

# Development Review Committee

## Staff Report

October 19, 2016



<b>Case No:</b>	16DEVPLAN1190
<b>Request:</b>	Revised Detailed District Development Plan
<b>Project Name:</b>	Jefferson Commerce Center 2
<b>Location:</b>	5101 Jeff Commerce Drive
<b>Owner:</b>	Jefferson United II, LLC
<b>Applicant:</b>	Jefferson United II, LLC
<b>Representative:</b>	Mindel Scott and Associates, Inc. – Kathy Linares
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	2 – Barbara Shanklin
<b>Case Manager:</b>	Joel Dock, Planner I

### REQUEST

- **Revised Detailed District Development Plan (DDDP)** for proposed addition of emergency generators

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes the addition of four emergency generators along the South side of proposed building two of the Jefferson Commerce Center. Building two is situated with frontage on the East side of Jefferson Boulevard; North of Outer Loop, South of Fern Valley Road, and directly abutting a residential neighborhood at its Southern boundary. The generators are roughly 17 feet in height and will be enclosed with security fencing. The applicant has provided staff with the following summary:

*“It is anticipated that the generators will be tested weekly, one at a time for a period of 30 minutes, possibly 2 a day on 2 separate days. It has been calculated that the sound level from the unit at the nearest residence, approximately 220’ away from the generators, will be 62-65 decibels for 1 generator. The testing is expected to occur between the hours of 9:30 and 10:30 AM. In an outage situation 2 generators would be running simultaneously and the sound level at 220’ should be approximately 66-69 dB, which per OSHA data, this is similar to moderate traffic.”*

As indicated on the revised development plan a 14’ screen fence with increased landscape buffering will be provided to create a visual buffer from the residential properties to the South. Twenty-six parking spaces will be eliminated from the previously staff-approved development plan, case 16DEVPLAN1042. No other changes to the approved development plan of case 16DEVPLAN1042 are being requested at this time.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	EZ-1	SW
<b>Proposed</b>	Distribution facility w/ generators	EZ-1	SW
<b>Surrounding Properties</b>			
<b>North</b>	Multi-family	R-6	SW
<b>South</b>	Single family residential	R-4	N
<b>East</b>	Single family residential	R-4	N
<b>West</b>	Vacant/Distribution facility	EZ-1	SW

**PREVIOUS CASES ON SITE**

- 9-03-02: Change-in-zoning from R-4 to EZ-1 and a General District Development Plan for a commercial/ industrial development.
  
- 9-03-02 & 10-18-06: Revised General District Development Plan and a nonresidential subdivision plan for a commercial/ industrial development.
  
- 14DEVPLAN1155: Revised General District Development Plan and a Detailed District Development Plan for a warehouse and distribution facility.
  
- 15DEVPLAN1031: Detailed District Development Plan for a warehouse and distribution facility with waiver to omit the 6' berm requirement.
  
- 15DEVPLAN1157: Revised Detailed District Development Plan with waivers of LDC, sections 5.12.2.A.1, 5.5.4.B.1, & 10.2.11.
  
- 16DEVPLAN1042: Revised Detailed District Development Plan (Staff-approved) to shift the building to allow for revisions to the parking area on the West side of the building and other minor vehicle use area revisions.

**INTERESTED PARTY COMMENTS**

Staff has not received any interested party comments at this time. Previous concerns voiced with this project, specifically case 15DEVPLAN1157, were related to the visual intrusion of the proposed warehouse on the residential neighborhood, as well as drainage problems and flooding of the site and nearby residential property associated with land disturbance.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP**

- 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 does 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 will be provided. An internal network of sidewalks provides safe passage for pedestrians from parking lots and the public sidewalk to building entrances.

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

STAFF: Provisions of sufficient open space will be provided. An outdoor amenity area is being provided for employees.

- 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 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. The sites location along a minor arterial roadway provides ease-of-access to nearby transportation infrastructure required for a distribution facility. Additional landscape buffering and screening will be provided to mitigate the visual intrusion of the four proposed generators from the abutting residential neighborhood to the South.

- 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 the requirements of the Land Development Code not previously waived by the Planning Commission or designee.

### **TECHNICAL REVIEW**

There are no outstanding technical review items to be addressed by this committee or staff.

### **STAFF CONCLUSIONS**

The Revised Detailed District Development Plan appears to be adequately justified based on staff analysis in the staff report.

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 approving a Revised Detailed District Development Plan established in the Land Development Code.

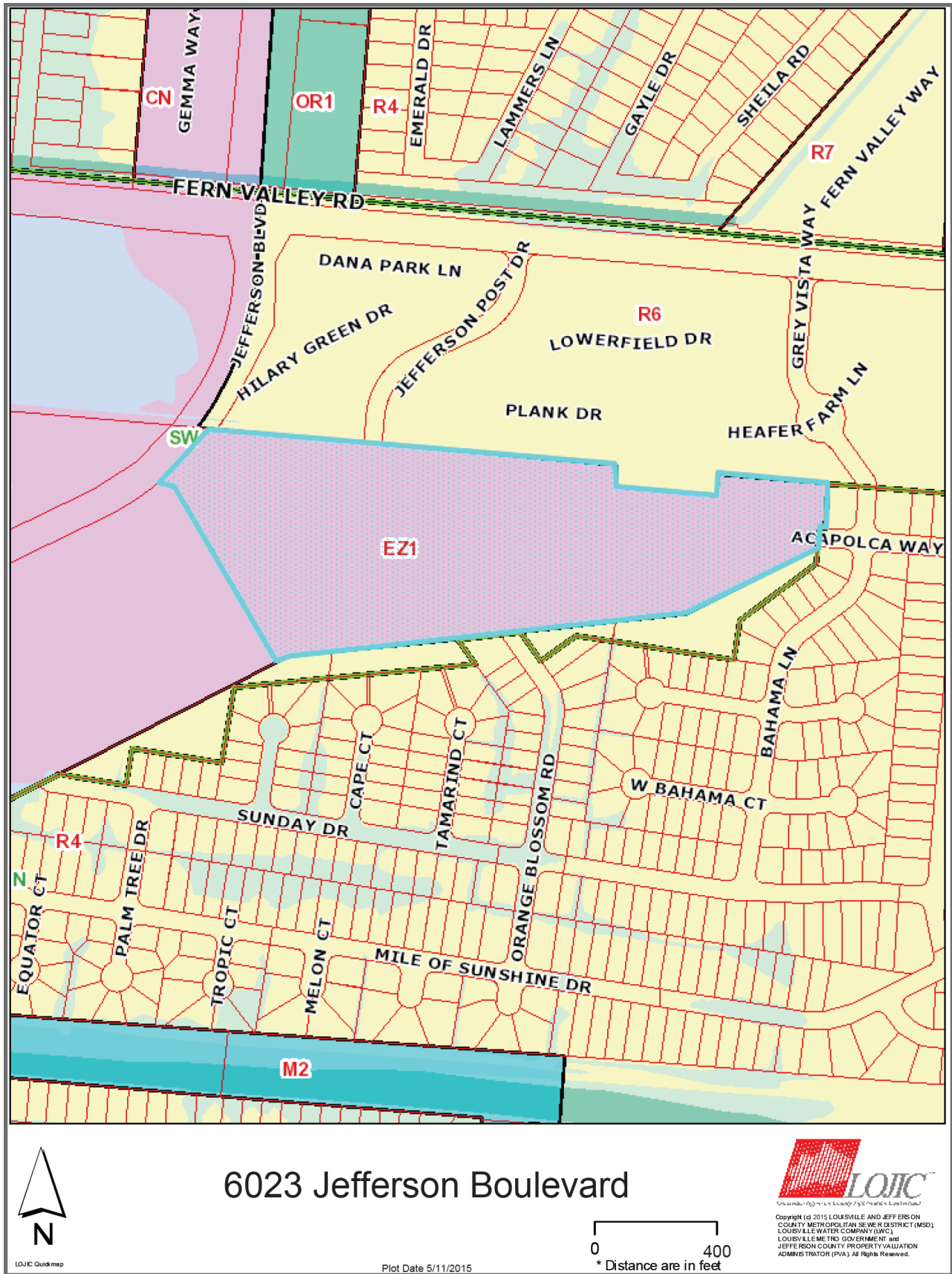
## NOTIFICATION

Date	Purpose of Notice	Recipients
10/6/16	DRC	Individuals whom received notice prior to DRC approval in case 15DEVPLAN1157; including, 1 <sup>st</sup> and 2 <sup>nd</sup> Tier owners, and those individuals in attendance at a neighborhood meeting on 12/16/2014 Subscribers of Council District 2 Notification

## ATTACHMENTS

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

1. **Zoning Map**





2. Aerial Photograph



### 3. Existing Binding Elements

**All binding elements from the approved General District 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. 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 Construction Review, Transportation Planning Review, 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
4. 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.
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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 4, 2015 Development Review Committee meeting.
7. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.
8. The amenity area shall be shown on the landscape plan submitted for approval.