

# Development Review Committee

## Staff Report

May 8, 2019



<b>Case No:</b>	19DEVPLAN1030
<b>Project Name:</b>	US Express
<b>Location:</b>	1319 Tile Factory Ln
<b>Owner(s):</b>	US Express, LLC.
<b>Applicant:</b>	US Express, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Nicole George
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### **REQUEST(S)**

- **Revised District Development Plan** with amendments to binding elements.

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a truck transfer facility on approximately 5.17 acres. The site is zoned M-2 in the Suburban Workplace form district. The site was rezoned under docket 9-65-88, and the original development plan included an adjacent site located at 4530 Poplar Level Rd. The original development plan only allowed access to the site from Poplar Level Rd, and a binding element restricted the access to Tile Factory Ln to exit only. The adjacent site has since been developed as a self-storage facility with a secure perimeter, thereby removing the ability for the subject site to gain access to Poplar Level Rd. The applicant has agreed to improve portions of Tile Factory Ln in order to accommodate the anticipated truck traffic generated by the proposed use.

### **STAFF FINDING**

The request is adequately justified and meets the standard of review.

### **TECHNICAL REVIEW**

There are no outstanding technical issues associated with this request.

### **INTERESTED PARTY COMMENTS**

Staff received a call from the manager of the Derby City Gaming facility to the north, who expressed concerns of increased runoff and truck traffic associated with the proposal.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)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 has approved the preliminary development plan. The applicant has agreed to improve Tile Factory Ln to accommodate the proposed use.

- (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.

- (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.

### **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Revised District Development Plan** with amendment to binding elements.

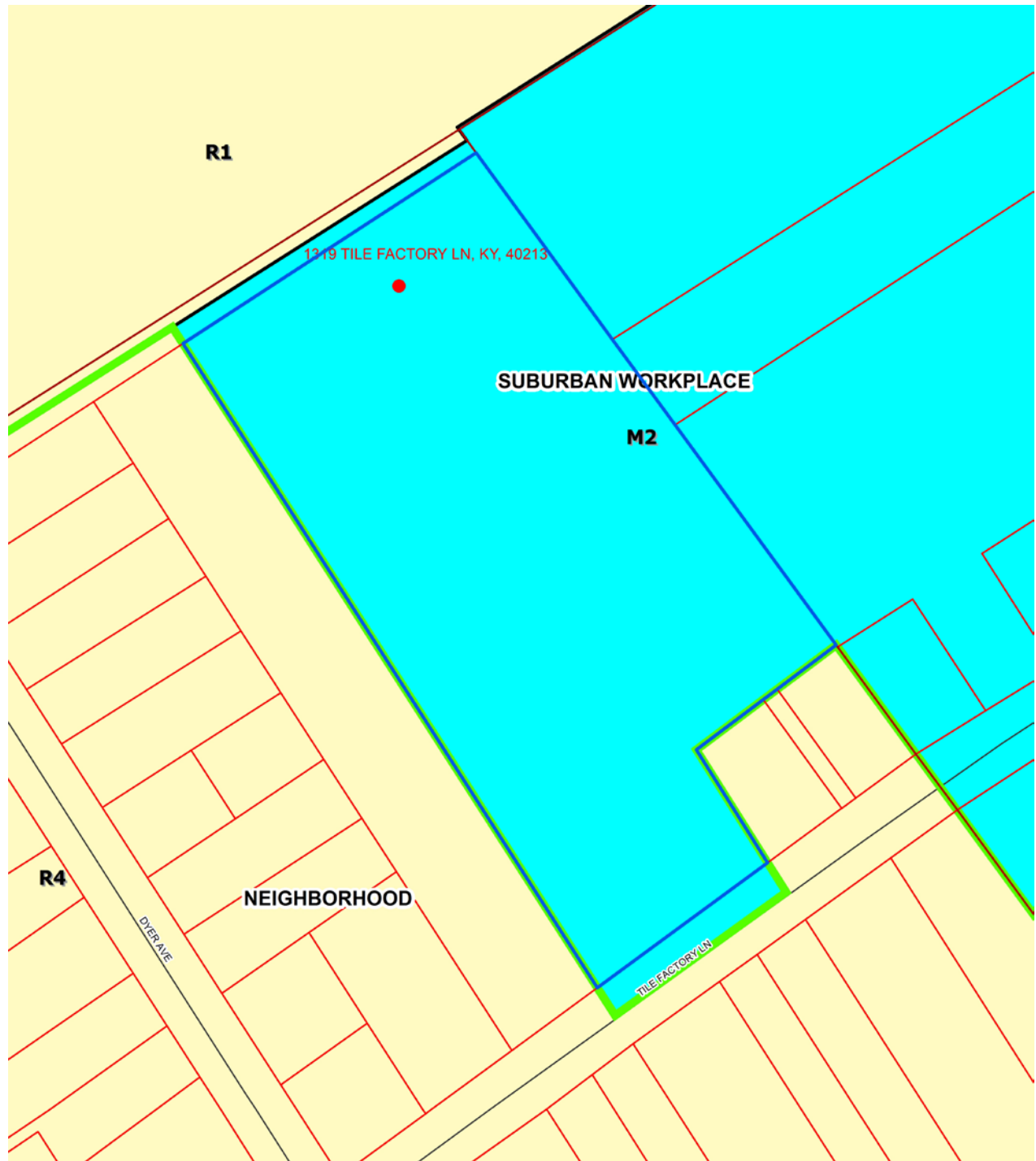
### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>4-23-19</b>	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21

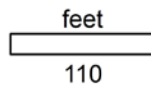
### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements to be replaced
4. Proposed Binding Elements

1. Zoning Map



19DEVPLAN1030



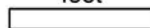
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## 2. Aerial Photograph



19DEVPLAN1030

feet



110

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### **3. Existing binding elements to be replaced**

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur unless approved by the Planning Commission.~~
- ~~2. The development shall not exceed 81,500 square feet of gross floor area.~~
- ~~3. Before a building permit is requested:
  - ~~a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
  - ~~b) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter. The west property boundary shall maintain a 30 foot landscape/buffer area.~~
  - ~~c) A plat or legal document shall be recorded consolidating the lots. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.~~
  - ~~d) All necessary recording fees shall be paid.~~~~
- ~~4. Outdoor lighting shall be directed downward and away from adjoining residential areas.~~
- ~~5. There shall be no freestanding business sign. Only directional signage ("Do Not Enter") is permitted.~~
- ~~6. Small freestanding (temporary) signs shall not be permitted on the site.~~
- ~~7. The owner shall repair any damage to the roadway shoulder on Tile Factory Lane caused by vehicles exiting the subject property.~~
- ~~8. Access onto Tile Factory Lane from subject tract shall be "exit only."~~
- ~~9. Subject property shall be limited to warehouse use unless the Planning Commission approves otherwise.~~
- ~~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 office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.~~
- ~~12. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

#### **4. 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 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 Construction Review, Louisville Metro Public Works 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 the issuance of a certificate of occupancy, the applicant will improve Tile Factory Ln to a minimum of 24' with 6' shoulders on each side from the proposed access point to Poplar Level Rd. Final design will be approved by Louisville Metro Public Works prior to final approval of the construction plans for the site.
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.