

Development Review Committee

Staff Report

April 2, 2014



Case No:	14DEVPLAN1014
Project Name:	Stor All Fairdale
Location:	6300 Commerce Park Court
Owner:	Stor All Fairdale, LLC
Applicant:	Steve Womack
Representative:	Weber & Rose, PSC and Power of Design
Project Area/Size:	8.23 acres
Existing Zoning District:	C-M, Commercial Manufacturing
Existing Form District:	N, Neighborhood
Jurisdictions:	Louisville Metro
Council Districts:	13 – Vicki Aubrey Welch
Case Manager:	Matthew R. Doyle, Planner I

REQUEST

- Detailed District Development Plan (DDDP) with binding elements
- Amendment to General Plan Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is located immediately south of the Gene Snyder Freeway and just north of New Cut Road.

The applicant is proposing a mini-storage warehouse development. It would consist of 8 buildings and an office. One of the buildings would be unenclosed, covered parking for recreational vehicles. The storage buildings would be enclosed in a security fence.

The development is adjacent to a USGS perennial blue-line stream as shown on LOJIC. The stream has been channelized since the general plan was approved in 1999. Nevertheless, the Land Development Code (LDC) requires a 'Type B' buffer of 100 feet comprised of a streamside, middle, and outer zone. As shown on the plan, the development would encroach no more than 55' into the buffer. This requires the applicant to obtain a variance from the Board of Zoning Adjustment.

LOJIC also shows the presence of hydric soils on a substantial portion of the site. The LDC states that hydric soils are a preliminary indicator of wetlands. A letter from the Army Corps of Engineers is in the file of the general plan. It states that the area is not a regulated wetland and does not require a permit from the Corps.

The general plan from 1999 showed a large floodplain mitigation area on the subject site. MSD confirmed that significant floodplain mitigation has been undertaken since the general plan was approved. Part of that work was channelizing the stream. Today, only portions of the site lie in the 100-year floodplain as shown on the proposed development plan.

The applicant is providing the 50' Gene Snyder Freeway buffer as shown on the plan. A Woodland Protection Area (WPA) approved on the general plan is also delineated within this buffer. The applicant would meet with Planning Commission staff and Metro's Arborist to confirm selective pruning and removal of understory brush and/or trees, as well as installing any additional plantings. This would take place prior to approval of the tree preservation and landscape plan.

The applicant is also requesting changes to the general plan binding elements in Docket 9-42-99. Binding element number 5 states the following:

5. There shall be no outdoor storage.

The applicant proposes amending the binding element so that it would exempt the unenclosed, covered parking. It would state the following:

5. There shall be no outdoor storage **except for the covered parking as long as such parking is screened by security fencing.**

Binding element number 20 states the following:

20. The building facades of the structures on Tract A and Tract B shall substantially consist of masonry or concrete. The townhomes shall consist of brick facades.

The applicant proposes amending the binding element so that it would exempt the mini-storage warehouses. It would state the following:

20. The building facades of the structures on Tract A and Tract B shall substantially consist of masonry or concrete **except for mini-storage building facades.** The townhomes shall consist of brick facades.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-M	N
Proposed	Mini-storage warehouses	C-M	N
Surrounding Properties			
North	Gene Snyder Freeway	N/A	N/A
South	Vacant	C-M	N
East	Warehouse	C-M	N
West	Hotel	C-M	N

PREVIOUS CASES ON SITE

9-42-99: A change in zoning from R-4 single family residential to R-5A Multi-family Residential and C-M Commercial Manufacturing and approval of the General/Detailed District Development Plan. Detailed District Development Plans for New Cut Commerce Park have been approved for a Value Place Hotel, Speedway gas station, and Prologis Warehouse and Distribution Center. Revised Detailed District Development Plans have been approved for New Cut Condominiums.

INTERESTED PARTY COMMENTS

Staff has not received any interest in this case.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR
AMENDMENT TO GENERAL PLAN BINDING ELEMENTS and
A DETAILED DISTRICT DEVELOPMENT PLAN WITH 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: All natural resources have been identified on the plan and the proposed development will comply with any applicable regulations in the Land Development Code with respect to the conservation of natural resources. 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 have been provided. Transportation Review 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: All open space and landscape buffer requirements are met on the site.

- 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: MSD 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.

- 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.

TECHNICAL REVIEW

A variance is required to permit the proposed development to encroach into the 100' stream buffer. The hearing before the Board of Zoning Adjustment is scheduled for April 7th.

STAFF CONCLUSIONS

- The applicant requests approval of a DDDP for mini-storage warehouses.
- The applicant requests to amend general plan binding elements 5 and 20.
- The request appears to meet the standard of review and staff analysis.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the DDDP with binding elements and Amendments to General Plan Binding Elements.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Detailed District Development Plan with the binding elements as proposed in the staff report.
- **APPROVE** or **DENY** the Amendments to the General Plan Binding Elements as proposed in the staff report.

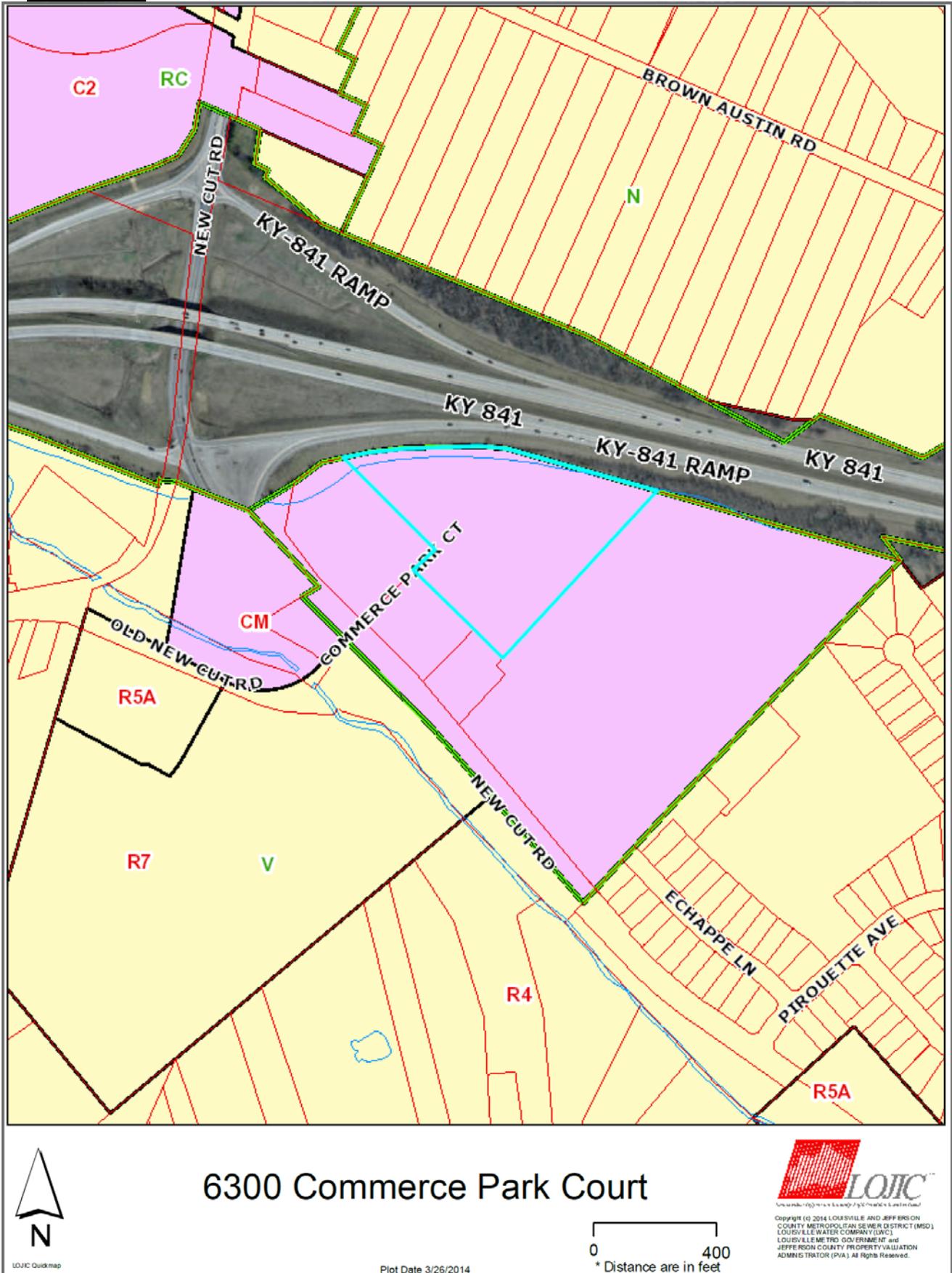
NOTIFICATION

Date	Purpose of Notice	Recipients
3/20/14	Meeting before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



6300 Commerce Park Court



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0 400
* Distance are in feet

Plot Date 3/26/2014

3. Existing General Plan Binding Elements

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. Any changes/additions/alterations of any binding elements shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
 - 1a. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
2. The density of the development shall not exceed 7.84 dwelling units per acre (20 units on 2.55 acres) for Parcel C and 6.93 dwelling units per acre (30 units on 4.33 acres) on Parcel D.
3. There shall be no freestanding sign permitted on site without prior approval. Monument style signs that meet the size and height limits established in the "Policies for Future Development along Designated Parkways" may be approved by DPDS staff. Signs that exceed those limits are permitted only if approved by LD&T or the Commission. LD&T or the Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations. The only permitted freestanding sign on Parcel A shall be a monument style sign, located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 30 feet to front property line. The sign shall not exceed 80 square feet in area per side and 20 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs, small free-standing 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 and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed two foot candles measured at the property line.
7. 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.

- 7a. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas and Woodland Protection Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
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. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
9. 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.
10. 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.
11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
12. 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.
13. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
14. 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.
15. The dumpsters shall not be emptied between the hours of 10 p.m. and 8 a.m.
16. Prior to the recording of the initial minor plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

- a. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Business Park Owners association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Business Park Owners Association in a form approved by Counsel for the Planning Commission.
17. At the time the developer turns control of the Business Park Association over to the owners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
 18. Subdivision of Lots 1-9 may be created utilizing the minor subdivision plat process in conformance with the rules and regulations governing minor subdivisions. A master subdivision plan shall be provided to the Planning Commission showing all current subdivision lots being created and their associated minor subdivision plat docket numbers. This master plan shall be kept current for the entire duration of the development process and shall show any revisions of existing lots, (example: shifting property lines and lot consolidation).
 19. A roadway and drainage bond shall be submitted to Jefferson County Public Works and Transportation prior to approval of any minor plat creating lots served by a private access easement.
 20. The building facades of the structures on Tract A and Tract B shall substantially consist of masonry or concrete. The townhomes shall consist of brick facades.
 21. The rear of the multi-family units on Tract C shall be landscaped with fast growing species of trees and the developer shall install 6' shadow box fences the length of each building abutting the residential subdivision to the north pursuant to the plan required in Binding Element 7a.
 22. The following M-1 uses shall be prohibited:
 Uses, Manufacture, processing or treatment of the following:
 Adhesives
 Beverages, blending and bottling
 Blacksmith
 Carbon paper and ink ribbons
 Latex paints (water base)
 23. No noise from manufacturing operations shall be audible beyond the property line.
 24. Applicant shall install a 4 foot berm along the east property line with additional shrubs and trees spaced 20 feet on center.
 25. Dumpsters will be enclosed with the same shadowbox fences as provided elsewhere on site.
 26. The fronts of the townhomes shall face Manslick Road.
- 4. Proposed General Plan Binding Elements**
5. There shall be no outdoor storage **except for the covered parking as long as such parking is screened by security fencing.**
 20. The building facades of the structures on Tract A and Tract B shall substantially consist of masonry or concrete **except for mini-storage building facades.** The townhomes shall consist of brick facades.

5. Proposed Detailed Plan 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. The only permitted freestanding sign shall be a monument style sign that is in accordance with the size and height limits established for Freestanding Signs on Designated Parkways in Chapter 8 of the Land Development Code and in accordance with the Snyder Freeway Sign ordinance.
4. Attached signage shall be permitted in accordance with Chapter 8 of the Land Development Code and the Snyder Freeway Sign ordinance.
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 Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. 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.
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 site shall be developed in accordance with the Woodland Protection Areas (WPAs) delineated on the approved district development plan, tree preservation plan and related notes. Any modification of the WPAs requires notification of adjoining property owners and LD&T action.
11. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. The tree preservation plan shall contain the following notes:
 - a. WPAs identified on this plan represent portions of the site on which all existing vegetation and all trees greater than 2" in caliper shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost through natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
 - b. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 - c. Tree protection fencing shall be erected adjacent to all WPAs prior to site disturbance approval (clearing and grading) to protect the existing tree stands and their root systems. The fencing shall be located at least 3' from the outside edge of the tree canopy and shall remain in place until all construction is completed.
 - d. No parking, material storage or construction activities are permitted within WPAs
 - e. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.
 - f. The site shall be developed in accordance with the WPAs delineated on this plan and related notes. Any modification of the WPAs requires notification of adjoining property owners and LD&T action.
 - g. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the 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.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 2, 2014 Development Review Committee meeting.