

# Development Review Committee

## Staff Report

February 16, 2022



<b>Case No:</b>	21-DDP-0085
<b>Project Name:</b>	Delcour Riverport Industrial
<b>Location:</b>	13641 Dixie Highway
<b>Owner(s):</b>	Delcour Industrial 4 LLC, Delcour Industrial 5 LLC
<b>Applicant:</b>	Kenneth Delcour
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

### REQUEST

- **Revised Detailed District Development Plan** and revised Binding Elements

### CASE SUMMARY

The subject site is located in Riverport Phase 5 along Randy Coe Lane. The applicant proposes to construct two new office/warehouse buildings. The property is currently zoned EZ-1 and is located in the Suburban Workplace Form District. The site is under general plan binding elements and the proposal is for a revised detailed district development plan under the general plan.

### STAFF FINDING

The RDDDP is adequately justified and meets the standard of review.

### TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approval of the proposal. The site was rezoned from R-4 to EZ-1, with an associated form district change from Neighborhood to Suburban Workplace, in 2014. The zoning change was accompanied by a detailed district development plan. The detailed plan was converted to a general plan in 2019 with general plan binding elements placed on the entire Riverport Phase 5 site, including the subject property. The general plan binding elements will apply to this site in addition to the revised detailed district development plan binding elements.

### INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

**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 do not appear to be any environmental constraints or natural resources on the site. No historic assets are evident on the 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. Louisville Metro Public Works has provided preliminary approval of the plan.

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

STAFF: No open space provisions are relevant to the 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 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 would be compatible with the existing and future development of the area. The site is part of Riverport Phase 5.

- 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:**

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with Binding Elements

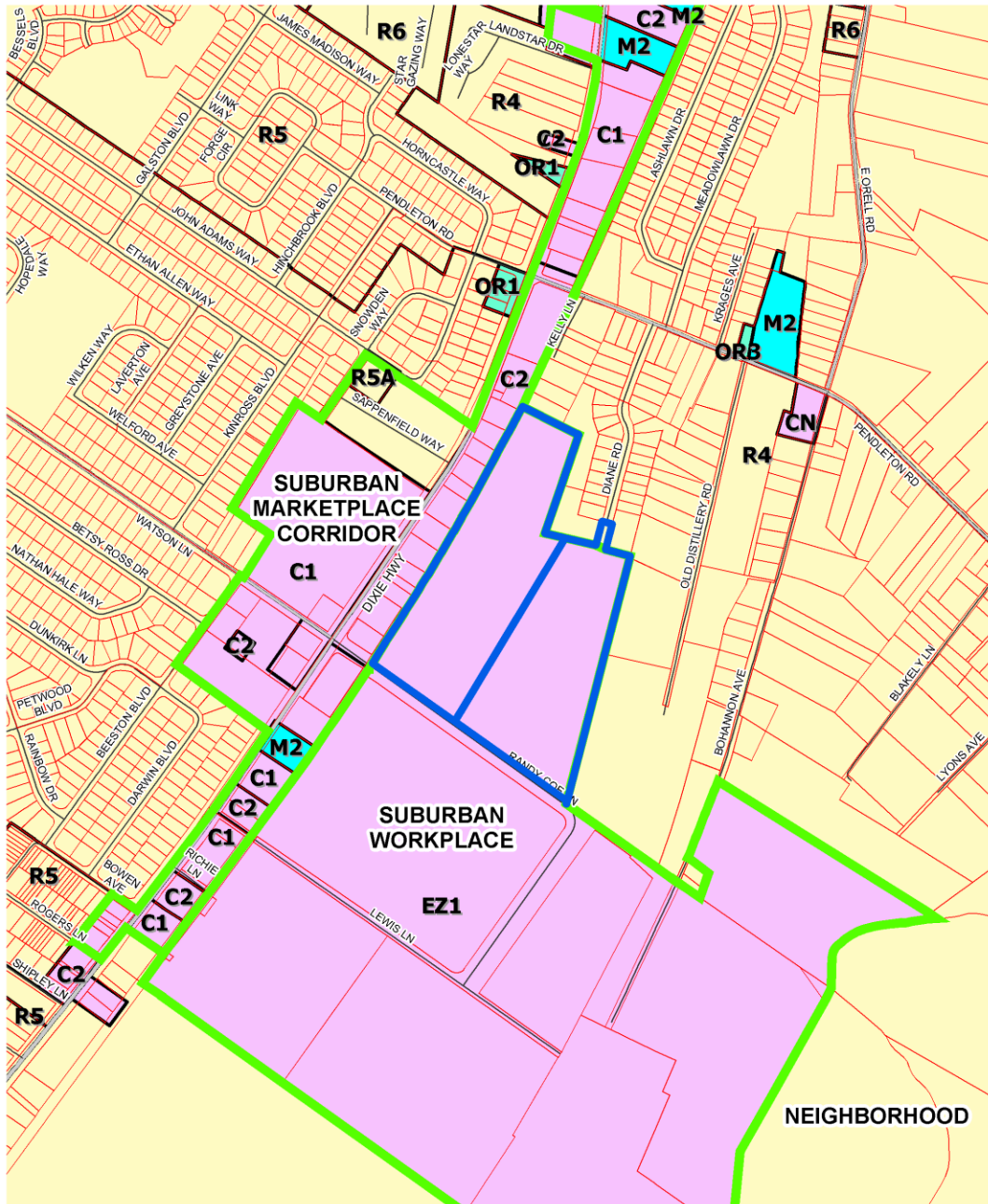
**NOTIFICATION**

Date	Purpose of Notice	Recipients
02/02/2022	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 14

## **ATTACHMENTS**

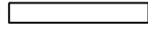
1. Zoning Map
2. Aerial Photograph
3. General Plan Binding Elements
4. Proposed Detailed Plan Binding Elements

1. Zoning Map



Riverport Phase 5

feet



790

Map Created: 2/10/2022



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2. Aerial Photograph



Riverport Phase 5

feet



790

Map Created: 2/10/2022



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### **3. General Plan Binding Elements**

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), or development plan revisions and all landscape plans 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 (including 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. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit is requested:
  - a) A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
  - b) A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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.
6. 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.
7. No idling of trucks shall take place within 200 feet of residential uses. No overnight idling of trucks shall be permitted on the site.
8. A note shall be placed on the construction plan and the record plat that states: "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.”

9. 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.
10. 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. Outdoor lighting shall at all times comply with the Land Development Code Chapter 4.
11. Uses to be prohibited on this subject site:
  - Pawn shop
  - Automobile rental agencies
  - Automobile repair garages
  - Automobile sales agencies
  - Billiard parlors, game rooms and similar entertainment uses
  - Bingo halls and parlors
  - Dance halls
  - Skating rinks (ice or roller)
  - Tattoo, body art, and piercing parlors
  - Used car sales areas
  - Transitional Housing
  - Homeless Shelter
  - Outdoor Paintball Ranges
  - River terminals
  - Animal pound
  - Firearms
  - Animal packing or slaughtering
  - Adult entertainment
  - Race tracks for motor-powered vehicles

#### 4. **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. 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.

3. 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 February 16, 2022 Development Review Committee meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
  - d) A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. 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.
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. No access shall be permitted from Diane Road.