

Development Review Committee
Staff Report
July 31, 2019



Case No:	19DEVPLAN1120
Project Name:	Logistics Airpark
Location:	5530-5540 Minor Lane
Owner(s):	LaGrange, LLC & Nicklies Exchange, LLC
Applicant:	Nicklies Development
Representative(s):	Nicklies Development
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	Joel P. Dock, AICP, Planner II

REQUEST(S)

- **Waivers**
 1. **Waiver** of Land Development Code (LDC), section 5.5.4.B.1 & 10.2.4 to reduce the 50' & 35' landscape buffer area (LBA) located near the east and west corners of the northern truck maneuvering area as shown on the development plan
 2. **Waiver** of LDC, section 10.2.7 to allow an encroachment for drive lane into the 20' expressway LBA
- **Revised General & Detailed District Development Plan**

CASE SUMMARY

The previously approved development plan called for 2 warehouse buildings totaling roughly 1 million sq. ft. The revised plan calls for a single warehouse building roughly 100,000 sq. ft. smaller than the prior approval. The internal access lane providing cross connectivity will be relocated to the rear of the site and loading areas will be placed on the north and south sides of the structure. The plans still call for an area for future development directly abutting the on-ramp to I-65 and the main entrance at Minor Lane. Sidewalks will be provided along Minor Lane and pedestrian connections to these walks will be made available.

The archaeological feature remains undisturbed as delineated on the plan. Similarly to the previously approved plan a vehicle maneuvering/truck access area will encroach into the 50' non-residential to residential landscape buffer area in the northeast corner. One additional encroachment is being requested on the east side of the truck parking. The Minor Lane frontage of the development and those portions that abut single-family residential property, including the area of encroachment, will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees as previously approved. An encroachment upon the 20' expressway buffer is also being requested.

STAFF FINDING

The revised detailed district development plan and waivers appear to be justified based upon staff's analysis contained in the standard of review. While staff finds the requested relief to be justified with the provision of landscaping material and screening that meets or exceeds the minimums of the district, staff also finds that the relief could be avoided by minor shifts in building location and truck loading areas.

TECHNICAL REVIEW

- Associated cases

9-104-83: Change in zoning from R-4 to C-2 (approved 3/1/1984) – Northwest corner of development site

9-05-99: Change in zoning from R-4 to C-2 & R-7 and change in form from N to SMC (PC approved 5/6/2004; revised general plan approved 11/9/2006). Two public hearings were held in the evening and one business session prior to the Planning Commission's recommendation of approval to the Louisville Metro Council.

9205: Revised general/detailed plan (approved 7/25/07)

18ZONE1049: Change in zoning from R-4, R-7 & C-2 to PEC, Planned Employment Center. Change in form district from SMC & N to SW form district. Revised General/Detailed District Development plan with waiver and variance (approved by PC 2/21/19).

- The PEC zoning district LBA shown along the northern property boundary will need to be adjusted during the landscape plan review to reflect the requirements of LDC 10.2.4 for PEC districts which adjoin residential zoning districts or institutional uses. The waivers requested in this report reflect the requirements of the LDC.
- The boundaries of the archaeological site (inactive cemetery) appear to reflect the boundaries and setback required per LDC 4.4.6. No structures or land disturbance shall occur within the area beyond routine maintenance and preservation of the perimeter.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

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

STAFF: The waiver will not adversely affect adjacent property owners as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a sufficient width is provided. The encroachment is consistent with the relief previously granted in case 18ZONE1049. It would not appear that truck parking or loading would occur within the LBA in the northeast corner. Truck parking that is provided within the LBA on the west side is further buffered from the institutional use by detention lakes.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. A sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a sufficient width is provided.

- (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 not minimum necessary to afford relief to the applicant as minor shifts in building location and truck loading areas could be provided to avoid the requested relief.

- (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 applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as sufficient landscape buffer in the form of a 2' berm with 8' screen and deciduous trees having a width of 35' is provided. This has been depicted on the applicant's landscaped exhibit and preserved by binding element in case 18ZONE1049.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

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

STAFF: The waiver will not adversely affect adjacent property owners as the adjacent owner is the State of Kentucky and no residents will be impacted.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 3, Policy 21 calls for appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. Guideline 3, Policy 22 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. The encroachment in this area does not impact residents or adjacent property owners, nor does it create incompatibility with adjacent users as the adjacent property is in expressway which produces greater impacts on the area than the proposed encroachment.

- (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 not minimum necessary to afford relief to the applicant as minor shifts in building location and truck loading areas could be provided to avoid the requested relief.

- (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 applicant will provide all required landscape material and screening per Ch. 10 of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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 will be provided. Natural features have been integrated into the pattern of development. An archaeological amenity will be preserved. Landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees will also be provided along the frontage.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The proposal utilizes an existing 4-lane, collector level roadway for its primary means of access and provides cross-connectivity to the North via private drive. Sidewalks are provided along Minor Lane immediately abutting the site and pedestrian connections from these public walks to building entrances are provided. TARC service is not available along the frontage or on Outer Loop. The nearest route is located along Preston Highway. The proposal does not prevent or negatively impact TARC service. All roadway improvements as required by the Traffic Impact study and binding elements of case 18ZONE1049 will be implemented prior to occupancy of the site. An internal roadway providing access to the north attempts to alleviate any future pressure along the residential segments of Minor Lane.

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

STAFF: Open space and amenity area is provided in the form of an archaeological feature. Additional large ILA areas are provided near parking facilities.

- 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 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 proposal creates a new planned development that may feature a single or mixture of related uses. The plan provides space for future growth. Landscape transitions have been provided along Minor Lane and adjacent to nearby homes. The Minor Lane frontage of the development and those portions that abut single-family residential property will contain landscaping consisting of a 2' berm with 8' evergreen screen and deciduous trees.

- 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 proposed development plan conforms to the Comprehensive Plan as the site is being developed as intended by the Workplace form.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the following **Waivers**:
 1. **Waiver** of Land Development Code (LDC), section 5.5.4.B.1 & 10.2.4 to reduce the 50' & 35' landscape buffer area (LBA) located near the east and west corners of the northern truck maneuvering area as shown on the development plan
 2. **Waiver** of LDC, section 10.2.7 to allow an encroachment for drive lane into the 20' expressway LBA
- **APPROVE** or **DENY** the **Revised General & Detailed District Development Plan**

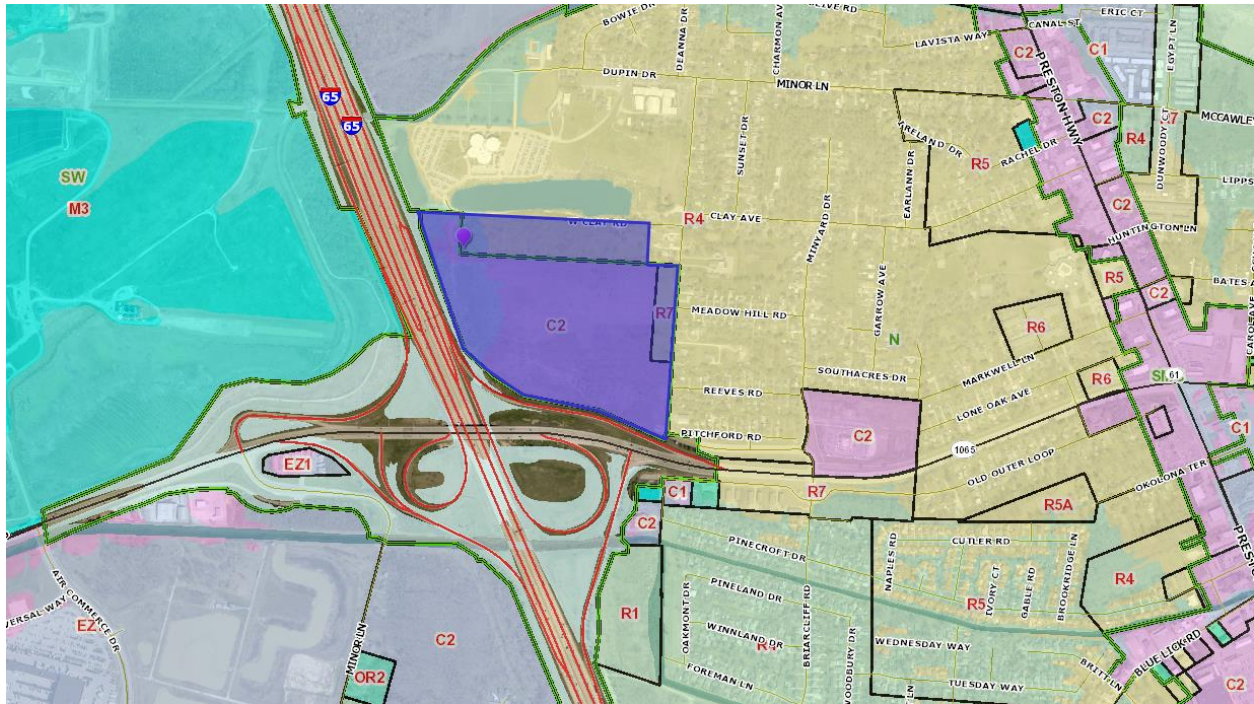
NOTIFICATION

Date	Purpose of Notice	Recipients
7/19/19	Hearing before DRC	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 13

ATTACHMENTS

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

1. **Zoning & Form Map**



2. **Aerial Photograph**



3. 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. 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. The façade elevations submitted at this time shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - 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 Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A minor plat shall be approved and recorded creating the lots as shown on the approved development plan.
5. 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.
6. 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.
7. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.

8. No deliveries shall be permitted by any commercial use between 10:00 pm and 7:00 am
9. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the development site and the adjoining property owner(s) to the North and recorded prior to development of that site for any non-residential use. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
10. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between all parcels shown on the approved development. Rights of access shall be retained for the benefit of the public to access the archaeological feature on lot 2. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services. Such agreement shall be recorded prior to construction plan approval.
11. A unified signage plan shall be created that sets consistent standards for the design, appearance and location of signs within the development. This plan shall be submitted for review and approval by Planning Commission Staff prior to issuance of certificate of occupancy.
12. Landscaping shall be provided which is substantially similar to that described on the applicant's landscape exhibit presented at the 2/7/19 public hearing of the Planning Commission.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 2/7/19 Planning Commission meeting. One tree shall be planted within 15 feet of the building, for each 50 feet of façade length facing public streets or residentially used property. Trees may be clustered but distance between trees shall not exceed 100 feet. Tree species shall be selected from the Preferred Plant List that will equal or exceed the height of the adjacent building, at maturity. This shall be in addition to trees required in parking lot interior landscape areas.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
15. The following roadway improvement shall be made prior to the occupancy of the subject site:

Outer Loop Road at Minor Lane

A. Remove the existing raised median on the west leg of the intersection to provide dual left turns from Outer loop Road to Minor Lane.

B. Add an additional southbound lane on the north leg of the intersection to provide 1 right turn lane, 1 shared through-left turn lane and 1 exclusive left turn lane. Widening on this leg will require significant shoulder widening to provide positive off-tracking for heavy making a right turn from Minor Lane to Outer Loop Road.

C. Widen the northbound approach of Briarcliff Road north of the Old Outer Loop Road to provide full pavement width for two lanes. Reconfigure the northbound lanes to provide 1 exclusive left turn lane and 1 shared through right turn lane.

D. Provide a westbound right turn lane on Outer Loop Road to Minor Lane.

Minor Lane Extension at Development Drive

Configure the newly created intersection with stop control on the southbound approach of Minor Lane.

Any revision to these recommendations shall be in coordination with KYTC and shall be presented to the Director of Public Works for review and approval.

16. The following M-2 uses are prohibited unless approved by the Planning Commission in a public hearing. Any application for amendment shall include notification to all those that spoke at the public hearing, as well as 1st and 2nd tier adjoining property owners.

Auction sales, outdoor

Fairgrounds

Flea market

Railroad freight terminal and yards

River terminals

Outdoor storage of materials and equipment

Waterfront shipping

Uses, manufacture, processing, treatment, or storage of the following:

Aluminum extrusion

Animal pound

Coal and coke, storage and sales

Foundry products (electrical only)

Hosiery mill

Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)

Paint and coating, except manufacturing gun cotton nitro-cellulose lacquers and reactive resin cooking

Poultry or rabbit, packaging or slaughtering (wholesale)

Tire treading and vulcanizing shop

17. The following M-1 uses are prohibited:
Uses, manufacture, processing, treatment, or storage of the following:
Adhesive, excluding manufacturing of basic components
Chemicals (packaging only)
18. The developer shall adhere to LDC section 4.4.6 as it pertains to inactive cemeteries