

Development Review Committee

Staff Report

February 20, 2019



Case No:	18DEVPLAN1211
Project Name:	Vehicle Storage Parking Expansion
Location:	12101 Westport Road
Owner(s):	David Redmon, Westport Road Development LLC
Applicant:	Ground Effects LLC
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Waiver** of Land Development Code Section 5.5.4.B.1 to reduce the 50 foot landscape buffer area with a six (6) foot screen to 30 feet
2. **Waiver** of Land Development Code Section 5.8.1.B to not provide the sidewalk along Westport Road
3. **Waiver** of Land Development Code Section 5.9.2.A.1.b.i and 5.9.2.A.1.b.ii to not provide sidewalk connections to adjacent properties and the street
4. **Revised Development Plan** with **Binding Element Amendments**

CASE SUMMARY/BACKGROUND

This site is zoned PEC Planned Employment Center in the Suburban Workplace form district. It is located north of Westport Road, west of the Collins Lane intersection. It is mostly surrounded by other PEC zoned properties with the exception of one C-2 Commercial to the east and R-6 Residential Multi-Family to the north. The applicant is proposing to expand the vehicle storage parking on this site, resulting in an 18% increase to impervious surface area to the site. The applicant does not propose any addition to the existing 51,400 square foot building.

Previous cases:

- 9-17-76: Change in zoning from C-2 Commercial to M-P-2 Industrial Park (now PEC)

STAFF FINDINGS

The revised development plan and waivers are adequately justified and meet the standards of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

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

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.5.4.B.1
TO REDUCE THE 50 FOOT LANDSCAPE BUFFER AREA WITH A SIX (6) FOOT
SCREEN TO 30 FEET:**

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

STAFF: The waiver will not adversely affect neighboring property owners because there is an existing 30 foot buffer area with plantings between this property and the residentially zoned property to the north.

- (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 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 airborne and waterborne pollutants.

Though this is a warehouse site abutting a residentially zoned property, the existing LBA that is in place between these two uses is providing screening and buffering which appears to be adequate. Staff has no knowledge of any complaints from neighboring properties regarding nuisances from the subject site. The parking lot expansion should not create additional impacts or nuisances that would make the existing LBA inadequate.

- (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 the existing LBA should provide adequate screening and buffering.

- (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 since there is already an LBA in place between the subject site and the neighboring residential property which appears to provide adequate screening.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.8.1.B TO NOT PROVIDE THE SIDEWALK ALONG WESTPORT ROAD:

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

STAFF: The waiver will not adversely affect neighboring property owners because there are no sidewalks along this portion of Westport Road on either side of the street.

- (b) The waiver does not violate the Comprehensive Plan; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate.

This development is proposing a parking lot expansion only, not an increase in building square footage that could more feasibly produce an increase in pedestrian (employee) traffic to the site. Additionally, no other sidewalks exist along this portion of Westport Road.

- (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 sidewalks do not currently exist along this portion of Westport Road.

- (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 by requiring the applicant to build sidewalks with no foreseeable future connection to other sidewalks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.9.2.A.1.b.i and 5.9.2.A.1.b.ii TO NOT PROVIDE SIDEWALK CONNECTIONS TO ADJACENT PROPERTIES AND THE STREET:

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

STAFF: The waiver will not adversely affect neighboring property owners because there are no sidewalks along this portion of Westport Road on either side of the street, so there are no sidewalk connections to be made.

- (b) The waiver does not violate the Comprehensive Plan; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate.

This development is proposing a parking lot expansion only, not an increase in building square footage that could more feasibly produce an increase in pedestrian (employee) traffic to the site. Additionally, no other sidewalks exist along this portion of Westport Road.

- (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 sidewalks do not currently exist along this portion of Westport Road.

- (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 by requiring the applicant to build sidewalks with no foreseeable future connection to other sidewalks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP

- (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. The proposed additions do not substantially alter the site or its natural resources.

- (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 has

approved the preliminary development plan. The exception to this is the sidewalk along Westport Road, for which the applicant has submitted a waiver.

- (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. The applicant is requesting a waiver for the LBA/screening at the rear of the property abutting a residential zone.

- (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 **Waivers**
- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

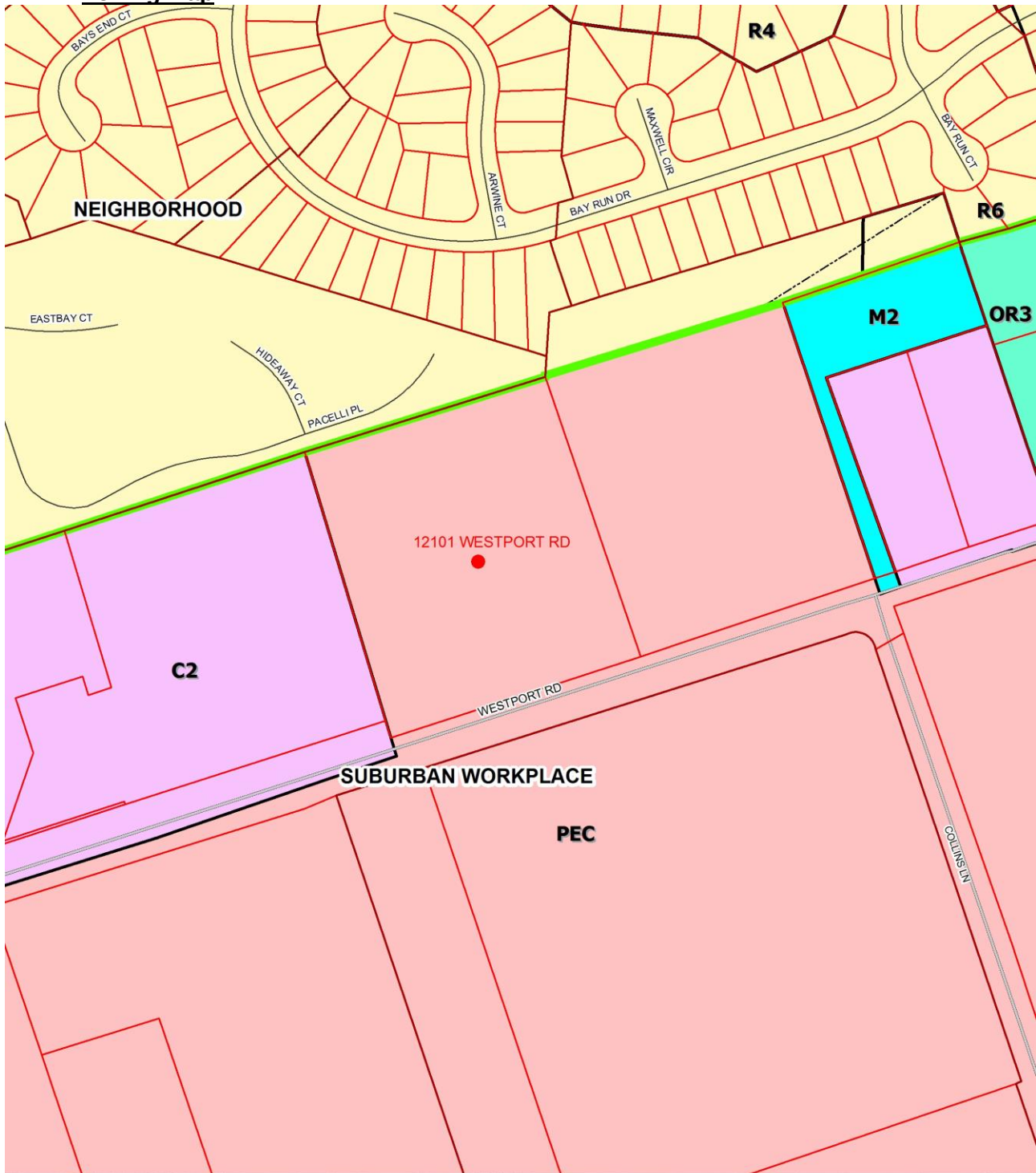
NOTIFICATION

Date	Purpose of Notice	Recipients
2-18-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17

ATTACHMENTS

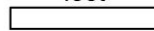
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**



18DEVPLAN1211

feet



210

Copyright (c) 2017, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

2. Aerial Photograph



18DEVPLAN1211

feet



210

Copyright (c) 2017, LOUISVILLE AND JEFFERSON
COUNTY METROPOLITAN SEWER DISTRICT (MSD),
LOUISVILLE WATER COMPANY (LWC),
LOUISVILLE METRO GOVERNMENT and
JEFFERSON COUNTY PROPERTY VALUATION
ADMINISTRATOR (PVA). All Rights Reserved.

3. Existing Binding Elements

- ~~1. The development shall be in accordance with the approved district development plan, land use 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.~~
- ~~2. The development shall not exceed 48,155 square feet of gross floor area.~~
- ~~3. The property shall be used for only the following uses:
 - ~~a. Leasing of mini-warehouses (the mini-warehouse operation will involve storage and incidental assembly of items stored in the mini-warehouse. All storage will be enclosed).~~
 - ~~b. Warehouse storage (all enclosed).~~
 - ~~c. Manufacture and assembly of automotive parts and accessories.~~
 - ~~d. Moving of "household goods" as defined in Tariff Association of America, issued March 1, 1974, which is located in the file for this case.~~
 - ~~e. Office buildings~~
 - ~~f. Accessory buildings and parking as shown on the development plan~~~~
- ~~4. There shall be no outdoor storage on the site.~~
- ~~5. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - ~~g. The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.~~
 - ~~h. The size and location of any proposed freestanding sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.~~
 - ~~i. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~~~
- ~~6. 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.~~
- ~~7. A certificate of occupancy must be received from the appropriate code enforcement officer 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.~~

4. Proposed 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.

3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing 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.
5. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - 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.
6. If a certificate of occupancy (building permit) is not issued within one (two) year(s) 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.
7. 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.
8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
9. 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.