

Development Review Committee

Staff Report

May 20, 2015



Case No:	15DEVPLAN1031
Project Name:	Jefferson Commerce Center 2
Location:	6023 Jefferson Boulevard
Owners:	S&F Hotel, LLC
Applicant:	Global Port United, LLC
Representative:	Mindel, Scott & Associates, Inc.
Project Area/Size:	24.32 ac.
Existing Zoning District:	EZ-1, Enterprise Zone
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Matthew R. Doyle, Planner I

REQUEST

- Waiver of 5.5.4.B.1 to omit the 6' berm requirement
- Detailed District Development Plan (DDDP)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is located on Jefferson Boulevard in Okolona, about a quarter of a mile south of Fern Valley Road, less than a mile west of Shepherdsville Road, and approximately 1 mile north of the Outer Loop. It is a Plan Certain site that obtained a change in zoning from R-4 to EZ-1 in 2002 along with approval of a General District Development Plan. In 2006, the general plan was revised and a nonresidential major preliminary subdivision was also approved for a commercial/ industrial development, which expired in 2008. The general plan was revised and approved earlier this year in Case 14DEVPLAN1155.

The current request for approval of a DDDP for a distribution facility will involve the construction of a 338,200 sq. ft. building, 194 parking spaces, and 30 trailer storage spaces. The applicant also requests a waiver to omit the berm requirement along the north property line and a portion of the south property line. The existing trees would be preserved instead.

The proposed plan provides a 50 ft. LBA with a 6 ft. berm in the rear to screen the facility from the adjacent residential subdivision, Sunshine Acres. Notably, a 100 ft. Texas Gas Transmission Easement encroaches 50 ft. into the rear of the subject site and the boundary of the 50 ft. LBA closest to the rear property line actually begins 25 ft. from the rear property line. This means that the parking lot for the employees will start 75 ft. from the edge of the rear property line. This avoids the need for a waiver and also provides a greater buffer between the subject site and residents of Sunshine Acres.

The proposed plan also provides a 50 ft. LBA along the north property line, but without a 6 ft. berm. As previously mentioned, the applicant wishes to waive this requirement in order to preserve the existing trees along this property line instead of building a berm. Notably, the applicant proposes to construct an 8 ft. tall wooden sound wall to reduce the noise coming from this side of the facility from loading and unloading activity as well as the tractor trailers since the adjacent property is an apartment complex.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	EZ-1	SW
Proposed	Distribution facility	EZ-1	SW
<i>Surrounding Properties</i>			
North	Multi-family	R-6	SW
South	Single family residential	R-4	N
East	Single family residential	R-4	N
West	Vacant and truck terminal	EZ-1	SW

PREVIOUS CASES ON SITE

- 9-03-02:** Approval of a change in zoning from R-4 to EZ-1 and a General District Development Plan for a commercial/ industrial development.
- 9-03-02 & 10-18-06:** Approval of a Revised General District Development Plan and a nonresidential subdivision plan for a commercial/ industrial development.
- 14DEVPLAN1155:** Approval of a Revised General District Development Plan and a Detailed District Development Plan for a warehouse and distribution facility.

INTERESTED PARTY COMMENTS

No comments have be received by Planning Commission staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.4.B.1 to waive the 6 ft. berm requirement along the north property line and a portion of the south property line

- a. The waiver will not adversely affect adjacent property owners; and
STAFF: The waiver will not adversely affect adjacent property owners since the required trees and screening will be preserved and planted in the 50 ft. LBA.
- b. The waiver will not violate specific guidelines of Cornerstone 2020; and
STAFF: The waiver request will not violate specific guidelines of Cornerstone 2020 as the required trees and screening will be preserved and planted in the 50 ft. LBA.
- 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 since the required trees and screening will be preserved and planted in the 50 ft. LBA.

- 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 the land since the required trees and screening will be preserved and planted in the 50 ft. LBA.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A DETAILED DISTRICT DEVELOPMENT PLAN

- 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.

- 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 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

All technical issues have been addressed.

STAFF CONCLUSIONS

- The proposed DDDP and waiver appear 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 requests.

REQUIRED ACTION

- **APPROVE** or **DENY** the waiver of section 5.5.4.B.1 to omit the berm requirement along the northern property line and a portion of the southern property line.
- **APPROVE** or **DENY** the DDDP.

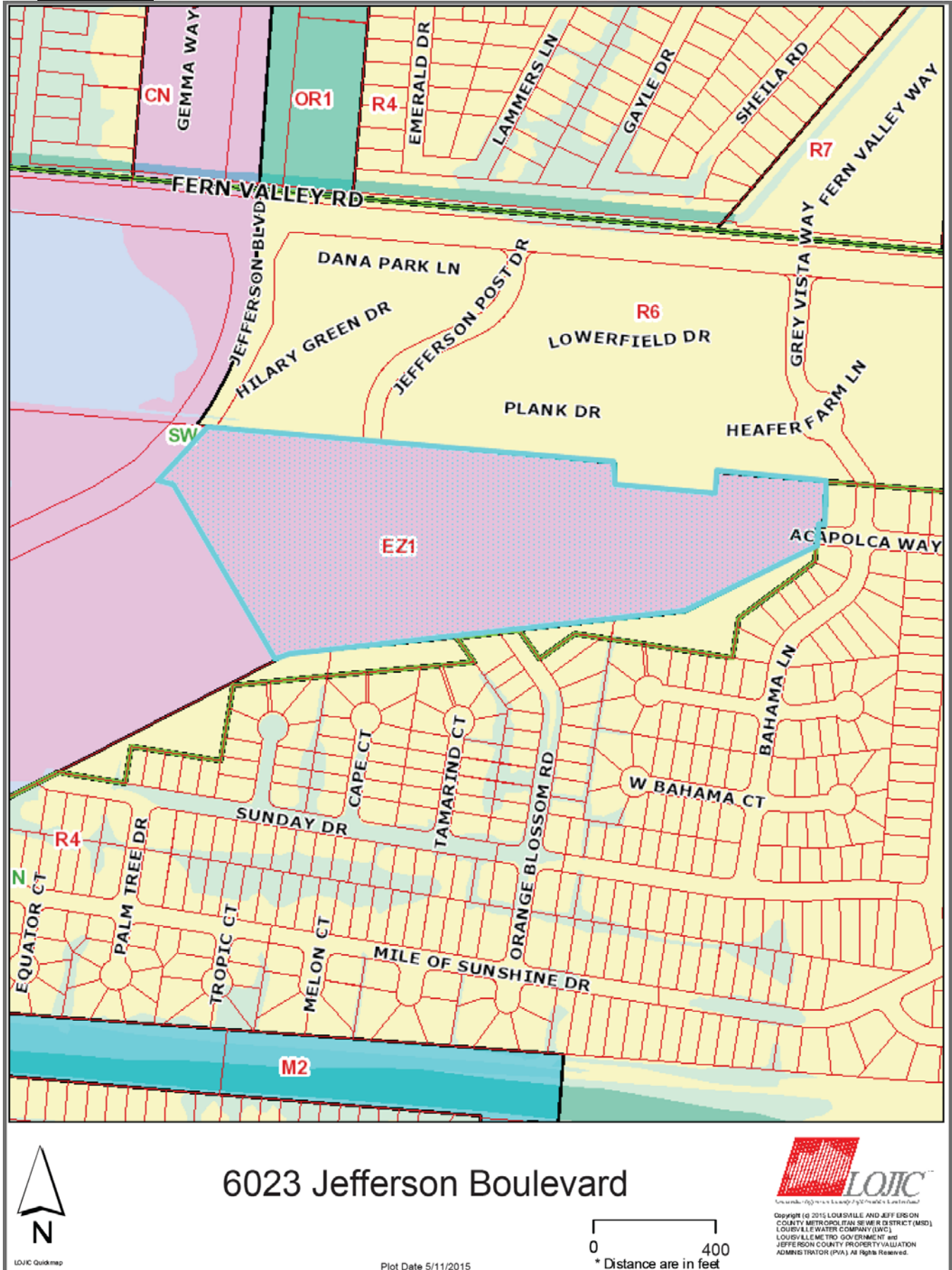
NOTIFICATION

Date	Purpose of Notice	Recipients
5/6/15	Hearing before DRC	1 st & 2 nd tier adjoining property owners Neighbors who attended the 12/16/14 neighborhood meeting Registered neighborhood groups

ATTACHMENTS

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

1. Zoning Map



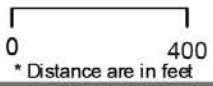
2. Aerial



6023 Jefferson Boulevard



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Plot Date 5/11/2015

3. Proposed Detailed Plan Binding Elements

All binding elements from the approved General District 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. 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, Transportation Planning Review, and the Metropolitan Sewer District.
 - b. 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 Office 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 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. 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.
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. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 20, 2015 Development Review Committee meeting.