

# Land Development & Transportation Committee

## Staff Report

July 28th, 2016



<b>Case No:</b>	16DEVPLAN1141
<b>Project Name:</b>	Fern Valley Distribution Center
<b>Location:</b>	4500 Fern Valley Rd
<b>Owner(s):</b>	Lannert Farm LLC
<b>Applicant(s):</b>	Summit Construction LLC
<b>Representative(s):</b>	Kathy Linares, Mindel Scott & Associates
<b>Project Area/Size:</b>	17.1 acres
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zone
<b>Existing Form District:</b>	Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	2 – Barbara Shanklin
<b>Case Manager:</b>	Laura Mattingly, Planner I

### REQUEST

- Category 3 Development Plan review
- Waiver of Section 10.3.5 to allow parking to encroach into parkway buffer

### CASE SUMMARY/SITE CONTEXT

This Category 3 development is for a 350,000 square foot warehouse and distribution center located at the southwest corner of Fern Valley Rd and Jefferson Blvd, approximately 1.2 miles east of Preston Highway. The proposal includes 300 parking spaces, 56 loading docks and 34 trailer parking spaces. The applicant has applied for a waiver to allow a portion of the parking along Fern Valley Road to encroach into the required 30' Landscape Buffer Area.

The site is a rectangular shape and is currently vacant. It is surrounded by vacant, EZ-1 properties with the exception of a single family subdivision to the north across Fern Valley Rd. It is located partially within the floodplain and will be accessed by a crossover access easement on the south side of the property via Jefferson Boulevard and at the northwest corner of the property via Fern Valley Rd.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	EZ-1	SW
<b>Proposed</b>	Warehouse distribution center	EZ-1	SW
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single family residential, Vacant	R-4, CN	N
<b>South</b>	Vacant	EZ-1	SW
<b>East</b>	Vacant	R-6	SW
<b>West</b>	Vacant	EZ-1	SW

## PREVIOUS CASES ON SITE

**15DEVPLAN1203-** Category 3 Development Plan for warehouse and waiver for required amenity area to be based on office square footage only. Approved by Development Review Committee (March, 2<sup>nd</sup>, 2016)

**16DEVPLAN1085-** Category 3 Development Plan for warehouse with increased square footage and decreased Vehicle Use Area. Approved by Development Review Committee (June 1, 2016)

## INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.3.5 of the Land Development Code to allow a portion of the proposed Vehicle Use Area to encroach into the required 30' Parkway Buffer Area.**

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

STAFF: The waiver will not adversely affect adjacent property owners as the encroachment is on only a portion of the required buffer and all required plantings will still be provided.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as the Landscape Buffer Area plantings and screening are still being provided, which will provide a transition to the parkway corridor, screening from lighting, noises, etc. and will decrease storm water runoff from impervious surfaces.

- (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 all other landscape requirements are being met and the parking is needed for the number of employees anticipated. This encroachment has the least impact of any other options for site layout.

- (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 the land or would create an unnecessary hardship on the applicant as the needed size of the building and parking for employees would not be possible without some encroachment into the Landscape Buffer Area.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
 Land Development Code

**TECHNICAL REVIEW**

This development is located within the floodplain and the entirety of the site is comprised of hydric soils (potential wetlands). The appropriate notes have been placed on the plan, including floodplain compensation and Army Corps of Engineers approval. The plan has also received preliminary approvals from MSD and Public Works.

**STAFF CONCLUSIONS**

The Category 3 plan is in order and the waiver appears to be adequately justified.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting an LDC Waiver and Category 3 Development Plan approval established in the Land Development Code.

**REQUIRED ACTIONS**

- **APPROVE** or **DENY** the Category 3 Development Plan.
- **APPROVE** or **DENY** the waiver of Section 10.3.5.

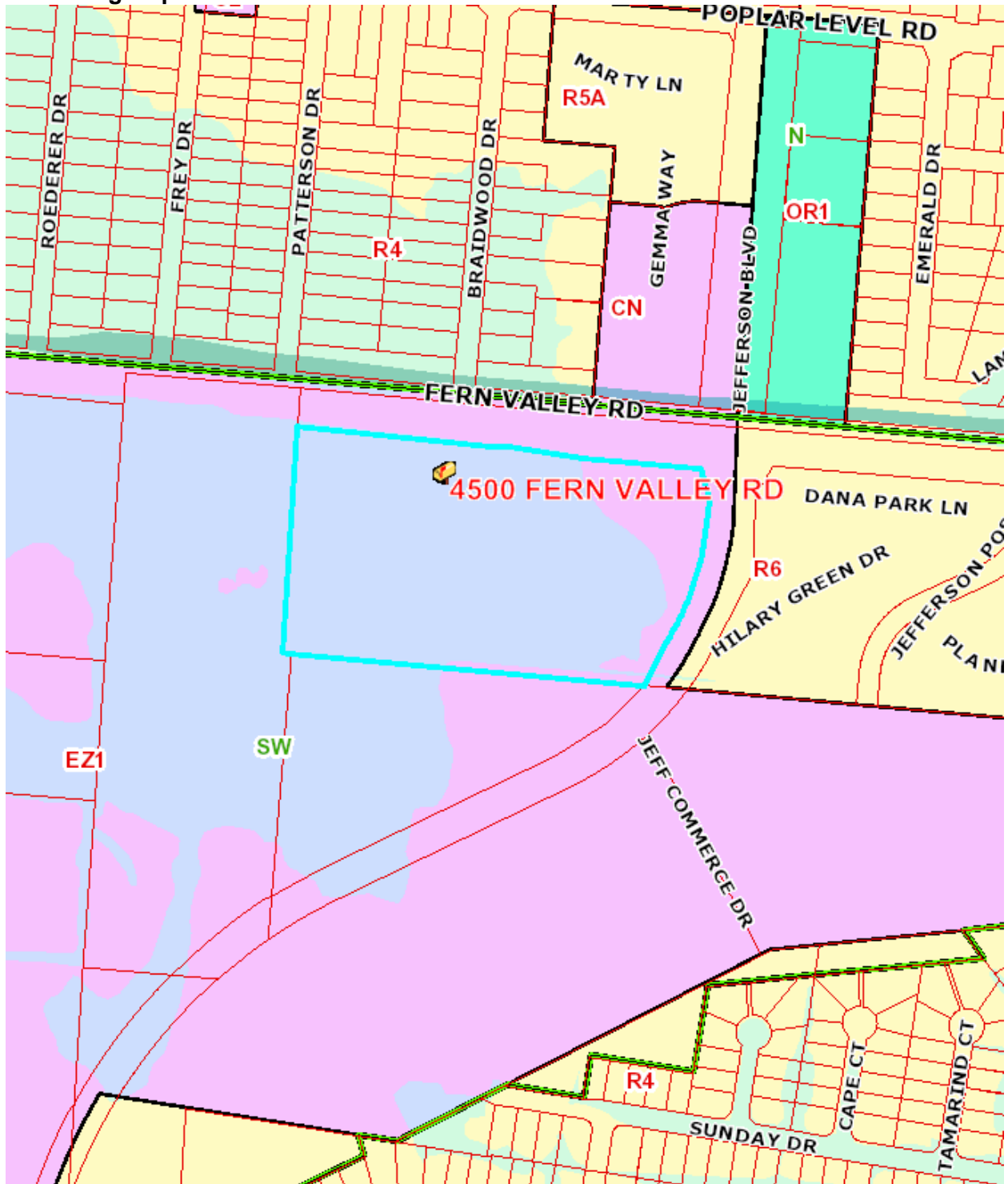
**NOTIFICATION**

Date	Purpose of Notice	Recipients
07/13/16	APO Notice of hearing	First tier adjoining property owners
07/13/16	Notice of Hearing	Registered neighborhood groups

**ATTACHMENTS**

1. Zoning Map
2. Aerial Map

# 1. Zoning Map



2. Aerial Map

