

Case No. 16AMEND1003

LDC Text Amendment – Sec. 5.12.2, Outdoor Amenities / Focal Point(s)



Ad Hoc Committee on LDC

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Request

Consider an amendment to Section 5.12.2 of the Land Development Code regarding Outdoor Amenities / Focal Point(s)

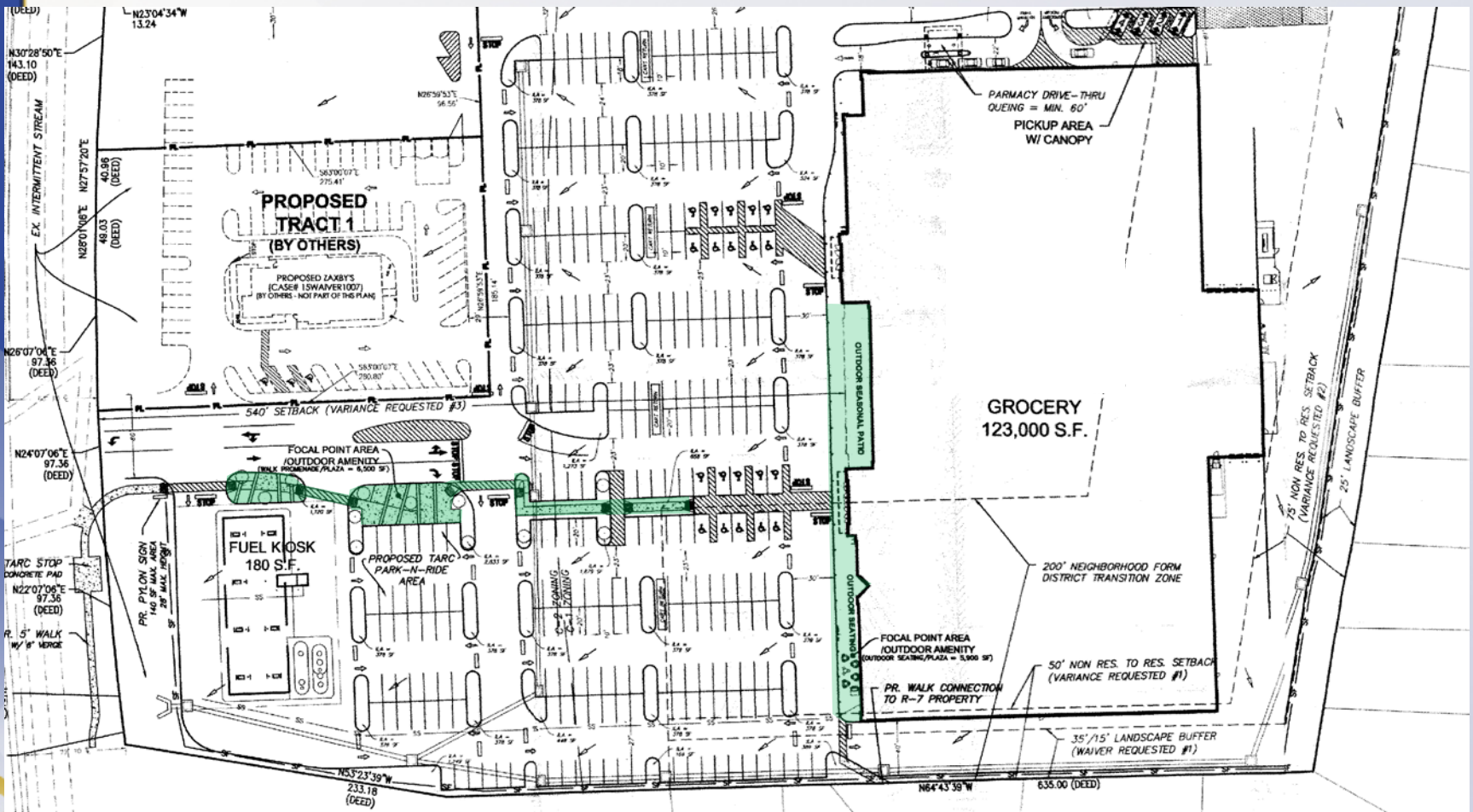
Background

- August 2013 - LDC Round 2 Update - Miscellaneous Subcommittee recommended several changes to 5.12.2.
- August 2014 - Planning Commission held public hearing on Round 2 LDC Changes. Only PC recommendation was to apply public amenity requirements to all form districts.
- December 2014 - Metro Council approved Planning Commission's recommendation. In addition:
 - Applying these requirements to industrial developments, in addition to retail, office and mixed-use developments.
 - Changing the building area threshold from "buildings with a total footprint greater than 100,000 square feet" to "buildings with a total footprint greater than 60,000 square feet."
- February 4, 2016 - Planning Commission approved Resolution asking Staff to research and draft proposed amendments to 5.12.2.

Summary of Regulations

- Sec. 5.12.2 requires retail, office, industrial or mixed use developments with total footprint greater than 60,000 sq ft to set aside equivalent of 10% of total building footprint for outdoor amenities. Planning Commission design approval required.
- Set aside land for outdoor amenities which may consist of:
 - Sidewalks, plaza or patio area, at least 15 feet wide with seating;
 - Outdoor dining area with seating;
 - Water feature;
 - Landscaped green area with seating;
 - Outdoor playground area; or
 - Multi-purpose trails/paths.
- Or may pay a fee-in-lieu
 - Fee = Square footage of required set-aside X value per square foot
 - Due at time of building permit submittal
 - Planning Commission approval to pay fee-in-lieu required

Typical Outdoor Amenities for Retail



Required: 12,318 SF of amenity area = 10% of building footprint
 Provided/Approved: 12,400 SF of amenity area

Requested Waivers

- As of 12/1/14, Section 5.12.2 has applied to 8 warehousing or industrial developments
- 7 have requested and received a waiver from Section 5.12.2
- In all but 1 of the 7 cases, the Commission approved a waiver allowing the developments to provide an area ranging from 10% to 20% of the office area only for public amenities, rather than applying the 10% rule to the entire building footprint
- In one case, for a mini-warehouse facility on Bardstown Road, the Commission waived Section 5.12.2 entirely

3. Industrial/Warehouse Developments Subject to Section 5.12.2 Since December 11, 2014

Case No.	Case Name	Address	Form / Zoning District	Use	Building Size (SF)	Requirement / Proposal	A=Approved; D=Denied; P = Pending	Waiver needed?	% Office	% Industrial	Estimated # of Employees on Largest Shift	Outdoor Amenity Dedication @ 10% of Office Space	Outdoor Amenity Dedication @ 15 SF per Employee (SF)
15DEVPLAN1068	Renaissance South Business Park - Lot 6	8701 Minor Ln	SW / EZ-1	Warehouse	1,132,655 / 26 acres	Required: 2.6 acres of amenity area Provided: 2,000 SF of landscaping and outdoor patio area or 10% of office area	A - DRC - 7/15/15	Y	2%	98%	410	2,000	6,150
				Office	20,000								
15ZONE1004	Louisville Industrial Center Building W	7830 National Turnpike	N / EZ-1	Warehouse	384,960	Required: 41,496 SF of amenity area Provided: 5,000 SF of landscaping, walkways and seating areas or 17% of office area	A - PC - 7/16/15	Y	7%	93%	150	3,000	2,250
				Office	30,000								
	Renaissance South			Warehouse	632,038								

Planning Commission

Recommendations

- Public Amenity Set-Aside - Section 5.12.2.A.1. - Require Public Amenities Dedication for Industrial/Warehouse Based on Office Square Footage Only
 - Base outdoor amenity set-aside on 10% of office square footage for industrial or warehouse developments
 - Codifies what has been granted in many waivers since December 2014
- Fee-In-Lieu Option - Section 5.12.2.A.2 - Incentivize Industrial/Warehouse Developments to Pay Fee-in-Lieu
 - Continue to calculate fee amount the same way but provide a 25% reduction
 - The fee-in-lieu goes to the Louisville Public Space Art Fund, administered by the Commission on Public Art, and used to fund public art in Louisville Metro.

Applicable Plans and Policies

- These amendments to the LDC text are consistent with the following policies of Cornerstone 2020.
- Plan Element Community Form and Land Use, Guideline 2, A. Policies, Item 12
 - Focal Point. Encourage large developments in activity centers to be compact, multipurpose centers designed around a central feature such as a public square or plaza or landscaped element.
- Plan Element Economic Growth and Sustainability Guideline 6, Intent Statement
 - To reduce the time involved in the review of land development proposals.

Planning Commission

Recommendations

- At its March 17, 2016, hearing, the Planning Commission voted to recommend amending Section 5.2.12 as applied to industrial or warehouse developments so that the minimum outdoor amenity set-aside would be 10% of the office space of the development, rather than 10% of the total building footprint
- In addition, the Commission voted to recommend amending 5.2.12 as applied to industrial or warehouse developments so that a development electing to pay the fee-in-lieu of outdoor amenity dedication would receive a 25% reduction in the fee amount

Estimated Fee-In-Lieu Comparison

PROJECT	CURRENT FEE-IN-LIEU (10% Bldg Footprint)	PROPOSED FEE-IN-LIEU (10% Office Square Footage With 25% Reduction)
Dermody (Air Commerce Dr.)	\$90,833	\$5,289
Air Commerce N (Export Dr. and Minors Ln.)	\$179,375	\$2,678
NorthPoint (Minors Ln.)	\$357,323	\$4,650