

# Development Review Committee Staff Report

June 1, 2016



<b>Case No:</b>	16DEVPLAN1074
<b>Project Name:</b>	Project Tahoe
<b>Location:</b>	7251 Logistics Drive
<b>Owners:</b>	Louisville & Jefferson County Riverport Authority
<b>Applicant:</b>	Panittoni Development Company
<b>Representative(s):</b>	Sherrard & Roe – Mark Carver
<b>Project Area/Size:</b>	24.92 Acres
<b>Existing Zoning District:</b>	EZ-1
<b>Existing Form District:</b>	SW, Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	1 – Jessica Green
<b>Case Manager:</b>	Joel P. Dock, Planner I

## REQUEST

- **Detailed District Development Plan (RDDDP)** for proposed warehouse and trucking facility.
- **Waiver** of Land Development Code (LDC) 5.12.2 to reduce the required outdoor amenity area.
- **Tree Canopy Waiver** of LDC 10.1.4.A to reduce the required tree canopy on-site.

## CASE SUMMARY

The applicant proposes a 357,000 SF warehouse and trucking facility with 91 parking spaces, 5,500 SF of office space, and future areas for parking and truck maneuvering as a potential result of business demand. The site is located on Lot 3A of Jefferson Riverport International on Logistics Drive which connects Cane Run Road to the Green Belt Highway in Southwest Jefferson County. Riverport is a development area consisting primarily of industrial warehousing, distribution, and manufacturing facilities with accessory office areas along the Ohio River and Greenbelt Highway. Employee parking will be located in front of the facility and all loading and trailer staging areas will be located to the side. Two points of access are provided to Logistics Drive; one will be used for truck/trailer access. A 50' landscape buffer and tree protection easement (DB 7539, PG 760) is provided at the rear of the site abutting a residential zoning district and residential uses.

With this Detailed District Development Plan proposal the applicant also requests a waiver of LDC 5.12.2 to reduce the required outdoor amenity area to 10% of the office area. The outdoor amenity area will be provided towards the front of the property near the office area and abutting the water quality basin. A tree canopy waiver is being requested to reduce the required 18% tree canopy coverage to 7.8% or 74,374 SF. The majority of the tree canopy currently exists in the protection easement at the rear of the property.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	EZ-1	SW
<b>Proposed</b>	Trucking/warehouse	EZ-1	SW
<b>Surrounding Properties</b>			
<b>North</b>	Multi-Family	R-6	N
<b>South</b>	Industrial	EZ-1/M-3	SW
<b>East</b>	Industrial	EZ-1	SW
<b>West</b>	Industrial	EZ-1	SW

## PREVIOUS AND ASSOCIATED CASES ON SITE

10-01-00: Riverport, Phase 4. This subdivision was approved on condition that each lot prior to development submits for approval by the Louisville Metro Planning Commission a Detailed District Development Plan, essentially treating each site as Plan Certain.

## INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (revised April 2016)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP, 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: The development site contains 8.3 acres of jurisdictional wetlands to be removed in accordance with an authorized USACE Section 404 permit and previously approved and fully implemented off-site mitigation plan, as noted in General Note #12 of the development plan. An earlier section 404 permit which expired December 31, 2015 authorized the removal 7.8 acres of wetlands. A 50' protection easement is in place along the rear property line and recorded in DB 7539, PG790 to preserve tree canopy. As stated in the Executive Summary of the Section 404 Permit provided by the applicant and contained within the official record for the development proposal, the wetlands were originally impacted by timber activities in 2005/2006. The clearing of the site for filling of the wetlands, including the removal of existing tree canopy, began in December, 2015. Compensation for the unavoidable wetland impact included restoration/preservation on a 90-acre tract adjacent to Mill Creek and Black Pond Creek, as well as the purchase of 9.3 acres of wetland credit from an approved mitigation bank. Furthermore, based on the absence of suitable habitat, no federally-listed threatened/endangered species will likely be adversely impacted. The full Section 404 permit is contained within the official record in the Office of the Louisville Metro Planning Commission.

- 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 the development and the community is provided through connection to the public sidewalk and streets on Logistics Drive, as well a separate entrance intended only for passenger vehicle access to parking areas.

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

STAFF: The development site provides an outdoor amenity area in the amount of 10% of the office space adjacent to a water quality basin to be landscaped.

- 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 designs (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 as Riverport is a development area consisting primarily of industrial warehousing, distribution, and manufacturing facilities with accessory office areas along the Ohio River and Greenbelt Highway.

- 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 (LDC) as Guideline 3, Policy A.17 and Guideline 6, Policy A.4 encourages industries to locate in workplace form districts rather than isolated industrial sites while taking advantage of special infrastructure needs of these industrial areas such as river, airport, or highway transportation options.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC 5.12.2 to reduce the outdoor amenity area**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as Riverport is a development area consisting primarily of industrial warehousing, distribution, and manufacturing facilities with accessory office areas along the Ohio River and Greenbelt Highway and the outdoor amenity area is not intended to serve a public need, but instead a need for health and wellness of employees on-site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The proposed waiver does not violate specific guidelines of Cornerstone as Guideline 3, Policy A.17 and Guideline 6, Policy A.4 encourages industries to locate in workplace form districts rather than isolated industrial sites while taking advantage of special infrastructure needs of these industrial areas such as river, airport, or highway transportation options. The outdoor amenity area is not intended to serve a public need, but instead a need for health and wellness of employees on-site. The need for the

employee amenity space is not necessarily reflected in the building size of a large warehouse such as this one or surrounding facilities.

- (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 as the outdoor amenity space is not necessarily reflected in the building size of a large warehouse such as this one or surrounding facilities and the space provided is reflective of the employment needs proposed at this stage of the development.

- (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 land as the proposed development is in an existing area of warehouse and distribution facilities of significant size with minimal office space and employment compared to the size of the structures. The amenity area is being proposed based on the expected employment of the facility and projected need of the amenity for employee health and wellness. The applicant has also provided compensation for non-compliance with the requirements to be waived as the water quality basin, while not designated as an outdoor amenity at this time, will be finished to provide an additional amenity with landscaping and connected sidewalks, see applicant justification of the official record for citation.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR TREE CANOPY WAIVER to reduce the requirement to 7.8% or 74,374 SF**

1. Is the waiver in compliance with the Comprehensive Plan?

STAFF: The waiver is in compliance with the comprehensive plan as Guideline 13, Policy A.5 requires tree preservation best management practices during land development to ensure creation and/or preservation of tree canopy as a valuable community resource. The site provides and permanently preserves a 50' protection easement that is used for 54,274 SF of tree canopy. This buffer further meets the intent of Guideline 13, Policy A.6 by providing screening and buffering between the industrial use of the site and residential uses to the North. Permanent preservation prevents future disturbance as demand increases on site or in the general industrial area. Additionally, Guideline 3, Policy A.17 and Guideline 6, Policy A.4 encourages industries to locate in workplace form districts rather than isolated industrial sites while taking advantage of special infrastructure needs of these industrial areas such as river, airport, or highway transportation options. The potential business demand for future parking areas and truck maneuvering, along with the size of the structure appears to hinder fulfilling the full requirements of tree canopy.

2. Have you made a good faith effort to provide as many trees as possible on the site, on the adjacent right of way, or on an alternative site as specified in Section 10.1.3?

STAFF: Wetlands mitigation on-site resulted in the removal of existing tree canopy, but allowed for restoration efforts off-site along waterways in environmental sensitive areas. The development site contains 8.3 acres of jurisdictional wetlands to be removed in accordance with an authorized USACE Section 404 permit. The wetlands were originally impacted by timber activities in 2005/2006. The clearing of the site for filling of the wetlands, including the removal of existing tree canopy, began in December, 2015. Compensation for the unavoidable wetland impact included restoration/preservation on a 90-acre tract adjacent to Mill Creek and Black Pond Creek, as well as the purchase of 9.3 acres of

wetland credit from an approved mitigation bank. Furthermore, based on the absence of suitable habitat, no federally-listed threatened/endangered species will likely be adversely impacted.

The site provides and permanently preserves a 50' protection easement that is used for 54,274 SF of tree canopy; thus, preventing future disturbance as demand increases on site or in the general industrial area. The water quality basin will be landscaped and tree provided along the right-of-way. All other landscape requirements of the site are being met or exceeded.

3. Are there other mitigating circumstances affecting this site which do not generally apply to sites developed for the same use and in the same form district?

STAFF: With an understanding of the adverse impacts of the "Urban Heat Island" affect in the Louisville Metro area the applicant has incorporated white roofing for reflection, the use of concrete as opposed to asphalt in several areas, and energy conservation within the warehouse which controls temperature only as needed through the use of louvers and fans. The jurisdictional wetlands previously described in detail creates a circumstance that does not generally apply to this form district, but must be mitigated for this area to function as it was intended for industrial facilities similar to that being proposed

### TECHNICAL REVIEW

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

At a later date during the landscape review process the applicant will determine the feasibility for the installation of a 6' berm or construction of fence in accordance with LDC 10.2.16.B. The development plan currently shows a 6' berm, but due to concerns with preserving the greatest amount of trees on site, the applicant may choose to construct a fence. The relevant text from 10.2.16.B has been included below:

*In cases where trees are to be preserved within the 50 foot landscape buffer, staff landscape architect may waive the need for the six foot berm and replace it with another acceptable continuous screening landscape element (e.g. fence, hedge, etc.).*

### STAFF CONCLUSIONS

The Detailed District Development Plan, outdoor amenity reduction, and reduction in tree canopy appear to be adequately justified and meet the standard of review 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 a Detailed District Development Plan and granting waivers for outdoor amenities and tree canopy.

Staff would recommend that the outdoor amenity area be increased or reconsidered for expansion upon the increase in employment on-site. The water quality basin upon completion with walks and landscaping may qualify for consideration towards outdoor amenity.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the Detailed District Development Plan.
- **GRANT** or **DENY** the waiver of LDC 5.12.2.A to reduce the outdoor amenity area to 10% of the office area.
- **GRANT** or **DENY** the waiver of LDC 10.1.4.A to reduce the tree canopy to 7.8% or 74,374 SF.

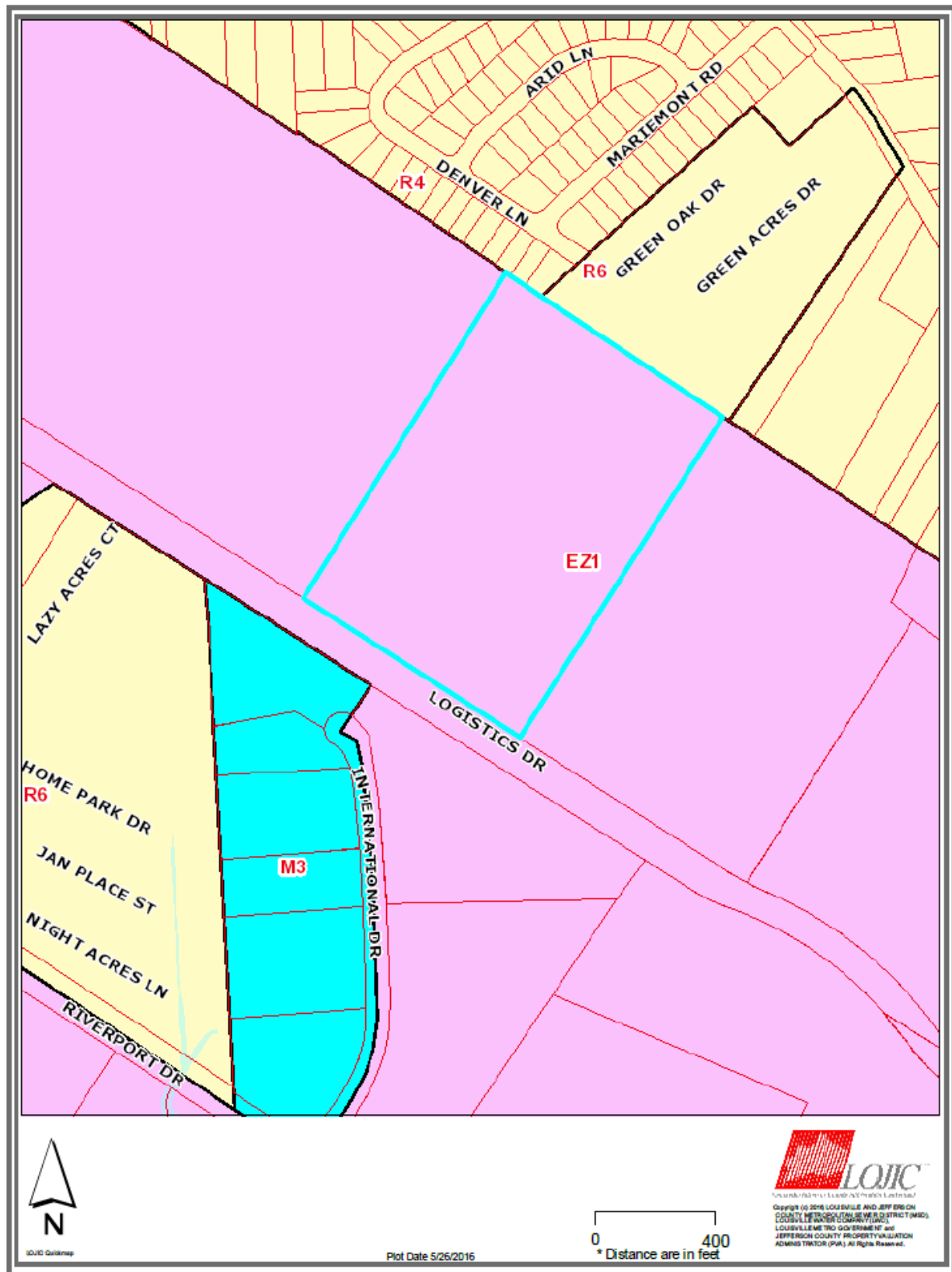
## NOTIFICATION

Date	Purpose of Notice	Recipients
5/19/16	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 1.

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

## 1. Zoning Map





2. Aerial Photograph





### **3. Proposed Binding Elements**

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 362,500 square feet of gross floor area.
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, 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.
6. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
7. 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.
8. 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.