

Board of Zoning Adjustment Staff Report

June 6, 2016



Case No:	16CUP1010
Project Name:	Storage Plus
Location:	6456 Outer Loop
Owner:	Iverson Family Outer Loop, LLC.
Representative:	Law Office of Michael Tigie, PLLC – Michael Tigie
Project Area/Size:	4.6 acres
Existing Zoning District:	C-2, Commercial
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Modified Conditional Use Permit** for mini-warehouse, Land Development Code (LDC), section 4.2.35.

CASE SUMMARY

The applicant proposes to incorporate a truck rental service into an existing mini-warehouse facility. The subject site is located along Outer Loop, West of Smyrna Parkway, and North of the Gene Snyder Freeway. Automobile rental is a permitted use within the commercial zoning districts provided that a Commercial Driver's License (CDL) is not required for operation; including, the renting of cargo-vans or "U-haul-type" trucks, but not the rental of farm or heavy machinery. The facility currently contains roughly 88,000 SF of mini-warehouse storage with detached office space and customer parking. The expanded use will utilize existing office space and provide additional customer parking as required for automobile rental agencies. No new structures or impervious surface is proposed. The parking of trucks for rental will be provided in three separate areas adjacent to warehouse space.

In 1996, the conditional use permit was *approved on condition* that the only commercial use permitted on the site is mini-warehouse and no other C-2 uses are permitted, unless approved by the Planning Commission. While in 1996 the site was zoned for C-1, commercial uses, a previously conducted Outer Loop Study stated that the site was appropriate for multi-family residential use. Evidence in the case file and minutes of the Planning Commission show that the referenced binding element/condition of approval was placed on the plan for approval to the Fiscal Court and they remanded this back to the Planning Commission for further review based on the Outer Loop Study. The applicant later demonstrated that the service provided by mini-warehouse at this location was the result of potential market demand in the area for vacant storage units for residents of multi-family dwellings.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Mini-warehouse	C-2	N
Proposed	Mini-Warehouse and Truck Rental	C-2	N
Surrounding Properties			
North	JCPS-school	R-4	N
South	Multi-family	R-7	N
East	Commercial	C-1	N
West	Commercial	C-1	N

PREVIOUS CASES ON SITE

9-41-96: Change-in-Zoning from C-1 to C-2 and Conditional Use Permit (Article 15, D., 35) for Mini-warehouse and variance to allow structures to be 15' from rear property line.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (April 2016)

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR CONDITIONAL USE PERMITS**

1.) Are the proposals consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan as Guideline 3, Policies 1 and 3 encourage compatibility of redevelopment with the scale and site design of nearby development and with the pattern of development, as well as discouraging non-residential expansion into residential areas. The site re-utilizes an existing min-warehouse facility to accommodate for an expansion of a non-residential use without expansion into residential areas or the need for a new site to be developed which may impact residential areas. The site is located within an area of existing commercial uses and multi-family development.

2.) Are the proposals compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with surrounding land uses and the general character of the area as the site is surrounded by commercial uses to its East and West with multi-family development nearby. The mini-warehouse component provides a storage service to nearby residents at a scale and size compatible with adjacent commercial uses and multi-family structures. The addition of automobile/truck rental enhances the potential for the site to be a “one-stop-shop” for storage needs when moving items from one location to another.

- 3.) Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed uses?

STAFF: Necessary public facilities are being provided to serve the site as the site has direct access to Outer Loop which has a public sidewalk. The Metropolitan Sewer District has approved the preliminary 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.

- 4.) Do the proposals comply with the following specific standards required to obtain the conditional use permit requested?

STAFF: The proposal complies with the specific standards required to obtain the conditional use permit, with the exception of item "B" where a variance was granted along the rear property line. The requirements of LDC, Section 4.2.35 have been included below:

4.2.35 Mini-warehouses

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

TECHNICAL REVIEW

The modified conditional use permit is being requested in association with a revised detailed district development plan. The development plan is being reviewed by the Development Review Committee (DRC) on June 15, 2016. The DRC in conjunction with its review of the development plan will consider whether the site also meets the standard of review for an amendment to a binding element which restricts all commercial uses on site to mini-warehouse, unless approved by the Planning Commission. The Board of Zoning Adjustment in conjunction with its review of the modification to the approved plan to allow truck rental must also consider a modification to the conditions of approval to strike-through this condition to allow automobile rental agencies.

STAFF CONCLUSIONS

The Modification to the Conditional Use Permit appears to be adequately justified and meet the standard of review based on staff analysis in the staff report. The proposal is consistent with the applicable goals, objectives, guidelines, and policies of the Comprehensive Plan and meets or exceeds the requirements of the Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting the Conditional Use Permit modifications as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Modified Conditional Use Permit for mini-warehouse, LDC, section 4.2.35 with a modification of the conditions of approval to strike-through condition #9 and allow *automobile rental agencies* as permitted in a C-2 zoning district.

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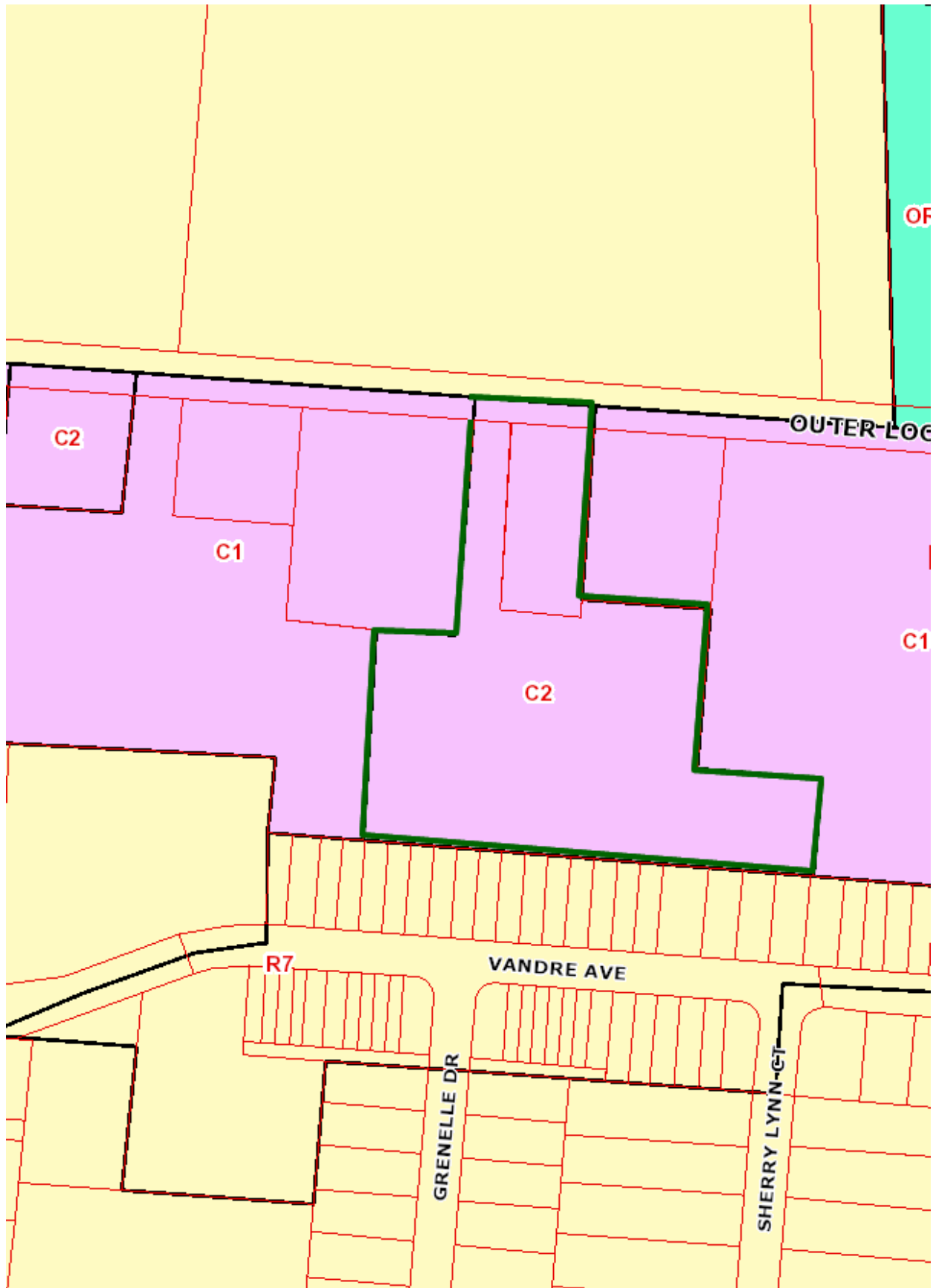
NOTIFICATION

Date	Purpose of Notice	Recipients
5/23/16	BOZA	Adjoining property owners, applicant, owner, and registered users of Council District 23.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. Zoning Map



2. Aerial



3. Existing Conditions of Approval.

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 84,994 square feet of gross floor area for mini-warehouse space, one 266 square foot office and a 1,200 square foot apartment and garage.
3. The only permitted freestanding sign shall be located within the 30 foot LBA on Outer Loop. The sign shall not exceed 64 square feet in area per side and feet in height. No sign shall have more than two sides.
4. The sidewalk shown on the development plan shall be located on the west side of the 60 foot access easement.
5. No outdoor advertising signs (billboards), small free- standing (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. Lighting from the facility should not exceed two foot candles at the property line.
8. No toxic, hazardous or flammable materials shall be stored at this facility.
9. The only commercial use permitted on the site is a mini-warehouse. No other C-2 commercial uses are permitted unless approved by the Planning Commission.
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) and the Metropolitan Sewer District (700 W. Liberty Street).
 - 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 Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
11. 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.
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. 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.

3. Proposed Conditions of Approval.

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