

Planning Commission
Staff Report
May 9, 2019



Case No:	19WAIVER1004
Project Name:	Landscape Waiver
Location:	2713 Watterson Trail
Owner(s):	Bryan Barnett, Outer Loop Investment Properties
Applicant:	Bryan Barnett, Outer Loop Investment Properties
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST(S)

1. **Waiver** of Land Development Code section 10.2 to allow the proposed Building #2 to encroach 5 feet into the 15 foot LBA along the southeast property line
2. **Waiver** of Land Development Code section 10.2 to eliminate a 15 foot LBA on the north side of the proposed Building #2 to allow for future road extension

CASE SUMMARY/BACKGROUND

The applicant is proposing an industrial office/warehouse in the PEC Planned Employment Center zoning district. The requested landscape waivers would allow the proposed Building #2 to encroach 5 feet into the required 15 foot LBA along the southeast property line, and to eliminate the 15 foot LBA on the north side of proposed Building #2 to allow for future road extension.

The subject site is bordered on the south and part of the north perimeter by M-2 zoned properties, and on the other sides by PEC zoned properties. The perimeter where Waiver #1 is requested abuts an M-2 zoned property. The perimeter where Waiver #2 is requested abuts a PEC zoned property.

This case was heard before the Development Review Committee on April 3, 2019. The testimony of an adjacent property owner's representative indicated pending litigation for this site. The Development Review Committee forwarded the case to Jeffersontown with no recommended action on the waivers. Jeffersontown then requested that the case be heard before the full Planning Commission.

STAFF FINDING

The waiver requests are adequately justified and meet the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2 TO ALLOW THE PROPOSED BUILDING #2 TO ENCROACH 5 FEET INTO THE 15 FOOT LBA ALONG THE SOUTHEAST PROPERTY LINE

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

STAFF: The waiver will not adversely affect adjacent property owners since all planting requirements will be met and Building #2 and the area where the waiver is requested is not visible from the roadway, and it does not pose safety or health concerns.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 20 calls for the mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Community Form Goal 1, Policy 9 calls for the insurance of appropriate transitions between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 2, Policy 2.1 states that proposed uses, density and design are compatible with adjacent uses and meet Form District guidelines.

This site abuts similarly zoned and used properties, so the difference in intensity or density of development is not substantial in scale. Planting requirements along the southeast property line will still be met. This portion of the building is not visible from the roadway.

- (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, according to the applicant's justification statement, Building #2 cannot be constructed without the granting of the waiver.

- (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 the future roadway extension and adequate access and parking to Building #2 would not be possible without the waiver.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2 ELIMATE THE 15 FOOT LBA ON THE NORTH SIDE OF THE PROPOSED BUILDING #2 TO ALLOW FOR FUTURE ROAD EXTENSION

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

STAFF: The waiver will not adversely affect adjacent property owners since the area where the waiver is requested is not visible from the roadway, and does not pose safety or health concerns to the adjoining properties.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 20 calls for the mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Community Form Goal 1, Policy 9 calls for the insurance of appropriate transitions between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 2, Policy 2.1 states that proposed uses, density and design are compatible with adjacent uses and meet Form District guidelines.

This site abuts similarly zoned and used properties, so the difference in intensity or density of development is not substantial in scale. This portion of the building is not visible from the roadway.

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(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 the future roadway extension and adequate access and parking to Building #2 would not be possible without the waiver.

REQUIRED ACTIONS:

- **Recommend APPROVAL or DENIAL of the Waivers to Jeffersontown**

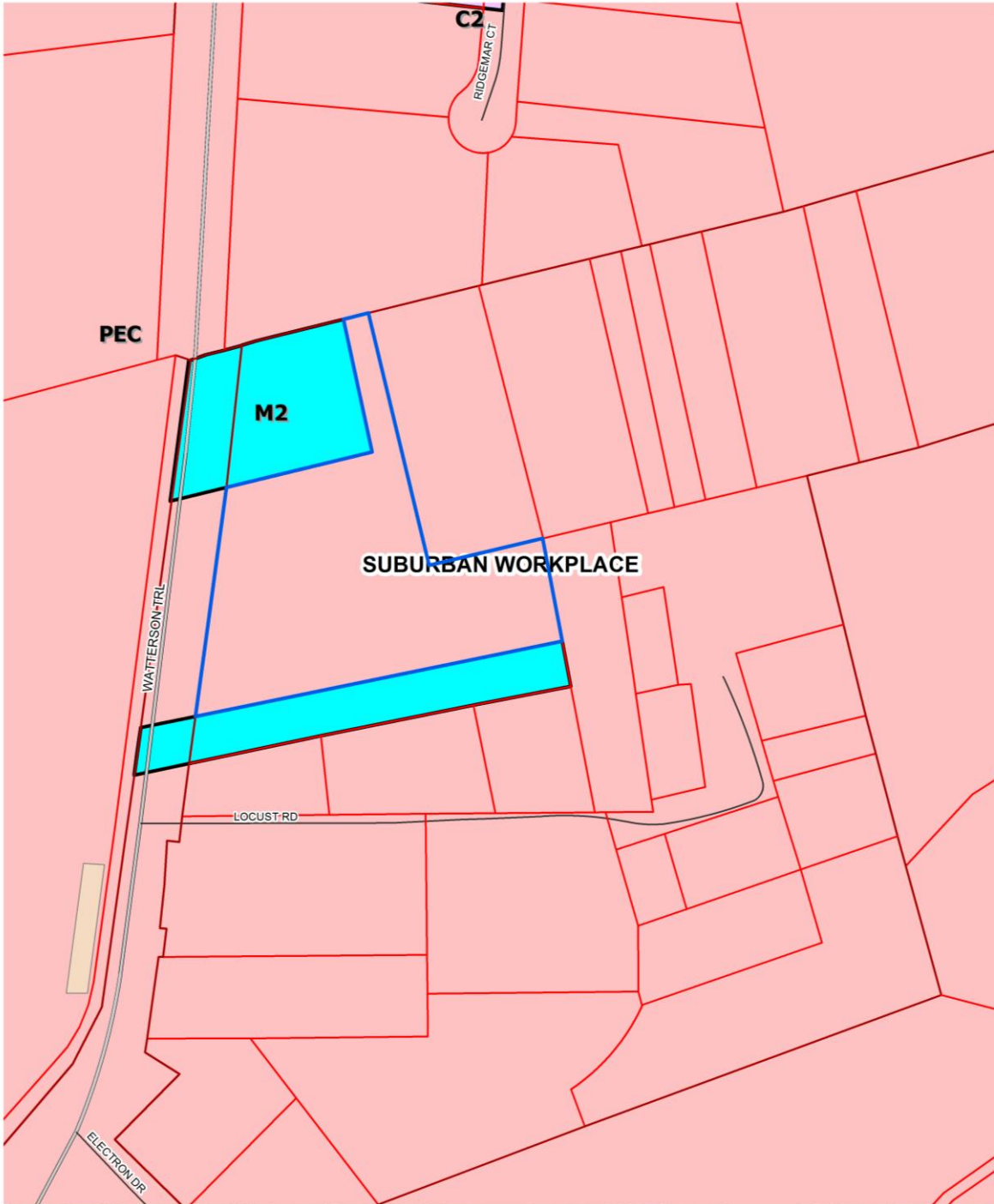
NOTIFICATION

Date	Purpose of Notice	Recipients
4-3-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 11
5-1-19	Hearing before Planning Commission	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 11

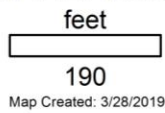
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2713 WATTERSON TRAIL



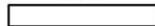
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2. Aerial Photograph



2713 WATTERSON TRAIL

feet



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Map Created: 3/28/2019



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