A certificate of occupancy for development of Lot J will not be requested until a second left-turn lane on Cooper Chapel Road to Preston Crossing Boulevard has been installed.

Proposed Binding Elements

2. The development shall not exceed ~~160,500~~ **131,940** square feet of gross floor area.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~March 4, 2004 Planning Commission~~ **July 19, 2017 Development Review Committee** meeting.