

Land Development & Transportation Committee

Staff Report

October 13, 2016



Case No:	16DEVPLAN1167
Project Name:	Trajan Property: Building 3
Location:	4607 Poplar Level Road
Owner(s):	Brian Lowe, Trajan, LLC
Applicant(s):	Brian Lowe, Trajan, LLC
Representative(s):	Jennifer Caummisar-Kern, Accurus Engineering
Jurisdiction:	Louisville Metro
Council District:	10 – Patrick Mulvihill
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan review for warehouse
- Amendment to Binding Element

CASE SUMMARY/SITE CONTEXT

The proposed development is for a 56,000 square foot warehouse, located approximately 1.5 miles southeast of I-264 in central Louisville. The proposal includes 76 parking spaces and is accessed from Poplar Level Road. The site is an irregular shape and is currently occupied by two warehouse structures. It is surrounded by similar uses and vacant properties, as well as a mix of lower intensity uses to the south and across Poplar Level Road. The site is within a Transition Zone and meets all LDC requirements.

The subject site is plan certain under Docket 9-35-06 which was approved by Planning Commission on September 7, 2006. The General Development Plan was revised under docket number 11015, approved July 30, 2008.

The applicant requests to alter the following binding element, as written in the currently approved general development plan, 11015, as follows:

2. The total square footages are: ~~430,465~~ **137,900** sf office/warehouse and three out lots.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Warehouses	M-2, CM	SW
Proposed	Warehouses	M-2, CM	SW
Surrounding Properties			
North	Vacant	M-2	SW
South	Single Family Residential, Retail	R-4, C-1, C-2	N
East	Church, Vacant	M-1	SW
West	Warehouse, Retail	C-1, M-1	SW

PREVIOUS CASES ON SITE

- 9-35-06: Change in zoning from R-4 Single Family Residential to M-2 Industrial and C-m Commercial Manufacturing and a change from the Neighborhood Form District to the Suburban Workplace Form District.
- 11015: Revised General District Development Plan for four warehouse buildings and 3 out lots.
- 11044: Detailed District Development Plan for adjacent 31,900 square foot warehouse.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

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: LOJIC indicates potential hydric soils on site. If any of these soils are found to be wetlands, Army Corps of Engineers approval will be required. No other natural resources were identified.

- 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 through the existing vehicular access and existing sidewalks with which the development will connect. Transportation has given their preliminary approvals.

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

STAFF: This development does not meet the threshold for open space or outdoor amenity 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 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 uses are compatible with the existing and future development of the area, as warehouse/office uses as well as a mix of other uses are prevalent in 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: This development conforms to the Land Development Code and the Comprehensive Plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AN AMENDMENT TO BINDING ELEMENT #2

- 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: The amendment to Binding Element #2 has no further impact on the conservation of natural resources on the property.

- 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 continue to be provided with the increase in building area.

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

STAFF: This development does not meet the threshold for open space or outdoor amenity 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 will continue to 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 uses are compatible with the existing and future development of the area. The binding element amendment will have no effect on this.

- 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 and binding element amendment conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

This proposal has received preliminary approvals from MSD. KYTC has required a traffic study that the applicant has submitted and is currently under review at the time of publishing the staff report. Transportation will approve at the time of the traffic study approval.

LOJIC identified hydric soils (potential wetlands) on this site. Army Corps of Engineers approval is required where any of these hydric soils are found to be wetlands. The plan has also received preliminary approvals from MSD and Public Works.

STAFF CONCLUSIONS

The Revised Detailed District Development plan and proposed binding element amendment 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 meeting, the Land Development & Transportation must determine if the proposal meets the standards for Detailed District Development Plan and Binding Element Amendment approval established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan
- **APPROVE** or **DENY** the Amendment to Binding Element #2 from Case Number 11015

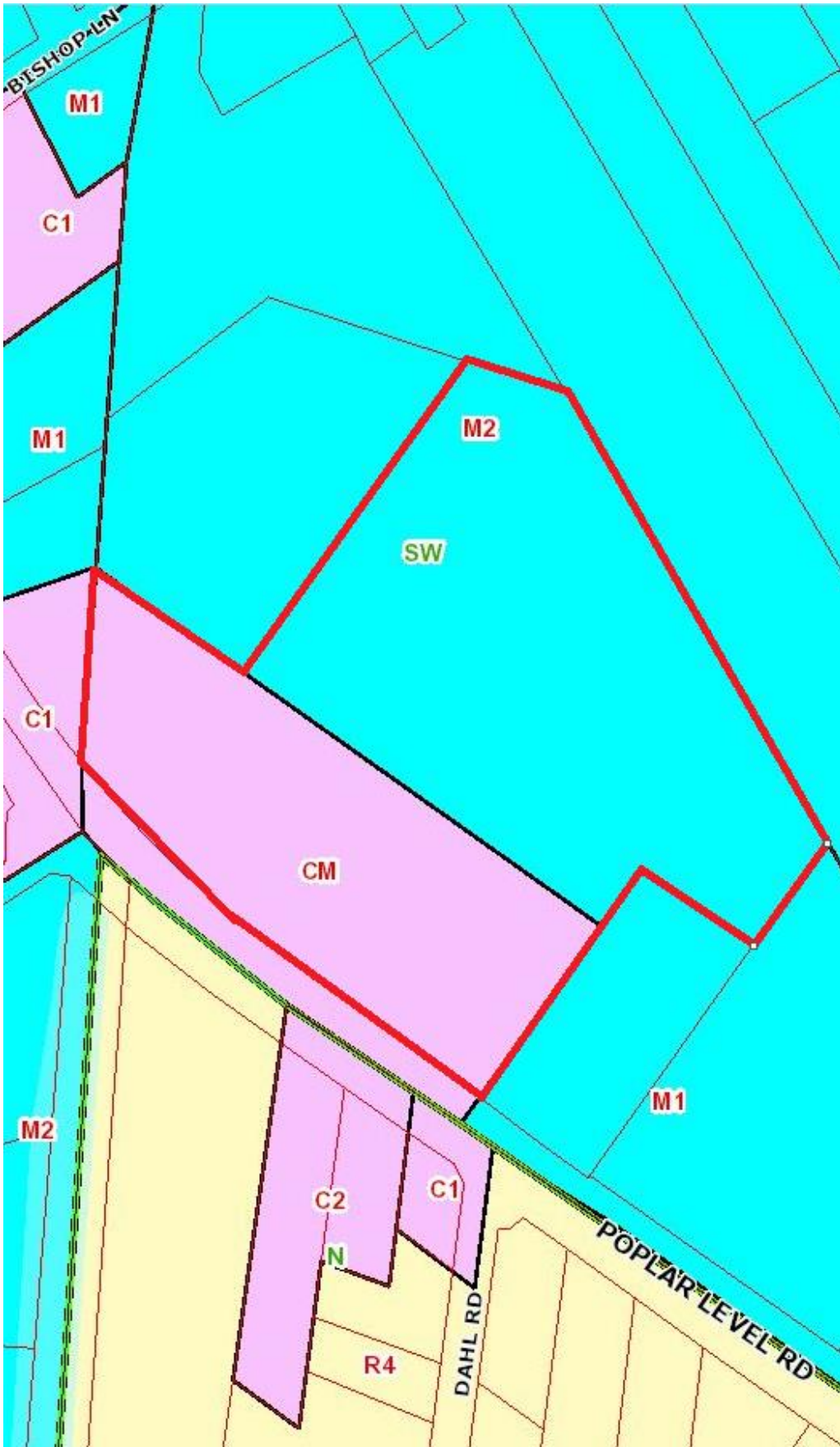
NOTIFICATION

Date	Purpose of Notice	Recipients
Sept. 30, 2016	APO Notice of Public Meeting	First tier adjoining property owners
Sept. 28, 2016	Notice of Public Meeting	Registered neighborhood groups

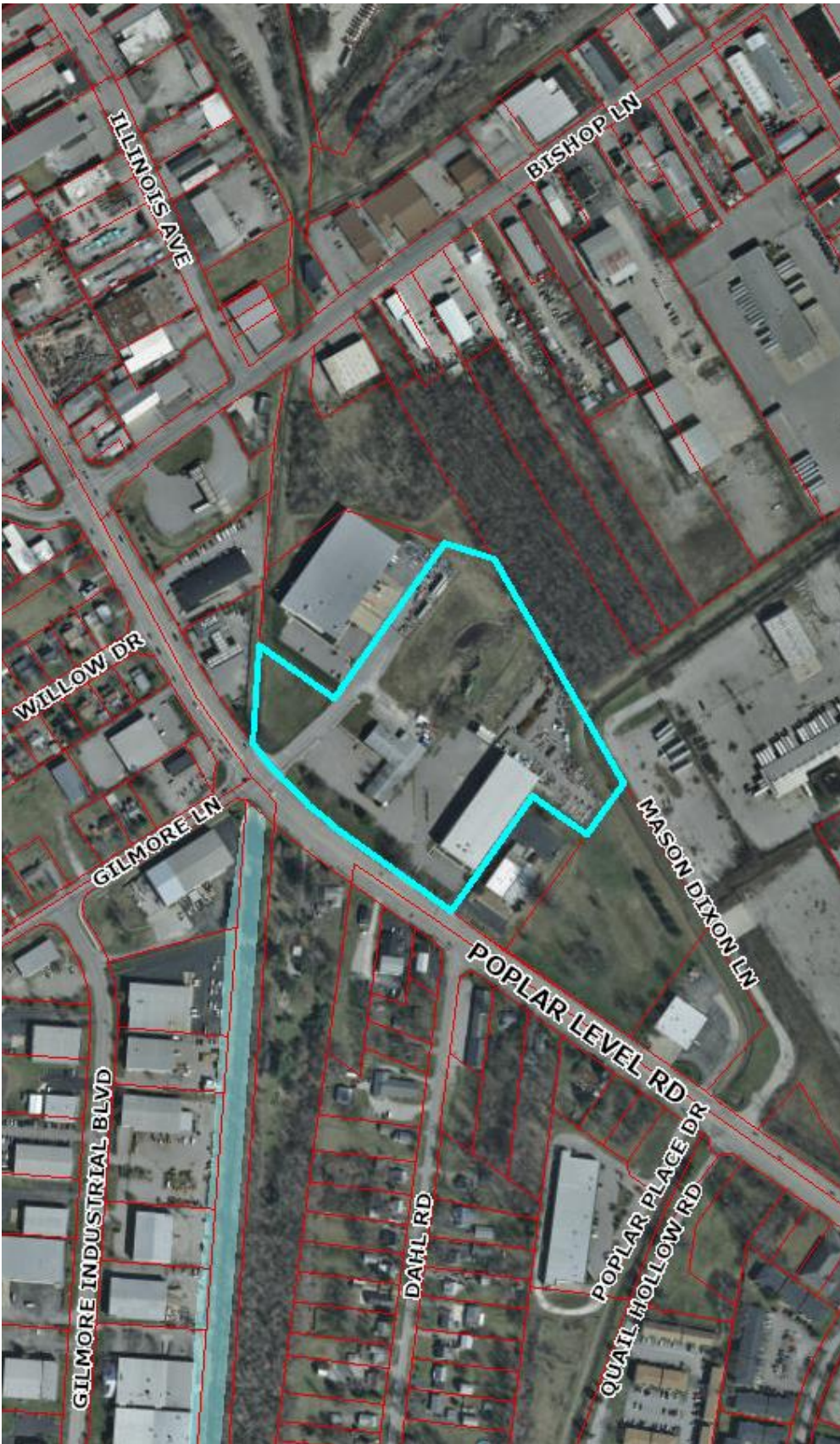
ATTACHMENTS

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

1. Zoning Map



2. Aerial Map



3. Existing 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. Signs shall be in accordance with Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, 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. A minor subdivision plat 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.
6. 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.
7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 30, 2008 Development Review Committee meeting.

4. **Proposed Binding Elements**

8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~July 30, 2008 Development Review Committee meeting.~~ **October 13, 2016 Land Development & Transportation meeting.**