

Development Review Committee

Staff Report

October 14, 2020



Case No:	20-DDP-0047/20-WAIVER-0086
Project Name:	BAE Sytems
Location:	105 Rochester Dr
Owner(s):	Louisville and Jefferson County Redevelopment
Applicant:	Titan R&D Louisville II, LLC
Representative(s):	QK4
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waivers**
 1. **Waiver** of Land Development Code sections 5.5.4.B.1, 5.7.1 and 10.2.4 to encroach into the required 50' property perimeter landscape buffer area.
- **Revised Detailed District Development Plan** with revisions to binding elements.

CASE SUMMARY

The applicant is proposing to construct a 14,850 SF addition onto an existing 606,255 SF warehouse. The site is part of the former Naval Ordnance site in south Louisville. The site is zoned EZ-1 in the Suburban Workplace form district and contains multiple large warehouses on approximately 36.52 acres. The site adjacent to the area of expansion is zoned R-7 in the Traditional Neighborhood form district and contains multifamily housing. The subject site was rezoned from M-3 to EZ-1 under docket 9-14-04.

STAFF FINDING

The revised detailed district development plan and waiver appears to be justified based upon staff's analysis contained in the standard of review. The proposal allows for the continued use of an industrial site in an established activity center while providing buffering and screening that improves existing conditions.

TECHNICAL REVIEW

MSD has indicated preliminary approval of the proposed development plan on condition that the applicant add certain text notes to the plan.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as landscaping and screening will still be provided in the area of new expansion.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate specific guidelines of the Comprehensive Plan. A sufficient landscape buffer in the form of an 8 foot privacy fence with columnar evergreen trees.

- (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 all required screening and plantings will be provided except for the waiver areas.

- (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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as sufficient screening in the form of the additional evergreen trees is to be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- 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 are no natural or historic resources on the subject site impacted by this development.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The proposed addition utilizes existing access to the site and does not alter pedestrian or vehicular access. The preliminary development plan has been approved by Louisville Metro Public Works.

- 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 proposal.

- 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 proposal is compatible with the existing development on the site and surrounding area. Adequate screening will be provided in the area of expansion.

- 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 proposed development plan conforms to the Comprehensive Plan as it is an existing industrial site in an established industrial activity center.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revision to binding elements.

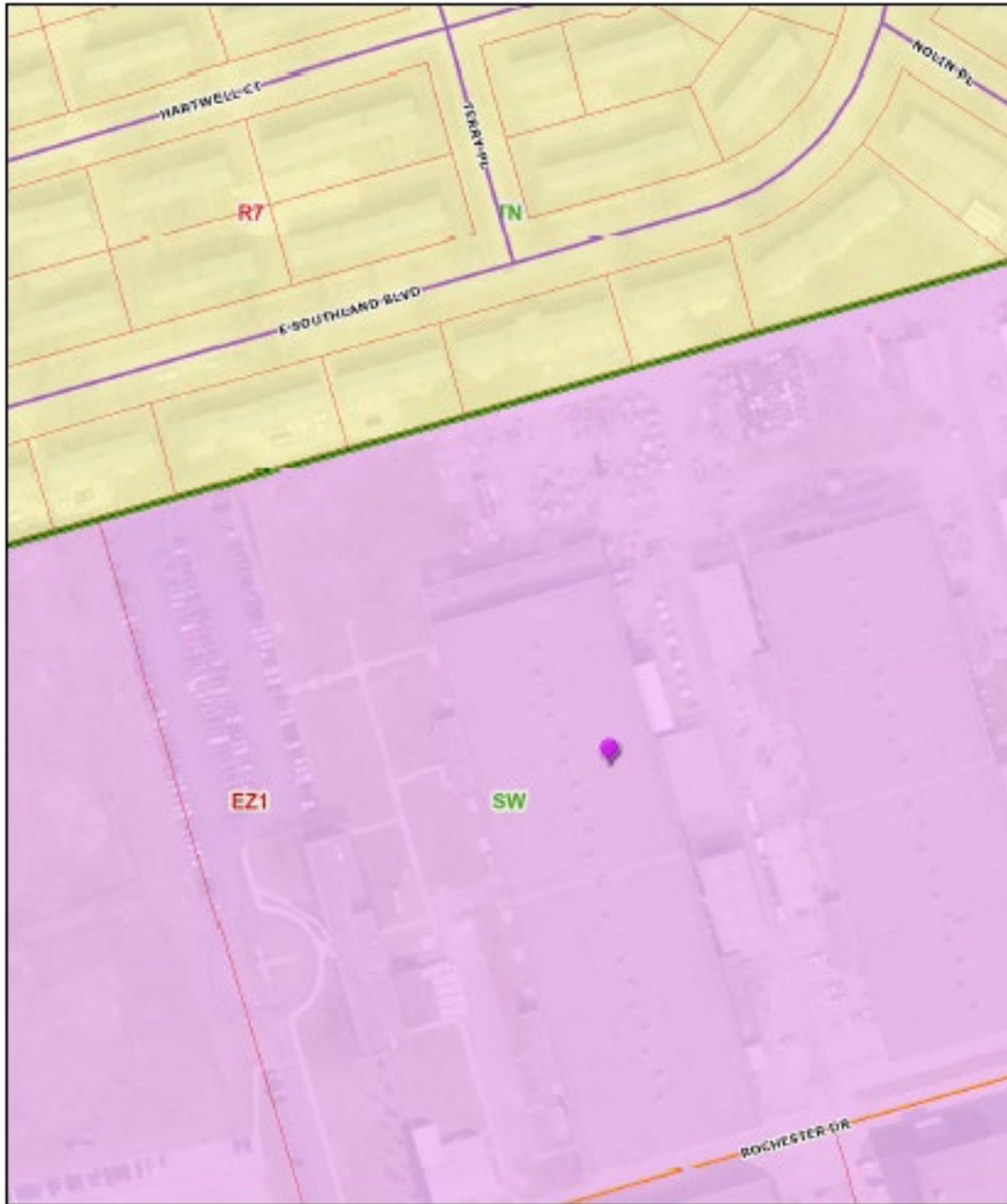
NOTIFICATION

Date	Purpose of Notice	Recipients
10-02-20	Hearing before DRC	1 st tier adjoining property owners Registered Speakers at previous public hearings Registered Neighborhood Groups in Council District 21

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements to remain
4. Proposed Additional Binding Element

1. **Zoning & Form Map**



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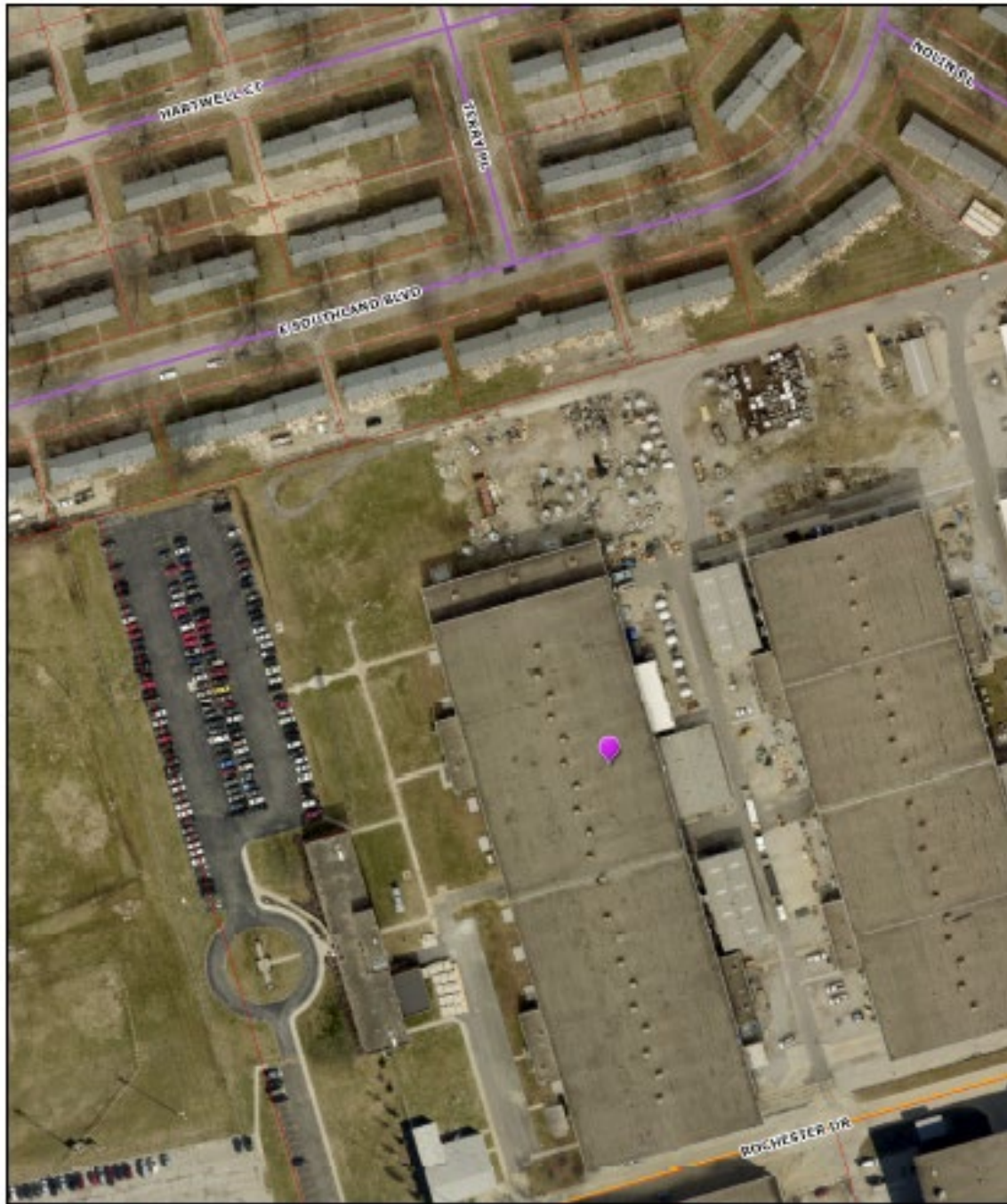
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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



20-DDP-0047

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

3. Existing Binding Elements to remain

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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
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 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.
5. 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.
6. The applicant shall provide documentation showing that the development complies with all the 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
7. 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.

4. Proposed Additional Binding Element

8. The applicant shall provide screening as shown on the landscaping exhibit presented to the Development Review Committee on October 14, 2020. The final location and type of trees shall be shown on the approved landscape plan and chosen in conference with Planning and Design Services staff landscape architect.