

Development Review Committee
Staff Report
August 31, 2016



Case No:	16DEVPLAN1110
Request:	Revised Detailed District Development Plan and Waiver for Amenity Area
Project Name:	Algood Foods Warehouse
Location:	10611 Freeport Drive
Owner:	Cecil C Barnette Family LLC
Applicant:	Cecil C Barnette Family LLC
Representative:	Ashley Bartley, Qk4
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan
- Waiver of 5.12.2.A.1 to allow amenity area to be less than 10% of total building square footage.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 210,000 square foot warehouse on a vacant parcel within the Riverport Industrial subdivision, located in southwest Louisville. The proposal includes the 25 parking spaces and a truck maneuvering and docking area. The applicant has also applied for a waiver to allow 2000 square feet of amenity area, equaling approximately 1% of the total building area. A variance for the proposed truck maneuvering area to encroach into a streamside buffer has also been requested and will be heard by the Board of Zoning Adjustment on September 12, 2016.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	EZ-1	SW
Proposed	Warehouse	EZ-1	SW
<i>Surrounding Properties</i>			
North	Vacant	EZ-1	SW
South	Warehouse	EZ-1	SW
East	Single Family Residential	R-5A	N
West	Warehouse	EZ-1	SW

PREVIOUS CASES ON SITE

9-58-96- Rezoning from R-1 to EZ-1 for warehouse and commercial uses and detailed development plan approved December 22, 1999.

10-20-96- Preliminary subdivision plan for Riverport Phase III .

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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: This proposal is preserving 58,743 square feet of tree canopy and meeting tree canopy requirements with a total of 84,666 square feet or 12% of the site. The proposed truck maneuvering area does encroach into the streamside buffer on the east side of the site. The applicant has proposed a bioswale to mitigate the encroachment and is willing to work with staff at the landscape approval stage for additional plantings in the sparse areas of the stream buffer.

- 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 with 4' sidewalk connections to the proposed 5' public sidewalk along Freeport Drive, as well as safe vehicular access onto and throughout the site.

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

STAFF: The applicant has provided the amenity area for employees although it does not meet the code for size.

- 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 land use and building design are compatible with the existing and future development of the area. This area was re-zoned and subdivided in 1996 for a warehouse and commercial area.

- 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 is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan with the exception of the amenity area waiver and streamside buffer variance.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER of
Section 5.12.2.A.1 to reduce the required 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 amenity area is a requirement that serves only the employees of the development.

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

STAFF: Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more in proportion to the number of employees.

- (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 applicant has stated that the proposed amenity area will meet the intent of the regulation.

- (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 land and create an unnecessary hardship as the warehouse is large in relation to the number of employees on site therefore providing the amenity area based on the building size would be in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- A portion of this site lies in the 100 year floodplain.
- Staff is working to recommend additional tree plantings at the landscape review stage to further mitigate the stream buffer encroachment.

STAFF CONCLUSIONS

The Detailed District Development Plan Waiver request appears 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 hearing, the Development Review Committee must determine if the proposal meets the standards for granting approval of the RDDDP established in the Land Development Code.

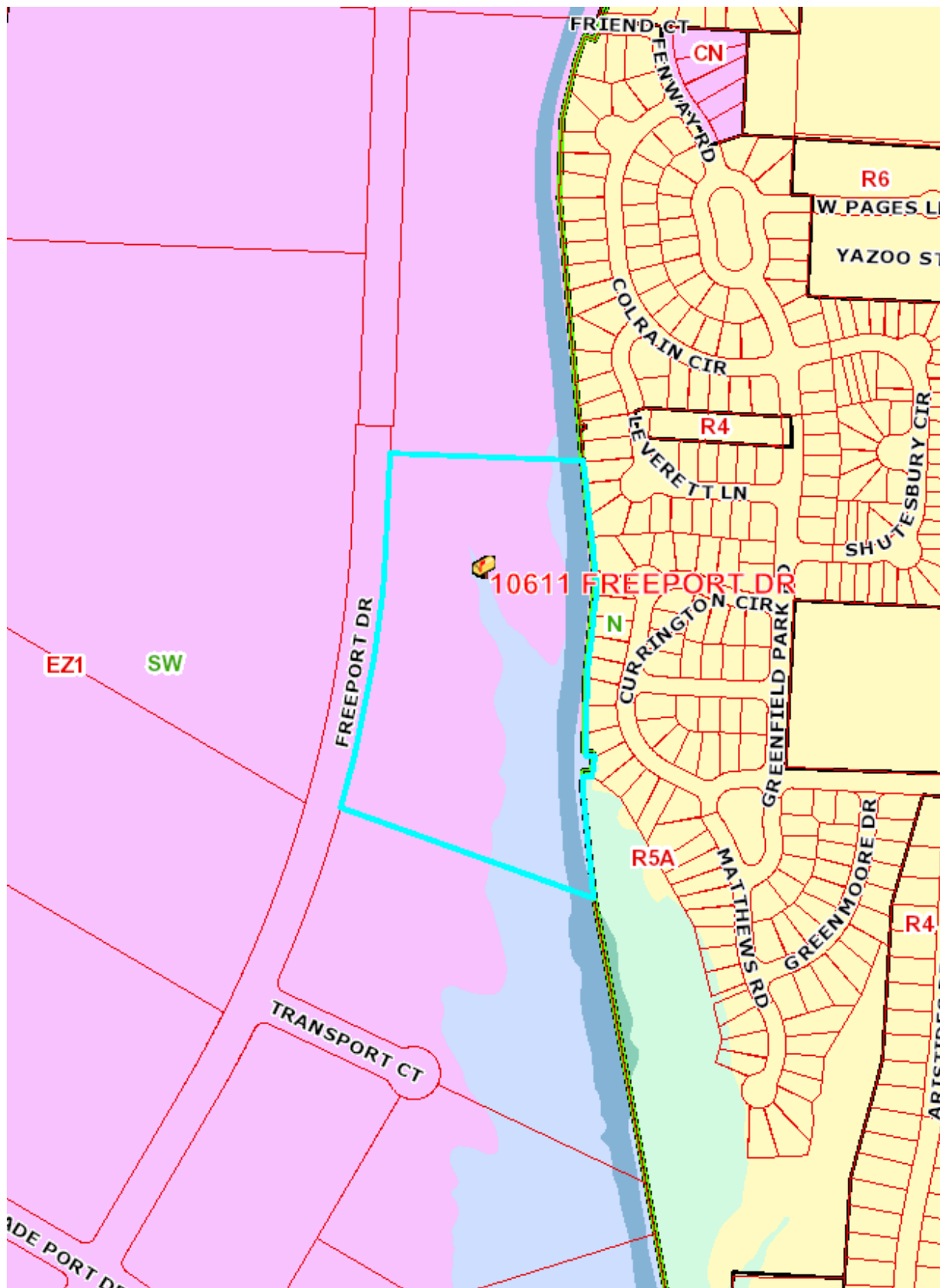
NOTIFICATION

Date	Purpose of Notice	Recipients
08/17/2016	Public Meeting - DRC	Neighborhood notification recipients
08/19/2016	Public Meeting - DRC	1 st tier adjoining property owners

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

All binding elements from the approved General Development Plan (9-58-96) are applicable to this site, in addition to the following:

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed 164,520 square feet of gross floor area.
3. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
- 7a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
- 7b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable)).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.

c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument. Approval of a clearing and grading plan for the property is not contingent upon the recording of a minor plat..

9. If a building permit is not issued within one year of the date of approval of the plan, 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.

10. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.

12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

14. The landscaping on the east side of the property shall be planted in accordance with the detailed district development plan.

4. Proposed Binding Elements

2. The development shall not exceed ~~164,520~~ **210,000** square feet of gross floor area.
9. If a building permit is not issued within ~~one year~~ **two years** of the date of approval of the plan, 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.
14. The landscaping on the east side of the property shall be planted in accordance with the ~~detailed district development plan.~~ **approved landscape plan.**