

# Development Review Committee

## Staff Report

Date: January 5<sup>th</sup>, 2022



<b>Case No:</b>	21-DDP-0052
<b>Project Name:</b>	Lopez Tree Service
<b>Location:</b>	11620 Diode Ct
<b>Owner(s):</b>	Pacos Investment 2, LLC.
<b>Applicant:</b>	Bill Knizner, Garber-Chilton Engineers and Land Surveyors
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Molly Clark, Planner I

### REQUEST(S)

- Detailed District Development plan with proposed Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 1,470 square foot storage building to store landscaping equipment and provide restrooms for the employees. The site is currently used as landscaping storage lot for a tree cutting service with no existing buildings. The applicant is also proposing to pave the area for employee parking while providing required interior landscape areas.

This site is related to 9-45-87 which was a rezoning from R-4 single family to M-3 industrial for an industrial park with rail service.

### STAFF FINDING

The Detailed District Development Plan meets the standard of review.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal. There are no outstanding technical issues associated with this review.

### INTERESTED PARTY COMMENTS

Staff has not received 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 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 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**

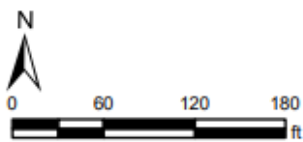
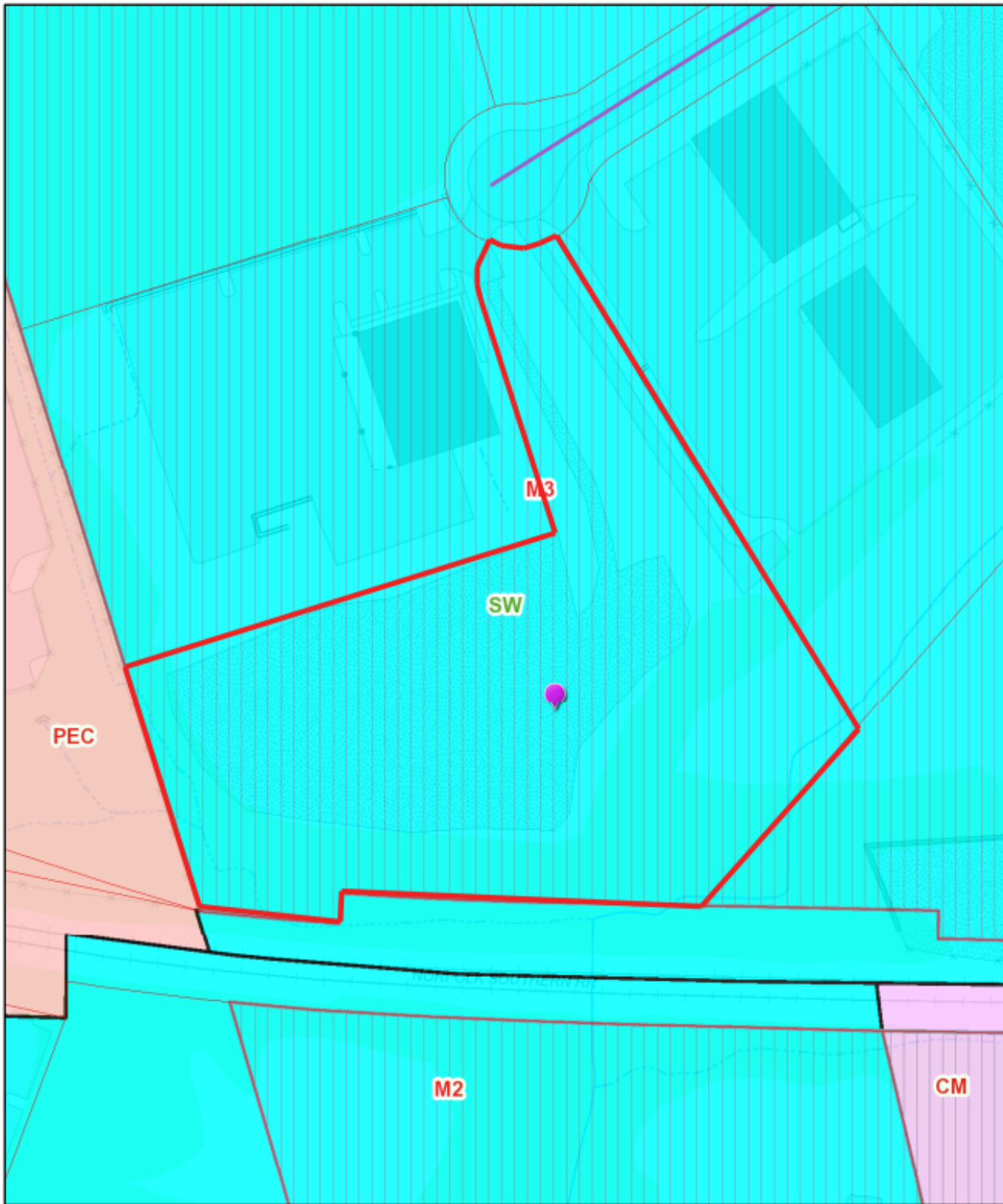
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12-22-2021	Hearing before 1/5/22	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14

**ATTACHMENTS**

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

1. Zoning Map



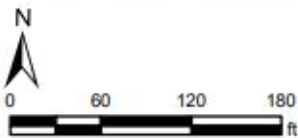
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2. Aerial Photograph



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**3. Existing General Plan Binding Elements (9-45-87)**

1. Detailed district development plans shall be submitted for each site or phase of development. Each plan shall be subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
  - a. Screening, buffering, landscaping.
  - b. Points of access.
  - c. Floor area, size and height of buildings.
  - d. Land Uses.
  - e. Signs.
2. Before a building permit is issued:
  - a. The detailed development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and Metropolitan Sewer District or City of Jeffersontown Department of Water and Wastewater.
3. The subdivision identification sign shall be submitted to the City of Jeffersontown, Kentucky for approval.
4. There will be no direct access to the site for construction equipment or any future use by means of the at grade crossing located across the Southern railroad tracks.
5. 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.
6. 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 must be implemented prior to requesting issuance of the certificate.
7. The above binding elements may be amended as provided for in the Zoning District Regulations.

#### **4. Proposed Binding Elements**

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, alteration permit or demolition permit is requested:
  - a. The development plan must receive full construction approval from Construction Review, 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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the January 5<sup>th</sup>, 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. 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. No overnight idling of trucks shall be permitted on-site.