

Development Review Committee

Staff Report

April 15, 2015



Case No:	15MOD1004
Project Name:	9001 Cane Run Road
Location:	9001 Cane Run Road
Owners:	BT 1 Louisville LLC-Brennan Investments
Applicant:	BT 1 Louisville LLC-Brennan Investments
Representative:	BT 1 Louisville LLC-Brennan Investments
Project Area/Size:	13.8 acres
Existing Zoning District:	EZ-1
Existing Form District:	Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Amendment to Binding Element

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is plan certain under Docket 10-5-94.

The applicant requests to delete binding element number five which states:

5. There shall be no outdoor storage on the site.

The applicant is proposing to lease the existing building to PODS. The proposed user would store some of the storage containers on a 60-foot by 200-foot piece of the concrete truck court area which abuts the building. The materials would be stacked no higher than 24 feet. There would be no exterior use beyond the concrete truck court area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Industrial	EZ-1	SW
Proposed	Industrial	EZ-1	SW
Surrounding Properties			
North	Industrial	EZ-1	SW
South	Industrial	EZ-1	SW
East	Industrial	EZ-1	SW
West	Single Family/Industrial/Vacant	EZ-1/M-3	SW

PREVIOUS CASES ON SITE

10-5-94: Approval of a Major Preliminary Subdivision Plan for Riverport.

Detailed District Plan for the site approved on November 16, 1997.

Revised Detailed District Development Plan approved by staff on July 23, 1999.

INTERESTED PARTY COMMENTS

Staff received an email from Councilman Rick Blackwell's office concerning the deletion of the binding element. Their recommendation was to amend the binding element to only allow the outdoor storage as identified on the plan and not do a full elimination of the outdoor storage ban.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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

- 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 continue to 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 continue to 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 continue to 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 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 site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will continue to 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

N/A

STAFF CONCLUSIONS

- The proposed amendment appears to be adequately justified based on staff analysis in the staff report. The outdoor storage will take place on a relatively small area (12,000 square feet) compared to the overall site size (13.8 acres) and does not face out to Cane Run Road.

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 Amendment to Binding Elements.

REQUIRED ACTION

- APPROVE** or **DENY** the Amendment to Binding Elements.

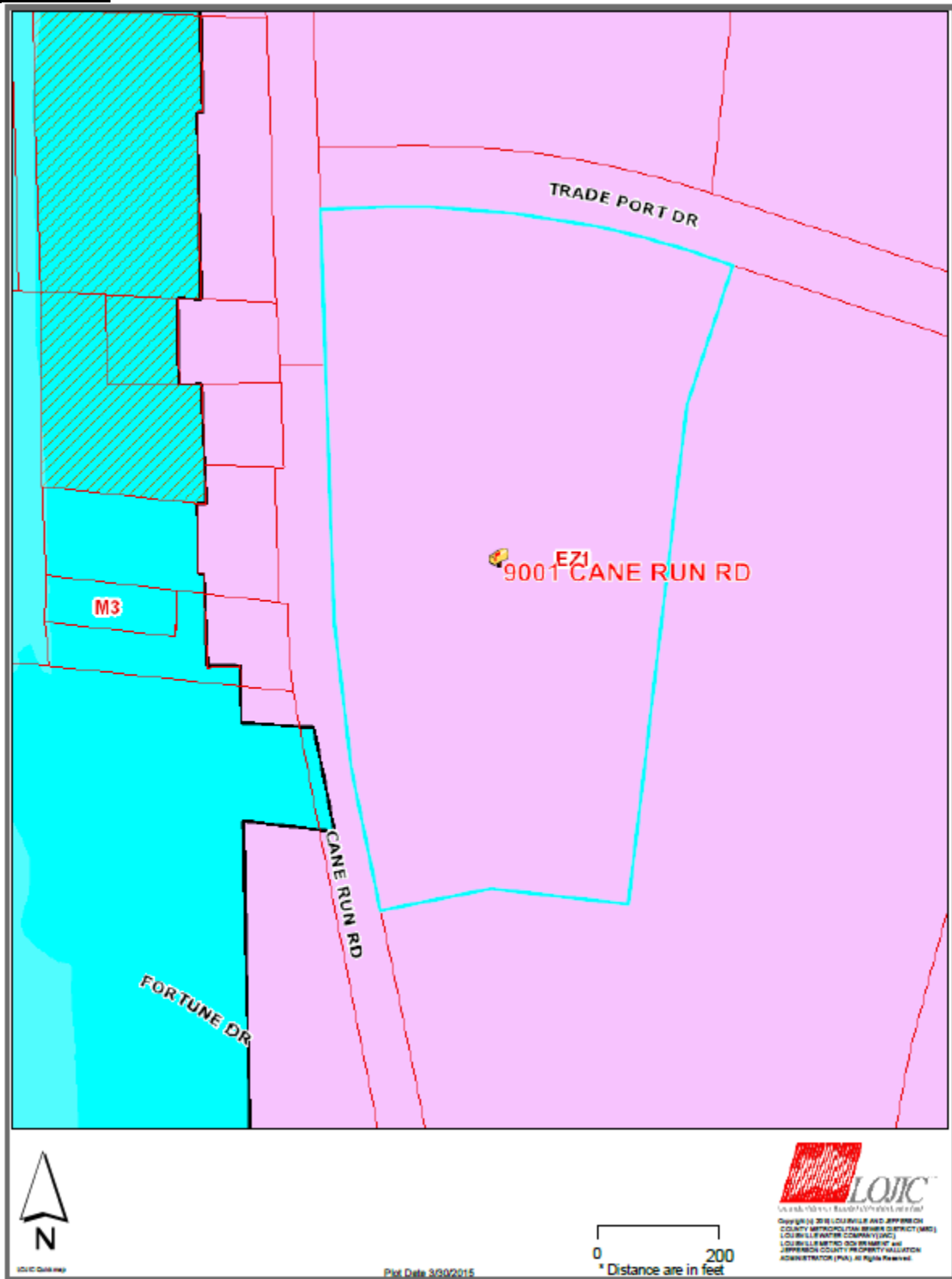
NOTIFICATION

Date	Purpose of Notice	Recipients
4/1/15	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial



3. Existing Binding Elements

1. The development plan shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed 680,000 square feet of gross floor area (Building A – 212,500 square feet; Building B – 237,500 square feet, Building C – 230,000 square feet).
3. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would be otherwise permitted by the Zoning District Regulations.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on site.
5. There shall be no outdoor storage on the site.
6. 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. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
- 7a. Construction fencing shall be erected at the edge of the area of development prior to any grading and construction to protect the existing tree stands and their 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.
- 7b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, 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.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is required:
 - a. The development plan must receive full construction approval from the Jefferson County Department of 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - 9. If a building permit is not issued within one year of the date of approval of the plan, 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.
 - 10. A certificate of occupancy must be received from the appropriate code enforcement office 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.
 - 11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
 - 12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
4. **Proposed Change to Binding Elements**
- 5. There shall be no outdoor storage on the site **except as identified on the revised plan and approved at the April 15, 2015 Development Review Committee meeting.**