

# Development Review Committee

## Staff Report

October 17, 2018



<b>Case No:</b>	18DEVPLAN1144
<b>Project Name:</b>	Greenwood Rd Storage
<b>Location:</b>	7407 Greenwood Rd and 7201 Gray Ln
<b>Owner(s):</b>	RMM, Inc.
<b>Applicant:</b>	Sterling Development, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	12 – Rick Blackwell
<b>Case Manager:</b>	Jay Lockett, Planner I

### REQUEST(S)

- **Revised General District Development Plan with Revisions to Binding Elements**
- **Detailed District Development Plan**
- **Waiver** of Land Development Code section 5.8.1.B to not provide sidewalks in the Gray Ln right-of-way.
- **Waiver** of Land Development Code section 5.8.1.B to not provide sidewalks in the Greenbelt Highway right-of-way.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a mini-warehouse facility on approximately 8.86 acres in the PEC zoning district. The site is part of the Riverport development in southwestern Jefferson County and is in the Suburban Workplace form district. The site was rezoned under docket 9-17-00 and the original General District Development Plan was for a retail center with associated outlots. One of the outlots has been constructed as a bank at the corner of Greenbelt Hwy and Greenwood Rd. The current proposal for mini-warehouse would occupy the remainder of the site covered by the approved General Plan. The approved General Plan had several Binding Elements that would not be applicable to the new proposed development and others that are outdated so updates are proposed with this request. The applicant has proposed to provide sidewalks in the Greenwood Rd right-of-way, but has requested waivers for the Gray Ln and Greenbelt Hwy rights-of-way.

### STAFF FINDING

The requests are adequately justified and meet the standards of review.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)GDDP, DDDP and/or 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 do 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 has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- (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 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. Onsite detention is being provided.

- (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. Buildings and parking lots will meet all required setbacks.

- (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.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 5.8.1.B TO NOT PROVIDE SIDEWALKS IN THE GRAY LN ROW**

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

STAFF: The waiver will not adversely affect adjacent property owners, as there are no residences on the side of Gray Ln where sidewalks would be constructed. The street is a dead end with 8 existing houses on the opposite side of the street that were constructed without sidewalks.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Generally, cul-de-sacs and dead end streets with less than 20 residences are not required to provide sidewalks, so Gray Ln as it exists with no sidewalks is consistent with other similar small residential streets. The required sidewalk for this development on the opposite side of the street of the residences is unlikely to be highly used or provide meaningful connection to transit or pedestrian networks.

- (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 applicant will build sidewalks in the Greenwood Rd right-of-way.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 5.8.1.B TO NOT PROVIDE SIDEWALKS IN THE GREENBELT HWY ROW**

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

STAFF: The waiver will not adversely affect adjacent property owners, as there are currently no existing sidewalks along this side of Greenbelt Hwy for a considerable distance in either direction. The area is mostly industrial development in the Suburban Workplace form district, with minimal pedestrian traffic between sites.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. There is no transit service along this portion of the Greenbelt Hwy. It generally functions as a high-speed corridor for commercial and industrial traffic. The residential development in the area is served by transit in the Cane Run Rd corridor to the west. There are also drainage ditches and other topographical concerns that would make extending sidewalks along much of Greenbelt Hwy impractical.

- (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 applicant will build sidewalks in the Greenwood Rd right-of-way.

#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
10-5-18	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 12

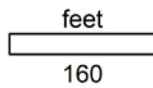
#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan with Proposed Changes
4. Proposed General Plan Binding Elements
5. Proposed Detailed Plan Binding Elements

1. Zoning Map



18DEVPLAN1144

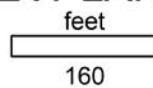


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## 2. Aerial Photograph



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### 3. Existing General Plan with Proposed Changes

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 1a. ~~Prior to development of the three outlets of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:~~ **Prior to development (includes clearing and grading) of each site or phase 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.**
  - ~~a. screening, buffering, landscaping, tree preservation~~
  - ~~b. density, floor area, size and height of buildings~~
  - ~~c. points of access and site layout with respect to on-site circulation~~
  - ~~d. land uses~~
  - ~~e. signage~~
  - ~~f. loading berths~~
  - ~~g. parking~~
  - ~~h. sidewalks~~
  - ~~i. site design elements relating to alternative transportation modes~~
  - ~~j. outdoor lighting~~
  - ~~k. minor subdivision plat approval~~
  - ~~l. air pollution~~
  - ~~m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection~~
  - ~~n. dumpsters~~
2. ~~The development shall not exceed the following gross floor area amounts:~~
  - ~~Retail Center Lot - 60,000 square feet -~~
  - ~~Outlet One (Bank) - 4,000 square feet~~
  - ~~Outlet Two (Restaurant) - 5,150 square feet~~
  - ~~Outlet Three (Video Rental) - 6,700 Square feet~~
3. There shall be no direct vehicular access to Greenbelt Highway.
4. ~~The only permitted freestanding signs shall be monument style signs in accordance with parkway requirements. No portion of the sign for the retail center, including the leading edge of the sign frame, shall be closer than 15 feet to front property line. The sign shall not exceed 60 square feet in area per side and six feet in height. No sign shall have more than two sides. The freestanding sign locations and sizes shall be approved at the detailed plan stage for three outlets.~~
5. ~~No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.~~
6. ~~There shall be no outdoor storage on the site.~~

7. ~~Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed two-foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on-site at all times thereafter.~~
8. ~~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.~~
- 8a. ~~The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.~~
9. ~~Before any permit (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 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. ~~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 Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
  - d. ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~
  - e. ~~The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.~~
10. ~~If a building permit is not issued within one year 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.~~
11. ~~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.~~
12. ~~There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment or outdoor PA system audible beyond the property line.~~
13. ~~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.

14. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission **Staff** prior to commencement of any clearing, grading, or construction activities.
- ~~15. 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.~~
16. ~~The dumpsters shall not be emptied between the hours of midnight and 6 a.m.~~
- ~~17. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the Planning Commission meeting.~~
- ~~18. The entire site as shown on the general district development plan ("Riverport Plaza" Miller Wihry Inc. dated Jan, 3, 2000) shall be subject to 8.1 Plan Certain review, under Docket No. 9-17-00.~~
- ~~19. There shall be no idling of trucks permitted between the retail center and Gray Lane.~~
- ~~20. A six foot high berm with evergreen trees planted on top at a spacing of 15 feet on center shall be provided adjacent to Gray Lane. The trees shall be six feet in height at time of planting.~~

#### **4. Proposed General Plan Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 1a. Prior to development (includes clearing and grading) of each site or phase 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. There shall be no direct vehicular access to Greenbelt Highway.
3. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to Planning Commission Staff prior to commencement of any clearing, grading, or construction activities.
4. Dumpsters shall not be emptied between the hours of midnight and 6 a.m.

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.

## **5. Proposed Detailed Plan 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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Develop Louisville 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.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) **or** outdoor entertainment or outdoor PA system audible beyond the property line.

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.