

Land Development & Transportation Committee
Staff Report
April 13, 2017



Case No:	17ZONE1000
Project Name:	Marilla Warehouse
Location:	4819 Poplar level road
Owner(s):	M&C Rentals
Applicant:	M&C Rentals
Representative(s):	Land Design & Development, Inc.
Project Area/Size:	1.4 acres
Existing Zoning District:	R-4
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Joel P. Dock, Planner II

REQUEST

- **Change-in-Zoning** from R-4, Single-Family Residential to CM, Commercial-Manufacturing
- **Conditional Use Permit** for Contractor's Yard, Land Development Code (LDC) 4.2.51
- **Detailed District Development Plan**
- **Waiver** of LDC, section 10.2.4.A to reduce the thirty-five foot landscape buffer area along the Northwestern property line abutting an R-4 zoning district
- **Variance** from LDC, section 5.3.2.C.2.B to encroach upon the twenty-five foot setback required for non-residential uses abutting residential zoning districts

CASE SUMMARY/SITE CONTEXT

The applicant requests a change-in-zoning from R-4, single-family residential to CM, Commercial-Manufacturing for a contractor's business park on 1.4 acres in Central Louisville Metro along Poplar Level Road; roughly one and three-quarter miles South of Interstate-264 and one and one-half miles North of Fern Valley Road via Jefferson Boulevard. The Poplar Level Road corridor contains a mixture of commercial and industrial uses of varying intensities. The intensity of these uses increases moving North towards Interstate-264, where heavy industrial uses occupy large tracts of land. A total of 16,400 square feet of indoor warehouse/storage space is proposed across four buildings. A conditional use permit is also being requested to allow for outdoor storage of equipment and material within the internal courtyards. Relief from subsection 'A' of the conditional use permit standards contained in LDC, section 4.2.51 has been requested to allow for outdoor storage to take place within the two-hundred foot transition zone (Neighborhood to Suburban marketplace Corridor form). Outdoor storage areas will be secured from the public and screened from view of public streets and adjacent residentially zoned property.

A waiver and variance have been requested to allow for the proposed structures and associated facilities to be located within the required landscape buffer area and setback along the Northwest property line abutting a single-family zoning district. While the zoning district is R-4, the property is currently vacant and does not appear to be used for residential purposes in the future as the site abuts commercial and industrial uses within the Suburban Marketplace Corridor form district. A landscape buffer area of ten feet is proposed with a six foot wood privacy fence.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-Family	R-4	SMC
Proposed	Warehouse/Storage	CM	SMC
Surrounding Properties			
North	Commercial	C-1/R-4	SMC
South	Warehouse/Storage	CM	SMC
East	Religious Grounds	R-4	N
West	Industrial	M-2	SMC

PREVIOUS CASES ON SITE

No associated or previous cases were found by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR REZONINGS

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies of Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR PROPOSED REZONING

The site is located in the Suburban Marketplace Corridor Form District

Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the length of the corridor. The pattern of development is distinguished by a mixture of medium to high intensity uses. Accommodations for transit users, bicyclists and pedestrians are encouraged in an effort to attract a variety of users as well as to minimize automobile dependency and traffic congestion. Connectivity to nearby uses should be encouraged. Developers should be encouraged to design new commercial development in compact groups of buildings, which use the same curb cut, share parking, have a common freestanding sign identifying the uses and have a common buffering or streetscape plan with respect to any abutting uses of lower density or intensity.

This form may include medium to high-density residential uses that are designed to be compatible with both the non-residential uses along the corridor and the lower density residential uses in adjacent form districts. Medium density residential uses may serve as a transition area from lower to higher density residential uses and should be encouraged in this form.

Proposed new commercial uses are encouraged, to locate within the boundaries of existing corridors. Reuse of locations within existing corridors is preferred over expansion of a corridor. Proposals to

expand defined corridors represent significant policy decisions. When considering proposals that result in an extension of suburban marketplace corridors, particular emphasis should be placed on: (a) use or reuse of land within existing corridors; (b) potential for disruption of established residential neighborhoods; and (c) compliance with the site and community design standards of the Land Development Code.

STANDARD OF REVIEW FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?
2. Is the proposal 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 and appearance?
3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?
4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

Storage Yard and Contractor's Yard may be allowed in the C-2, M-1 and C-M Districts upon the granting of a Conditional Use Permit and compliance with the listed requirements, except that a C.U.P. shall not be permitted within the Traditional Neighborhood and Traditional Marketplace Corridor Form Districts.

- A. Outdoor storage areas prohibited within form district transition zone. **(Relief requested)**
- B. Stacked materials and equipment shall not exceed a height of five feet.
- C. Outdoor storage areas shall be screened from adjacent streets and properties.
- D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).

TECHNICAL REVIEW

Agency comments have been addressed. Preliminary approval has been received from the Metropolitan Sewer District and Transportation Planning.

Elevations submitted do not meet the guidance of LDC 5.6.1.B.1:

"There shall be no blank walls facing public streets. Such facades shall employ the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 60 percent of their length"

The SMC form district allows for transparent doorways and entry areas that allow a view into the building or one tree to be planted within 15 feet of the building, for each 50 feet of façade length that equals or exceeds the height of the building at maturity. Staff will work with the applicant to bring the elevations into compliance. A binding element has been included requiring staff approval of the elevations prior to final transmittal.

STAFF CONCLUSIONS

The proposed application for change in zoning from R-4 to CM with a conditional use permit, supporting documentation, and detailed district development plan are in order. This case has been noticed in accordance with KRS 100.214 for the Planning Commission public hearing on April 20, 2017.

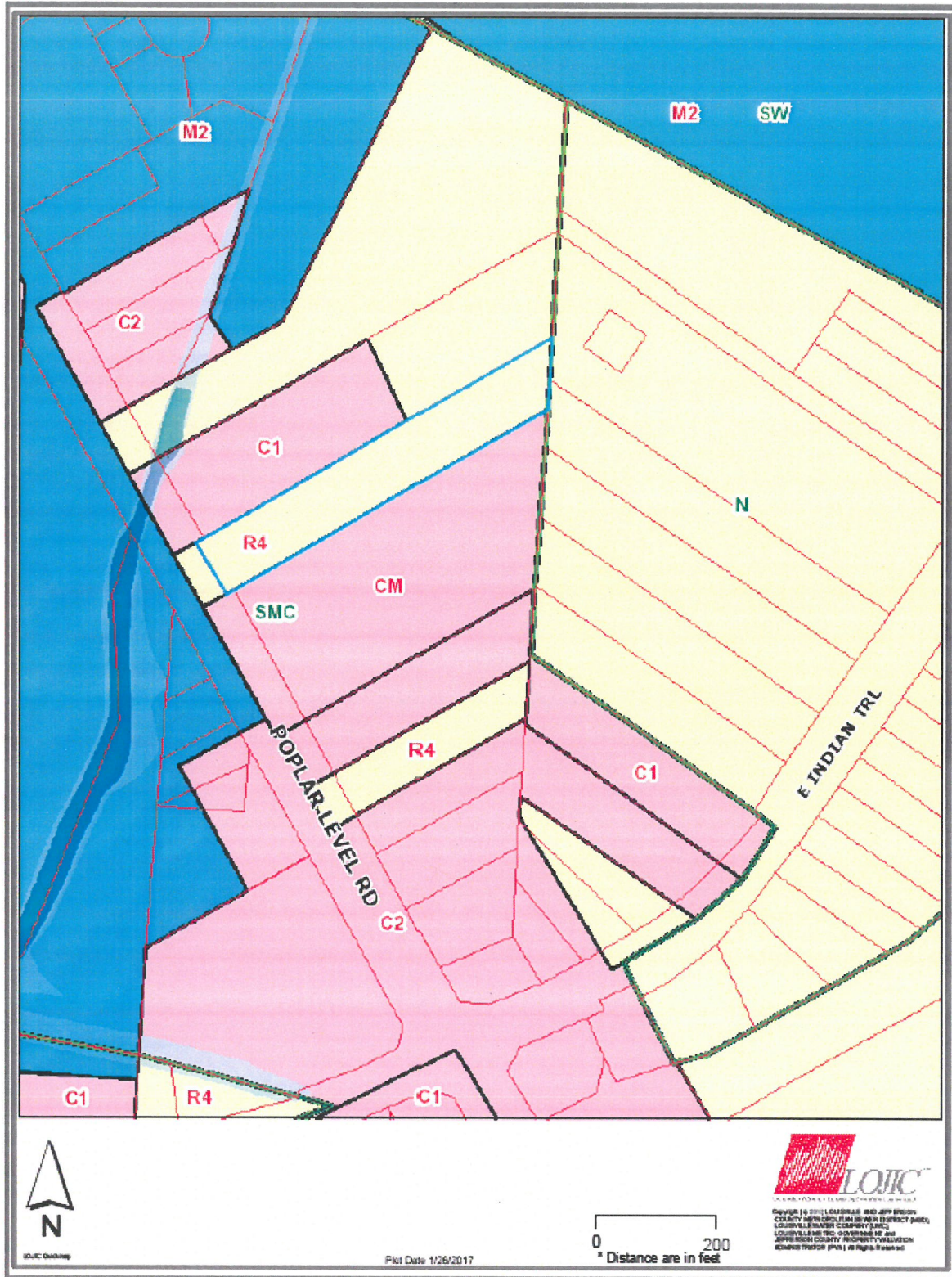
NOTIFICATION

Date	Purpose of Notice	Recipients
3/31/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
4/5/17	Hearing before PC	1 st and 2 nd tier adjoining property owners Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed binding Elements

1. Zoning Map



2. Aerial Photograph



3. **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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - 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
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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.
6. No overnight idling or idling of trucks while loading or unloading equipment shall be permitted on-site.
7. Elevations in compliance with applicable sections of the LDC shall be submitted to Planning and Design Services staff for review and approval prior to final transmittal of the plan.