

Development Review Committee

Staff Report

August 15, 2018



Case No:	18DEVPLAN1107
Project Name:	V-Soft Office Building
Location:	2500 Eastpoint Pkwy
Owner(s):	Limestone Bank
Applicant:	V-Soft Consulting Group LLC
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Waiver** of Land Development Code 10.2.4.B.8 to allow a vehicle use area to encroach into a required 15' PEC Property Perimeter Landscape Buffer Area.
- **Revised Detailed District Development Plan**

CASE SUMMARY/BACKGROUND

The subject site is located in the Eastpoint Business Center, which was rezoned to PEC under docket 9-5-89. There is an existing 3-story office building on site, and the applicant is proposing to subdivide the subject site and construct a second 3-story office building.

STAFF FINDING

The requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

There is no outstanding technical review associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from outside parties concerning this request.

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 since the adjacent property has the same owner, and the properties will share a common access easement in the area of the required buffer.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 uses are compatible, and will share a common access across the proposed property line.

- (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 since the buffer will still be provided along the part of the proposed property line in the portion of the site that is not to be used for access and vehicle maneuvering.

- (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 create an unnecessary hardship on the applicant, as most of the area of encroachment is already paved and will be used to provide access to the proposed sites.

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 have approved the preliminary development plan.

- (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, with the exception of the requested waiver. 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 **Waiver**
- **APPROVED** or **DENY** the **Detailed District Development Plan**.

NOTIFICATION

Date	Purpose of Notice	Recipients
7-26-18	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

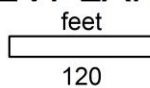
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements
4. Existing Detailed Plan Binding Elements with Proposed Changes
5. Proposed Detailed Plan Binding Elements

1. Zoning Map



18DEVPLAN1107



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2. Aerial Photograph



18DEVPLAN1107

feet

120



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COUNTY METROPOLITAN SEWER DISTRICT (MSD),
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ADMINISTRATOR (PVA). All Rights Reserved.

3. Existing General Plan Binding Elements from 9-5-89

1. Prior to development of each site or phase, a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may include, but not be limited to the following items:
 - a) Screening, buffering, landscaping.
 - b) Density, floor area, size and height of buildings.
 - c) Points of access.
 - d) Land uses.
 - e) Signs.
 - f) Loading berths.
2. The lots shall be subject to deed of restrictions as recorded in Deed Book **6060** Page **791** .
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) A major subdivision plat shall be recorded creating the lots and roadways shown on the approved general district development plan and preliminary subdivision plan.
 - c) All necessary recording fees shall be paid.
4. Master Plan Document - Freeway Reserve shall prepare a written and illustrated document to accompany the District Development Plan, which shall serve as a guide for review of Detailed District plans with respect to site and architectural design. Guidance shall be provided for planning and design aspects including but not limited to, the following: loading and parking arrangement, lighting, landscaping, grading, screening, noise, vibration and odor controls.
5. Lighting - As required under Section 7 2, Paragraph 6.a.7. of the Zoning Ordinance, lighting for site and buildings shall be directed towards the individual properties and away from adjacent residential uses. Further, lighting shall be reviewed under the guidelines of the Freeway Reserve Master Plan Document and the Planning Commission Detailed District Development Plan review procedures.
6. Landscape Buffer Zones - A landscape concept plan shall be presented to the Planning Commission to illustrate details of screening, buffering and aesthetic treatment within the required and proposed Landscape Buffer areas shown on the General District Development Plan.
7. Signage - No billboard (advertising) or high pylon signs shall be permitted in Freeway Reserve. A single project identification monument sign shall be provided at each entry from LaGrange and Old Henry Roads and no more than two monument signs along the Gene Snyder Freeway. All signs shall conform, with Ordinance No. 7, Series 1988, relating to signage along Gene Snyder Freeway, (adopted 5-10-88). A concept sign plan shall be prepared for the Planning Commission review prior to construction to illustrate controls on project identification and site identification signs.
8. There shall be no direct access from the Freeway Reserve to English Station Road, nor from individual lots to LaGrange and Old Henry Roads.

9. Outdoor advertising (billboard) and small freestanding (temporary) signs, pennants and banners shall be prohibited on each site.
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.
13. Any further subdivision of Tracts 1-8 may be created utilizing the minor subdivision plat process in conformance with the rules and regulations governing minor subdivisions. A master subdivision plan shall be provided to the Planning Commission showing all current subdivision lots being created and their associated minor subdivision plat docket numbers. This master plan shall remain in effect for the entire development and including any lots that may reflect changes of existing lots (i.e. shifting property lines).
14. All dedicated streets shall be created utilizing the major subdivision record plat process. No more than 3 lots shall be created on a private access easement at which time the roadway shall be dedicated to public right-of-way. The intent of this binding element is to assure that all Lots have dedicated frontage to public roadway.

4. Existing Detailed Plan Binding Elements with Proposed Changes

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. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.~~
- ~~3. The development shall not exceed 102,700 square feet of gross floor area.~~
- ~~4. The only permitted freestanding signs shall be monument style signs, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The signs shall not exceed 40 square feet in area per side and 6 feet in height. No sign shall have more than two sides. **Signs shall be in accordance with Chapter 8 of the Land Development Code**~~
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. ~~The three flagpoles shown on the development plan cannot~~ **Flagpoles on the subject site cannot** exceed 35 feet in height.
7. There shall be no outdoor storage on the site.

8. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
- 9a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
- 9b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
10. 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 ~~the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building)~~ **Develop Louisville** and the Metropolitan Sewer District (~~700 West Liberty~~).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in ~~Article 12~~ **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 minor plat shall be recorded creating the property lines as shown on the development plan.**
- ~~11. 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.~~
12. 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
13. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.

14. 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.
- ~~15. Each individual lot shall have a covenant whereby Jefferson County Department of Public Works and Transportation will have the right to require each property owner to install sidewalks at such time as the Eastpoint Business Center is 80% developed. 80% shall be based on the total lots in the entire development. The pedestrian connection shall be installed when the sidewalk has been constructed.~~

5. Proposed Detail Plan Binding Elements

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. Signs shall be in accordance with Chapter 8 of the Land Development Code
3. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
4. Flagpoles on the subject site cannot exceed 35 feet in height.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
7. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
8. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:

- a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
9. 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 Develop Louisville 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 minor plat shall be recorded creating the property lines as shown on the development plan.
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. There shall be no outdoor music {live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
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