

# Development Review Committee

## Staff Report

January 6, 2020



<b>Case No:</b>	20-DDP-0060
<b>Project Name:</b>	Park Jefferson
<b>Location:</b>	4700 Shepherdsville Road
<b>Owner(s):</b>	Pinehurst Properties, LLP
<b>Applicant:</b>	Pinehurst Properties, LLP
<b>Representative(s):</b>	LD&D
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	2 – Barbara Shanklin
<b>Case Manager:</b>	Joel P. Dock, Planner II

### REQUEST(S)

- **Waiver** of Land Development Code (LDC), section 10.2.4 to eliminate the 50' LBA along the southern property line
- **Revised Detailed District Development Plan**

### CASE SUMMARY

The proposal is to redevelopment in existing industrial development with new structures, parking and truck loading and maneuvering areas. An existing entrance to Shepherdsville Road will be eliminated and the current access point to the north will be modified to serve the proposal and the larger industrial development site. A waiver has been requested along the southern property line to facilitate the proposed development. All tree canopy will be provided on the development site and will not utilize the adjacent property which is heavily treed. This property is, however, owned by the developers of the subject property.

### STAFF FINDING

The revised detailed district development plan and waiver appear to be adequately justified based on staff's analysis contained in the standard of review.

### TECHNICAL REVIEW

- The development site appears to be intersected by several Plan Certain dockets, including:
  - 9-5-81: Change in zoning from R-4 to M-1
  - 9-78-87: Change in zoning from R-4 to M-1.
  - 9-56-92: Change in zoning from R-4 to M-1
- Additional Plan Certain dockets are noted on the most recent approval in 2005 for the larger development site, including 9-45-91 & 9-62-94, but these areas do not appear to intersect the development site.
- All binding elements applicable to the area of the development as shown on the detailed development plan will be abandoned and replaced with a site specific set of binding elements consistent with current language and approvals.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The waiver will not adversely affect adjacent property owners as the property owner is the same as the developer and the site has limited residential potential and should not be used residentially in the future.

- (b) The waiver will not violate specific guidelines of Plan 2040.

STAFF: The waiver will not violate specific guidelines of Plan 2040 as the subject property is in the Suburban Workplace form district and the adjacent property has limited long term residential potential as it is surrounded by industrial and higher intensity uses. It is owned in common with the developer and the developer intends to preserve canopy in the immediate area of the development.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

STAFF: The extent of the waiver of the regulation is not the minimum necessary to provide relief to the applicant has the building could be reduced to occupy less of the buffer but for the reasons provided above the buffer provided in full would ot appear to be necessary.

- (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 regulation would deprive the applicant of the reasonable use of the land as the development is in an industrial area and continues to concentrate industrial activity without creating isolated industrial areas dispersed throughout the Metro.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED 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: 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 as tree canopy will be provided and the site is currently developed.

- 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 both within the development and the community has been provided as the development has complied with the requirements of the Land Development Code.

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

STAFF: Provisioning of open space (scenic and recreational) is not necessary for the proposed development. All tree canopy will be provided as required.

- 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.

- 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 site design is consistent with the adjacent industrial development and with the form districts pattern of development.

- 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 the Comprehensive Plan as the development concentrates industrial activity in an industrial activity centers and continues to provide employment opportunities at a convenient location where industrial activities presently exist.

## **REQUIRED ACTIONS**

- **APPROVE or DENY** the **Waiver** of Land Development Code (LDC), section 10.2.4 to eliminate the 50' LBA along the southern property line
- **APPROVE or DENY** the **Revised Detailed District Development Plan** subject to the abandonment of existing binding elements across the development site only and subject to the proposed binding elements of attachment #4.

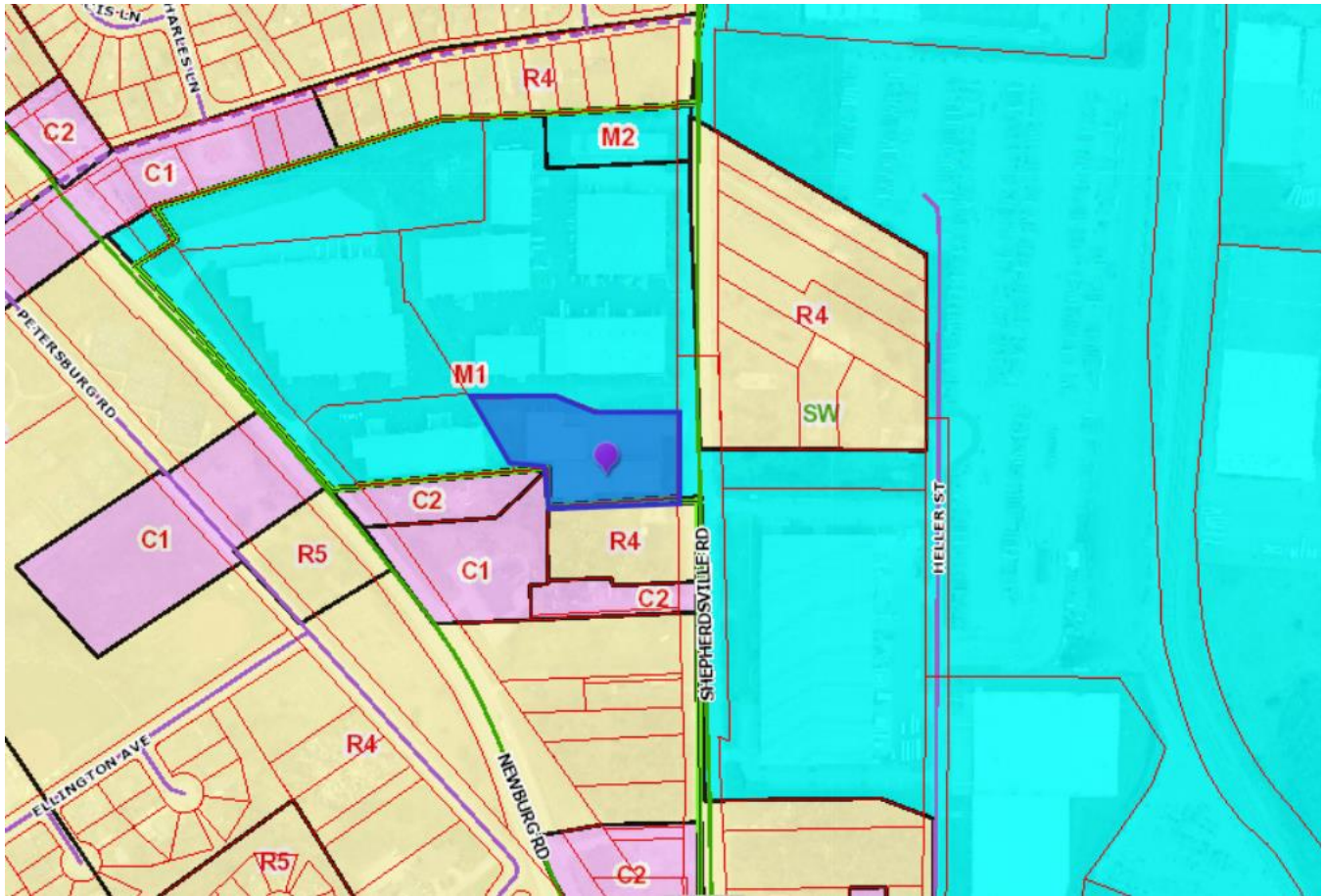
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
12/22/20	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners. Registered Neighborhood Groups in Council District 2

## **ATTACHMENTS**

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

1. **Zoning Map**



## 2. Aerial Photograph





### 3. Existing Binding Elements

#### **Binding Elements DOCKET NO. 9-78-87, 9-5-81, 9-45-91, 9-56-92, & 9-62-94 (Louisville Metro)**

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. 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 174,717 square feet of gross floor area.
3. There shall be no vehicular access across the drainage easement.
4. The only permitted freestanding signs shall be located as shown on the approved district development plan. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants 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.
8. 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 Louisville Metro Department of Public Works and Transportation and the Metropolitan Sewer District.
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. 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 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. No outdoor storage shall be permitted on-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) is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, 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 reciprocal and cross-access easement with the adjoining industrial development providing primary access shall be reviewed and approved by Planning Commission's legal counsel and recorded.
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. 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.