

Development Review Committee

Staff Report

November 5, 2014



Case No:	14DEVPLAN1143
Project Name:	Dynacraft
Location:	10901 Greenbelt Highway
Owner:	Dynacraft
Applicant:	Dynacraft
Representative:	Land Design & Development, Inc.
Project Area/Size:	30.2 acres
Existing Zoning District:	EZ-1, Enterprise Zone
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Matthew R. Doyle, Planner I

REQUEST

- Revised Detailed District Development Plan to allow outdoor storage

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is plan certain approved in Docket 10-5-94. It is located in Riverport Phase II off of Greenbelt Highway in southwest Jefferson County.

Dynacraft requests a Revised Detailed District Development Plan to allow outdoor storage as shown on the proposed plan. Currently, outdoor storage is not permitted per special binding element 2. The applicant would like revise the binding element to allow outdoor storage as shown on the approved district development plan. The proposal complies with the outdoor storage requirements of the Land Development Code in section 4.4.8.

Code Enforcement sent Dynacraft a Binding Element Notice of Violation and Order to Remedy concerning the outdoor storage on August 5, 2014.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Warehouse	EZ-1	SW
Proposed	Warehouse	EZ-1	SW
Surrounding Properties			
North	Warehouse	EZ-1	SW
South	Single family residential	R-4	N
East	Mill Creek	EZ-1	SW
West	Warehouse	EZ-1	SW

PREVIOUS CASES ON SITE

10-5-94: The Planning Commission approved the preliminary subdivision plan for Riverport Phase II Subdivision on March 17, 1994 on condition that each site must submit for approval a Detailed

District Development Plan prior to development. The detailed plan for this site was approved by LD&T on August 27, 1998 for a 300,000 sq. ft. warehouse/office building. A RDDDP was approved by LD&T on September 8, 2005 for a two phase building that equaled 300,000 sq. ft.

18953: DRC approved a RDDDP on June 19, 2013 to permit construction of an additional 199,318 sq. ft. of vehicular use area to the east of the warehouse and office building, which added 236 parking spaces and 30 trailer parking spaces.

INTERESTED PARTY COMMENTS

Staff has not received any communication from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO 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: 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. Transportation Planning 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: Provisions of sufficient open space will be provided.

- 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 site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- 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.

TECHNICAL REVIEW

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and MSD.

STAFF CONCLUSIONS

- The proposed 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 meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the RDDDP.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan.

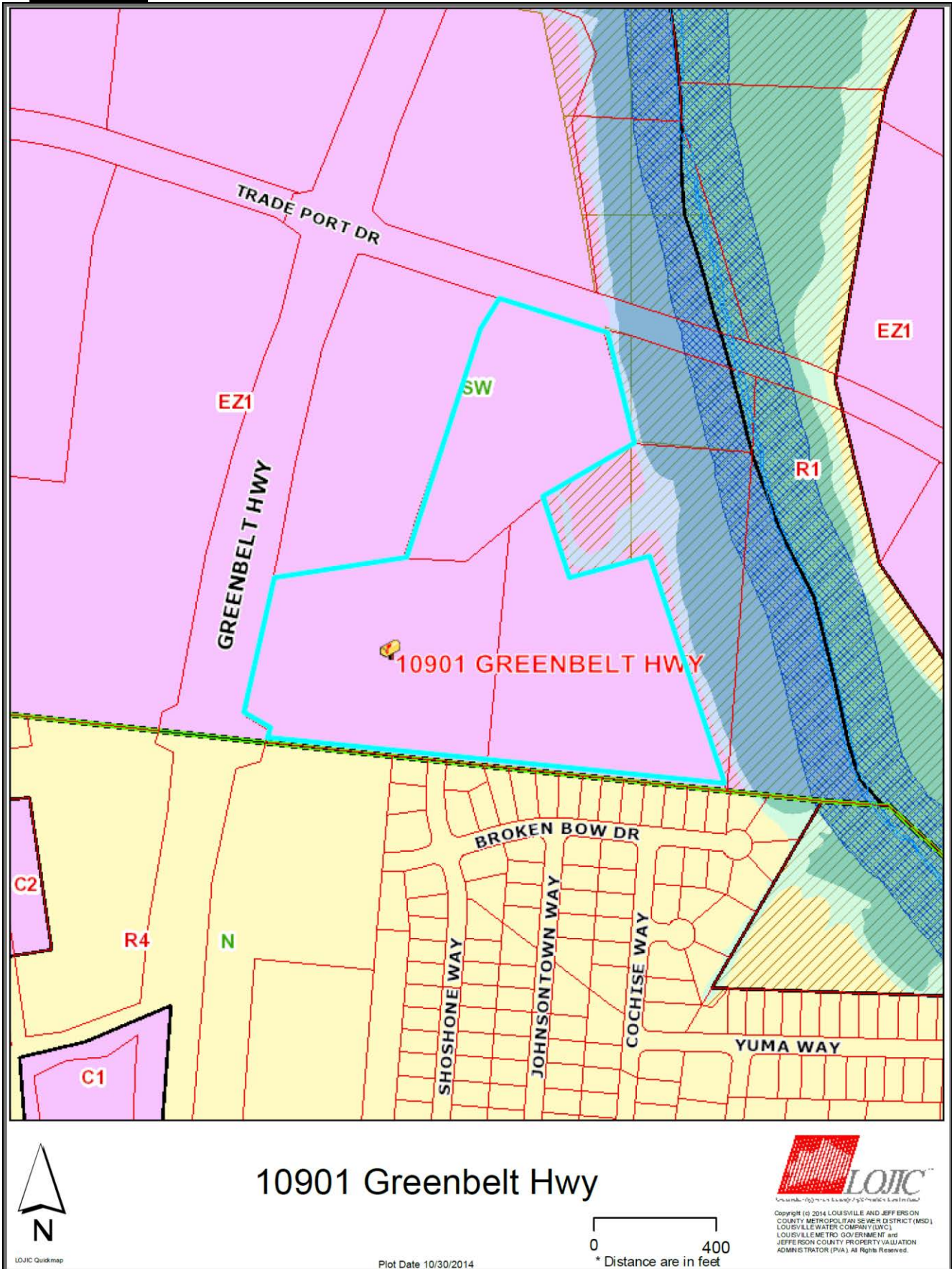
NOTIFICATION

Date	Purpose of Notice	Recipients
10/22/14	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

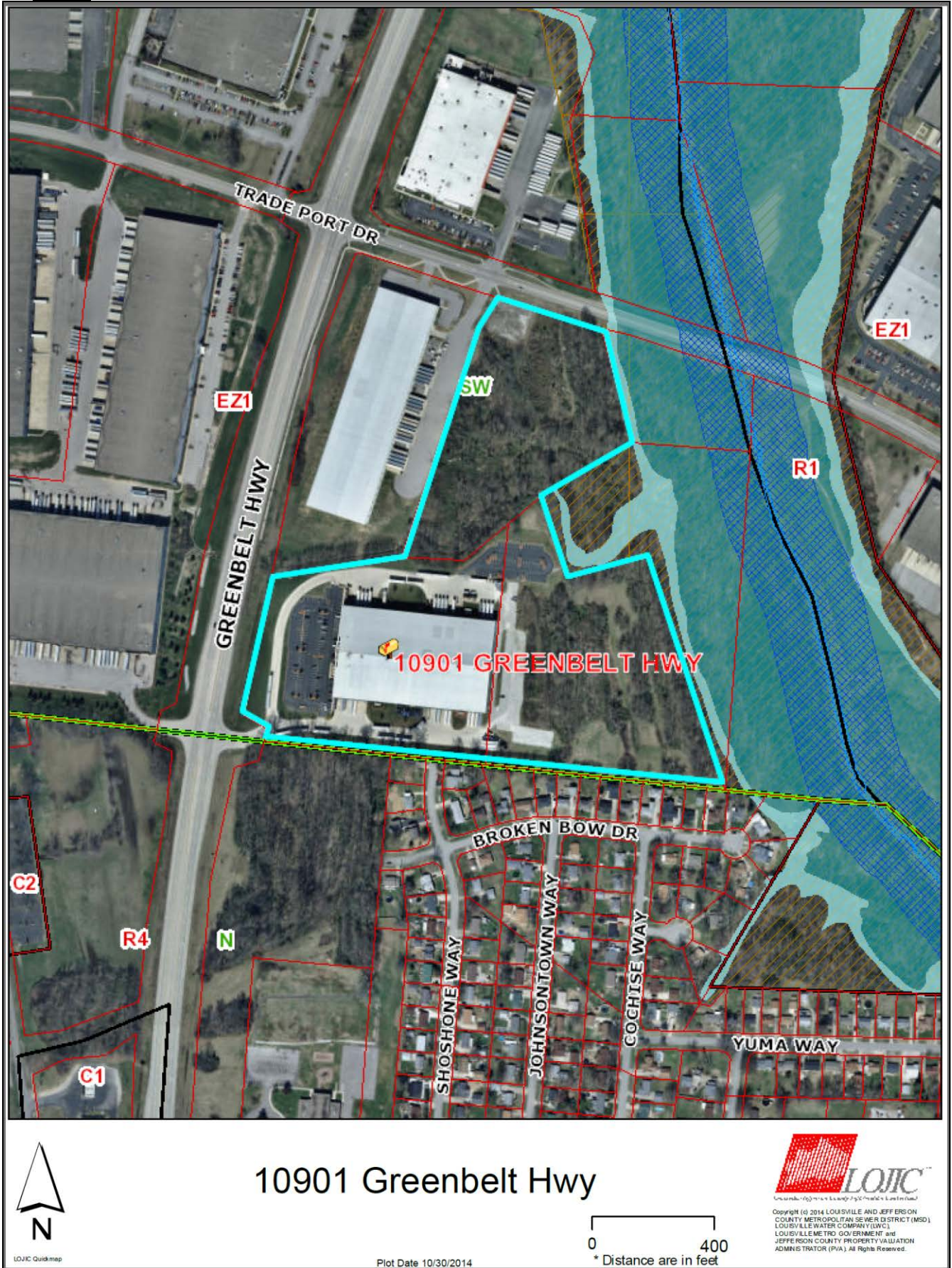
ATTACHMENTS

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

1. Zoning Map



2. Aerial



3. Existing Binding Elements

Special Binding Elements:

1. On tracts or lots adjacent to residential uses not zoned EZ-1, a minimum 50-foot setback with average 6-foot high berm and appropriate landscaping shall be required. The berm shall be required where it will not interfere with existing drainage or tree masses. The property development regulations of the PEC district shall serve as the minimum standard for review.
2. There shall be no outdoor storage on site.
3. The applicant shall submit a plan for approval of the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, and 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.

Standard 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. The development shall not exceed 300,000 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8. There shall be no freestanding sign permitted on site without prior approval of the Planning Commission.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Department of Codes and Regulations Construction Permits and 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.
7. If a building permit is not issued within two years 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
10. 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.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 8, 2005 Land Development and Transportation Committee meeting.
 - a. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
 - b. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the Land Development Code.

4. Proposed Binding Elements

~~2. There shall be no outdoor storage on site.~~

2. Outdoor storage shall be permitted as shown on the approved district development plan.