

Development Review Committee

Staff Report

April 1, 2015



Case No:	14DEVPLAN1155
Project Name:	Jefferson Commerce Center
Location:	6023 Jefferson Boulevard
Owners:	S&F Hotel, LLC
Applicant:	Global Port United, LLC
Representative:	Mindel, Scott & Associates, Inc.
Project Area/Size:	24.03 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

- Revised General District Development Plan (RGDDP) with amendments to binding elements
- 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 current requests are for approval of a RGDDP with amendments to binding elements and a DDDP for a distribution facility. This will involve the construction of a 401,825 sq. ft. building, 306 parking spaces, and 65 trailer storage spaces. The original concept for the facility had the trailer storage spaces and loading area behind the building. To accommodate the concerns of multiple constituents, including adjacent property owners in the Sunshine Acres Subdivision, Councilwoman Shanklin and Flood's Office, and State Representative Larry Clark, the applicants decided to shift the trailer storage spaces and loading area in front of the building along Jefferson Boulevard. Generally, this design is discouraged along a public street by the Land Development Code; however, the LDC allows for this as long as it is screened appropriately (i.e., fence with landscaping that at maturity will equal the height of the fence, or a wall constructed of the same building materials as the principal structure). As you can see from the proposed plan, the site has a required 15 ft. VUA LBA and a 6 ft. fence along Jefferson Boulevard that should significantly reduce visibility from the public street.

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 meets or exceeds the requirements of the Land Development Code.

The applicant requests to delete binding elements 1a, 7d, 13, 19, 20, 23, 24, 25, 26, and 27 of the general plan as they are no longer applicable and they applied to the previously approved plan which was not only a general plan, but also a subdivision. The proposed plan is a general plan, not a subdivision, and those binding

elements – specifically, 1a, 7d, 13, 23, 24, and 27 – are typically reserved for subdivisions. Furthermore, binding elements 19, 25 and 26 are already requirements of the Land Development Code. Last, binding element 20 required a pathway to be constructed from the point of termination of the existing sidewalk on Mile of Sunshine to the proposed greenway and also to the sidewalks along Jefferson Boulevard. The applicant states that this cannot be built without crossing property not owned by the applicant, so it should be eliminated.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1	SW
Proposed	Distribution facility	EZ-1	SW
Surrounding Properties			
North	Vacant and multi-family	EZ-1, 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 RGDDP and a nonresidential subdivision plan for a commercial/ industrial development.

INTERESTED PARTY COMMENTS

Planning Commission staff, representatives from MSD, the applicant, and the applicant's representative met with the Legislative Aide for Councilwoman's Shanklin's Office, Jared Dearing, at the termination of Sunday Drive in the Sunshine Acres Subdivision to discuss the impacts of the development on adjacent residential properties. Mr. Dearing said that Councilwoman Shanklin and adjacent property owners were worried about noise, air, and light pollution; drainage; and depreciation of property values. Mr. Dearing said that this has been a solid, stable neighborhood and they wanted assurances that these issues would be considered in the review and deliberation of the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A REVISED GENERAL DISTRICT DEVELOPMENT PLAN, AMENDMENTS TO BINDING ELEMENTS, AND 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 RGDDP and amendments to the general plan binding elements as well as the DDDP 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 RGDDP, amendments to binding elements, and DDDP.

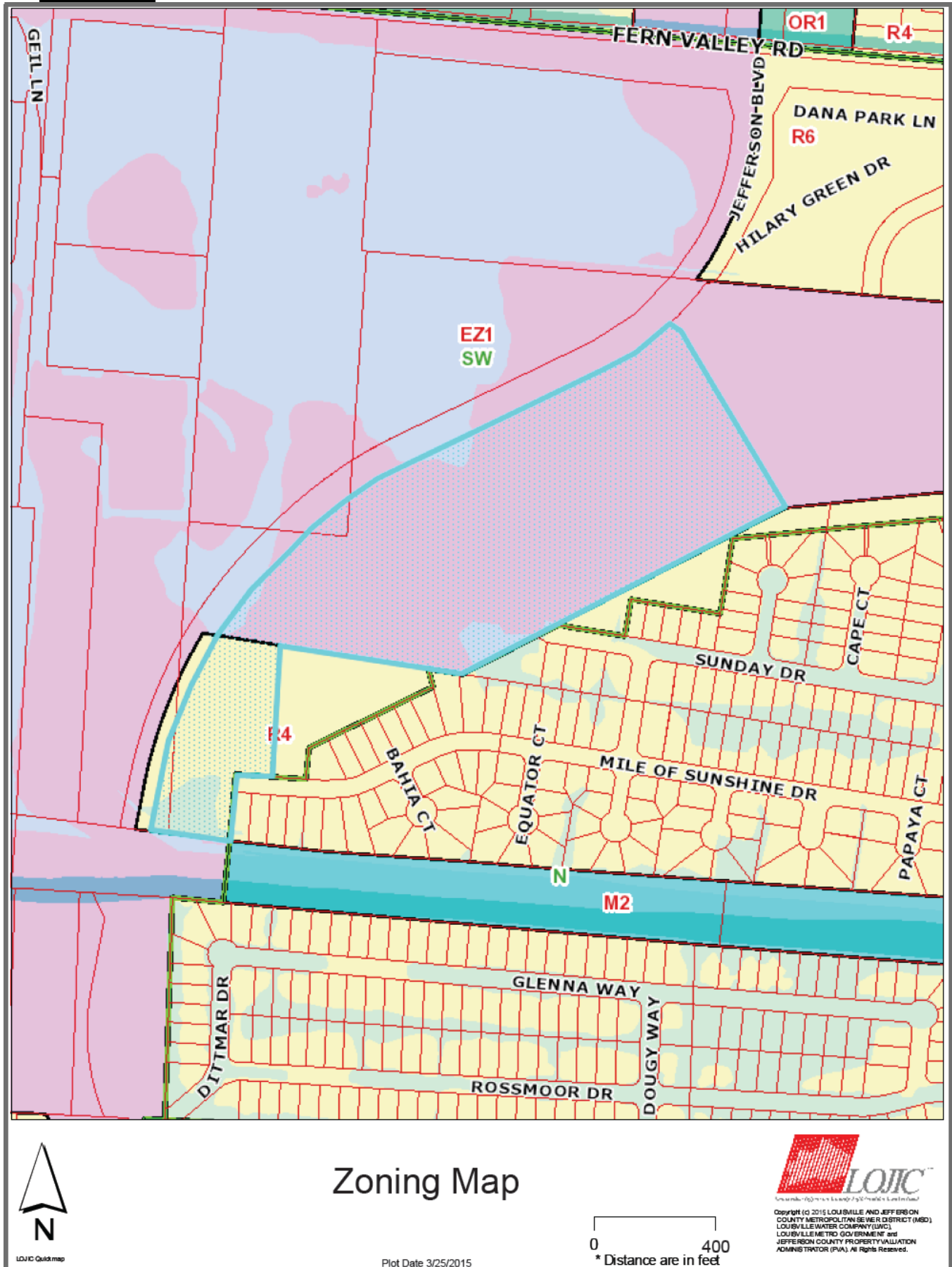
NOTIFICATION

Date	Purpose of Notice	Recipients
3/18/15	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. Existing General Plan Binding Elements
4. Proposed Changes to General Plan Binding Elements
5. Proposed Detailed Plan Binding Elements

1. **Zoning Map**



2. Aerial



3. Existing General Plan Binding Elements

1. The development shall be in accordance with the approved district development plan/preliminary subdivision 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.
- 1a. Further subdivision of lots 1 and 2 shall occur by minor plat after recording of the record plat creating lots 1 and 2 and the public roads for the development, and minor plats associated with this project shall not be limited to the rule that allows only one minor plat associated with an original tract per 12-month period. Simultaneously with the approval of each minor plat, a key map shall be submitted for the 9-03-02 case file identifying and updating the location and minor plat docket no. of each newly created lot with the general development plan/preliminary subdivision plan.
- 1b. Prior to development of each phase or minor-platted lot 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.
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
3. There shall be no outdoor storage, display or sales except as permitted under Section 4.4.8 of the Louisville Metro Land Development Code and within designated areas on detailed district development plans.
4. Signs shall be in accordance with Chapter 8 of the LDC.
5. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a certificate of occupancy for each development. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass
6. 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.
7. Before any permit for each individual minor platted lot (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 Metro 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 Chapter 10 prior to requesting a building permit and prior to recording the record plat. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A major subdivision plat creating the lots 1 and 2 and roadways as shown on the approved preliminary subdivision plan shall be recorded prior to issuance of any building permits.

- 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.
- 8. 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.
- 9. 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.
- 10. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line
- 11. 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.
- 12. 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.
- 13. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 - a) Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Business Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs, etc. and other issues required by these binding elements/ conditions of approval. These restrictions shall include language addressing the Business Owner's Association shall be responsible for maintenance of not only the open space lots within the development but also the Offsite Wetland Mitigation Area (lot 259A) and adjacent off-site open space lots numbered 693, 692, 691, and 622 on the preliminary plan.
 - c) Bylaws of the Business Owner's Association in a form approved by the Counsel for the Planning Commission.
- 14. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
- 15. The entire development site including areas designated as wetland mitigation and woodland protection shall be subject to Section 11.4.7 Plan Certain Development of the Louisville and Jefferson County Land Development Code.
- 16. No manufacturing, processing or treatment shall be permitted in any building within 200 feet of a residential building.
- 17. The following M-2 and M-3 general and conditional uses shall not be permitted.

Flea Market
River terminals

Animal and poultry raising
 Animal Pound
 Firearms
 Food processing, including chewing gum, chocolate, cocoa, and cocoa products; condensed and evaporated milk, processing and canning; flour, feed and grain (packaging, blending, and storage only); food products except slaughtering of meat or preparation of fish for packing; fruit and vegetable processing (including canning, preserving, drying, and freezing); gelatin products; glucose and dextrine; malt products; meat products, packing and processing (no slaughtering); yeast
 Grain blending and packaging, but not milling
 Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)
 Paint and coating, except manufacturing gun cotton nito-cellulose lacquers and reactive resin cooking
 Solid waste transfer station
 Waterfront shipping

Aromatic flavoring materials (essential oils)
 Cider and vinegar
 Concrete, central mixing, and proportioning plant
 Electric power and steam generating plants
 Flour, feed, grain except grain elevators
 Foundries, ferrous or non-ferrous, brass, bronze
 Insecticides, fungicides, disinfectants, or related industrial or household chemical compounds
 Lead oxide
 Molasses
 Oils, shortenings, and fats (edible)
 Paint, lacquer, shellac, and varnish, including calcimine, casein, colors and pigments, thinners and removers
 Pickles vegetable relish, sauces
 Race tracks for motor-powered vehicles
 Railroad yard, roundhouse, repair and overhaul shops, railroad equipment including locomotive and railroad car building and repair
 Rice cleaning and polishing
 Rubber (natural or synthetic), including felt (including asphalt and composition)
 Salt-tanning materials and allied products
 Sauerkraut
 Soaps and soap products or detergents, including fat rendering, oils, vegetable and animal

Airport, heliports
 Aviaries and zoos
 Camping areas, public and private
 Cemeteries, mausoleums and crematories
 Commercial kennels
 Excavation, filling and refuse disposal operations
 Excavation, minor
 Lakes, commercial
 Marinas
 Oil, gas and hydrocarbon extraction
 Sewage plants

Adult Entertainment

18. The following C-2 general and conditional uses shall not be permitted:

Flea Market
Plasma, blood collection centers, for profit

Amusement parks
Circus and carnival grounds
Drive-in theaters
Mobile Home Parks
Mobile Home Sales, display or storage
Race tracks
Rifle range

19. Prior to approval of the first detailed district development plan, a detailed plan for screening, buffering and landscaping for the overall site shall be submitted to the Planning Commission for approval.
20. A pathway shall be constructed from the point of termination of the existing sidewalk on Mile of Sunshine to the proposed greenway and also to the sidewalks along Jefferson Boulevard.
21. The stormwater drainage and run-off from the development shall be directed away from the wetland mitigation and WPA areas shown on the approved general district development plan.
22. Landscaping for the site shall utilize only native species trees and shrubs.
23. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
24. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
25. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
26. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.
27. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street A. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.

4. Proposed Changes to General Plan Binding Elements

1. The development shall be in accordance with the approved district development plan/~~preliminary subdivision 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.

- ~~1a. Further subdivision of lots 1 and 2 shall occur by minor plat after recording of the record plat creating lots 1 and 2 and the public roads for the development, and minor plats associated with this project shall not be limited to the rule that allows only one minor plat associated with an original tract per 12-month period. Simultaneously with the approval of each minor plat, a key map shall be submitted for the 9-03-02 case file identifying and updating the location and minor plat docket no. of each newly created lot with the general development plan/preliminary subdivision plan.~~
7. Before any permit for each individual minor platted lot (including but not limited to building, parking lot, change of use or alteration permit) is requested:
- The development plan must receive full construction approval from Metro Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 and prior to recording the record plat. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - ~~A major subdivision plat creating the lots 1 and 2 and roadways as shown on the approved preliminary subdivision plan shall be recorded prior to issuance of any building permits.~~
 - A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
- ~~13. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.~~
- ~~Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Business Association.~~
 - ~~A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs, etc. and other issues required by these binding elements/conditions of approval. These restrictions shall include language addressing the Business Owner's Association shall be responsible for maintenance of not only the open space lots within the development but also the Offsite Wetland Mitigation Area (lot 259A) and adjacent off-site open space lots numbered 693, 692, 691, and 622 on the preliminary plan.~~
 - ~~Bylaws of the Business Owner's Association in a form approved by the Counsel for the Planning Commission.~~
- ~~19. Prior to approval of the first detailed district development plan, a detailed plan for screening, buffering and landscaping for the overall site shall be submitted to the Planning Commission for approval.~~
- ~~20. A pathway shall be constructed from the point of termination of the existing sidewalk on Mile of Sunshine to the proposed greenway and also to the sidewalks along Jefferson Boulevard.~~
- ~~23. All street signs shall be installed by the Developer, and shall conform with the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.~~
- ~~24. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.~~
- ~~25. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the~~

~~Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.~~

- ~~26. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.~~
- ~~27. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for Street A. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.~~

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. 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 April 1, 2015 Development Review Committee meeting.