

Development Review Committee

Staff Report

December 2, 2015



Case No:	15DEVPLAN1177
Project Name:	Diesel Injections
Location:	4712 & 4724 Allmond Avenue
Owner(s):	Steve Bailey, SB Louisville, LLC
Applicant:	Thomas Eckert, Integral Structures
Representative:	Ann Richard, Land Design & Development
Project Area/Size:	1.8 acres
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Category 3 Development Plan

Waiver #1: Landscape Buffer Area (LBA)

Waiver from Land Development Code, Section 10.2.4, to eliminate the proposed pavement to encroach into the 25' Landscape Buffer Area (LBA) along the rear of the property.

Waiver #2: Interior Landscape Area (ILA)

Waiver from Land Development Code Section 10.2.12 to eliminate the Interior Landscape Areas (ILA).

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This Category 3 Development proposes to construct an 8,000sf new one story addition at the rear of the existing warehouse/office building along with an additional 1, 414sf of pavement for circulation and access. The new addition will be constructed on the area of the site being used for loading, unloading and storage. The existing parking areas, shared by the two adjacent properties, north and south of the parcel will remain. A new public sidewalk connection will be provided to the front of the building. The new loading and unloading area will be secured by a fence to limit access. The required perimeter buffer plantings and screening will be provided on the site along with the required tree canopy.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned EZ-1 in the Traditional Neighborhood (TN) Form District. It is surrounded by EZ-1 and R-7 zoned property in the Traditional Neighborhood (TN) and Suburban Workplace Form Districts.

	Land Use	Zoning	Form District
Subject Property			
Existing	Warehouse	EZ-1	TN
Proposed	Warehouse	EZ-1	TN
Surrounding Properties			
North	Warehouse	EZ-1	TN
South	Warehouse	EZ-1	TN
East	Warehouse	EZ-1	SW
West	Multi-family residential	R-7	TN

PREVIOUS and CURRENT CASES ON SITE

No previous cases.

INTERESTED PARTY COMMENTS

No inquiries were received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CATEGORY 3 DEVELOPMENT PLAN

- 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: The proposal reuses the existing building and parking located on the subject site. The proposal is to add a new addition to the rear of the existing building and add additional pavement and additional parking. The tree canopy requirements will be met with new tree plantings along the front and rear of the property.

- 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 have been provided, and Metro Public Works has approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The proposal does provide an open area, approximately 7,725sf, located between the parking lot and the street.

- 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 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.

- 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: Buildings and parking lots will meet all required setbacks. 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 residential properties and roadways, except for the waiver being requested to not provide the interior landscape area in the parking area.

- 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, with the exception of the waiver request to not provide the Interior Landscape Areas.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #1: Landscape Buffer Area (LBA)

Waiver from Land Development Code, Section 10.2.4, to eliminate the proposed pavement to encroach into the 25' Landscape Buffer Area (LBA) along the rear of the property.

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

STAFF: The waiver will not adversely affect adjacent property owners since the required buffering and screening will be provided in the reduced LBA area.

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

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate 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 the 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. 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 air borne and water borne pollutants. The waiver will not violate the comprehensive plan since buffer plantings and screening are being provided in the reduced LBA area.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since buffer plantings and screening are being provided in the reduced LBA area.

- (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 create an unnecessary hardship on the applicant since the proposed access drive would not be able to be provided or the building square footage would need to be reduced. Either option would be a hardship on the applicant.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #2: Interior Landscape Area (ILA)

Waiver from Land Development Code Section 10.2.12 to eliminate the Interior Landscape Areas (ILA).

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

STAFF: The waiver will adversely affect adjacent property owners since no interior landscape area is being provided within the large paved areas of the site. Lack of interior tree plantings increase the surface temperature of the pavement, and lessen air quality.

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

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver will violate the comprehensive plan since no interior tree planting will be provided.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since ILA areas with tree plantings could be incorporated in the vehicle use areas.

- (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 applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the proposed development can be built on the site while complying with the requirements requested to be waived.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

Based upon the information in the staff report, the analysis of the standards of review support the request to grant waiver 1; and the Category 3 Development Plan. However, waiver 2, the ILA area, could be provided by eliminating parking spaces to provide interior islands for tree planting.

Therefore, the Development Review Committee must determine, based on the testimony and evidence provided at the public hearing, if the waivers do not violate the comprehensive plan and also meet the standards established in the Land Development Code; and the Category 3 Development Plan meets the standards of the comprehensive plan.

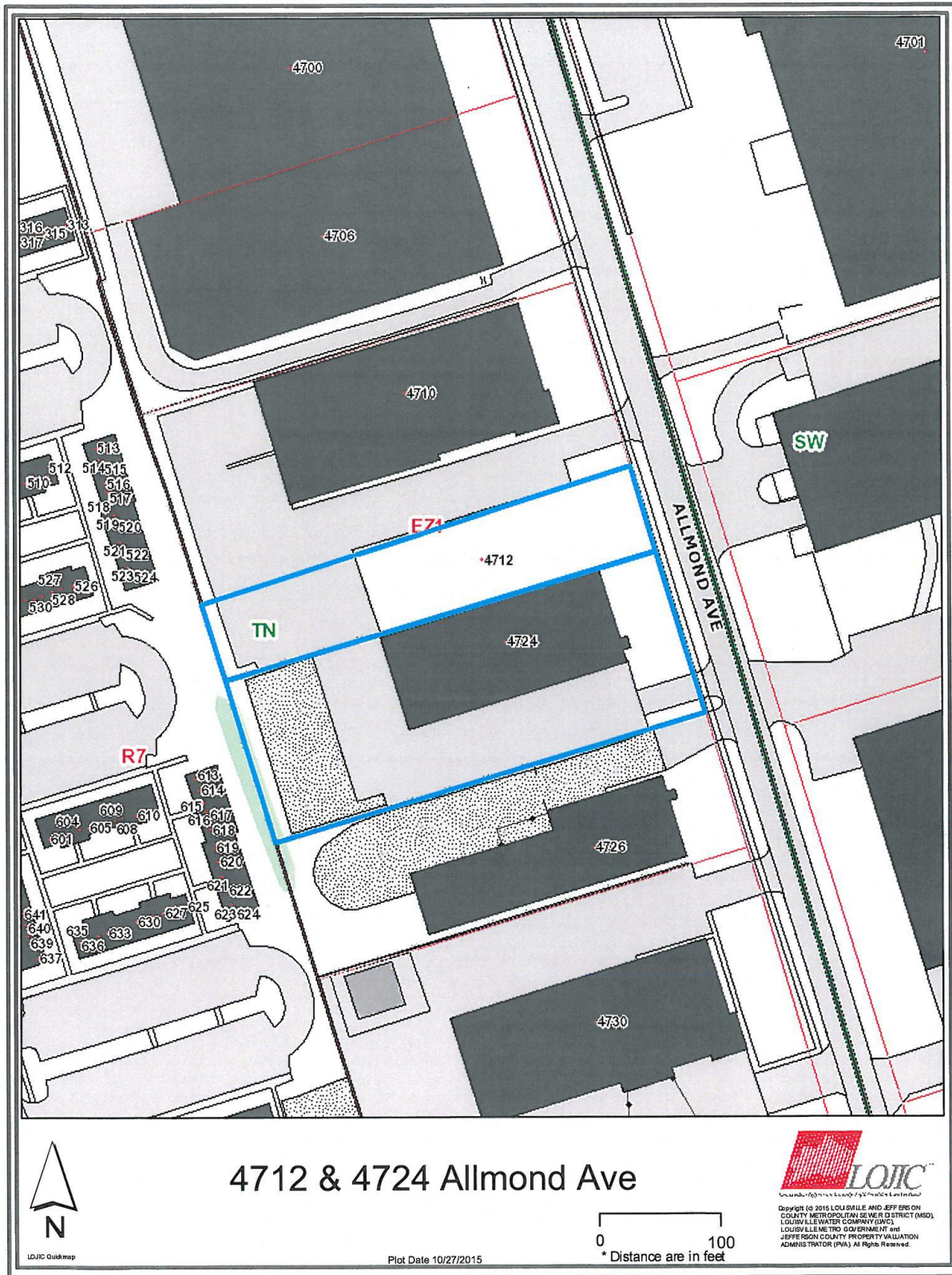
NOTIFICATION

Date	Purpose of Notice	Recipients
10/27/2015	Early Notice	Neighborhood notification recipients
10/23/2015	Early Notice	1 st tier adjoining property owners
11/19/2015	DRC Hearing	Neighborhood notification recipients
11/23/2015	DRC Hearing	1 st tier adjoining property owners

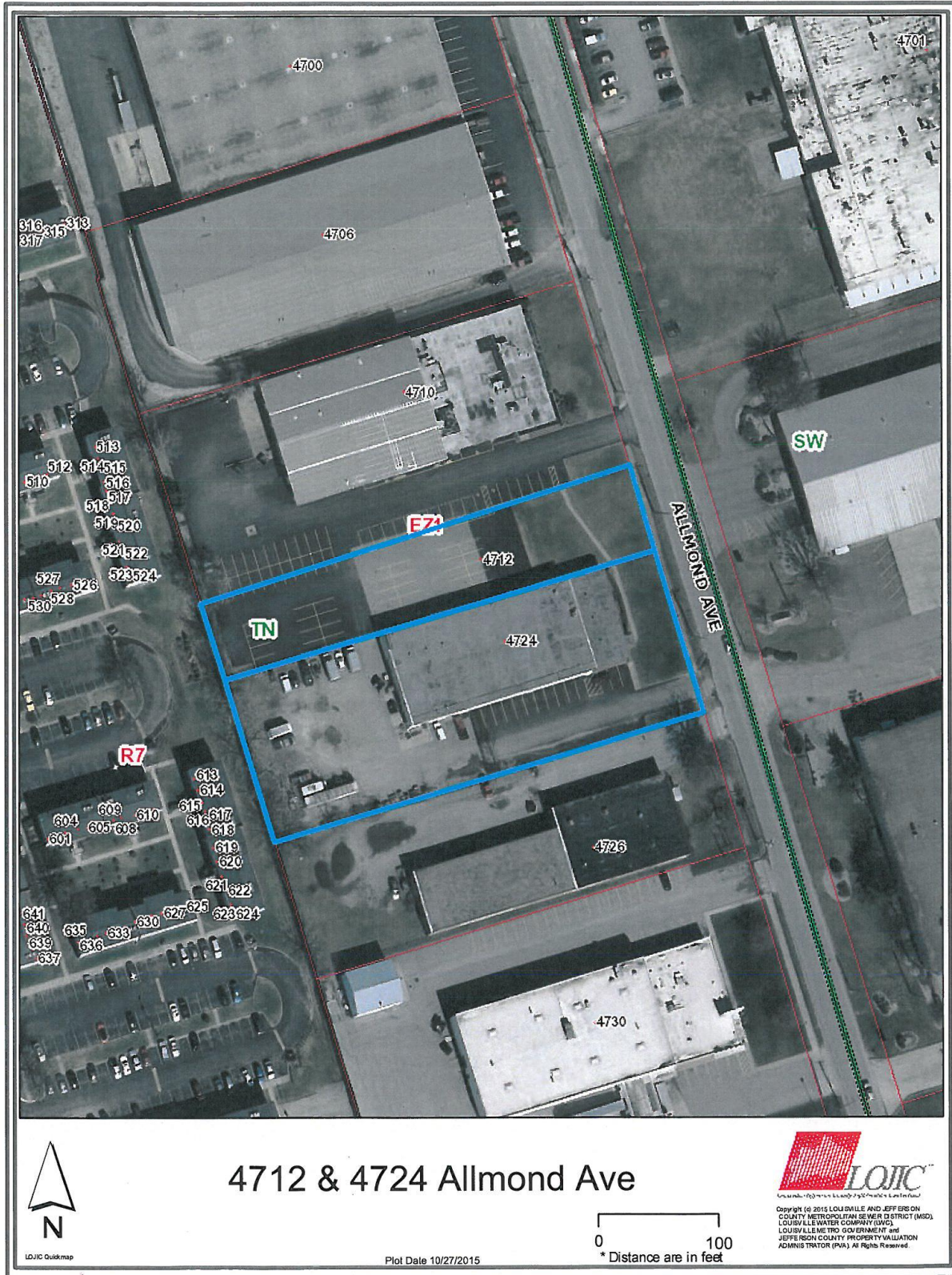
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Building Elevations
5. Applicant's Justifications

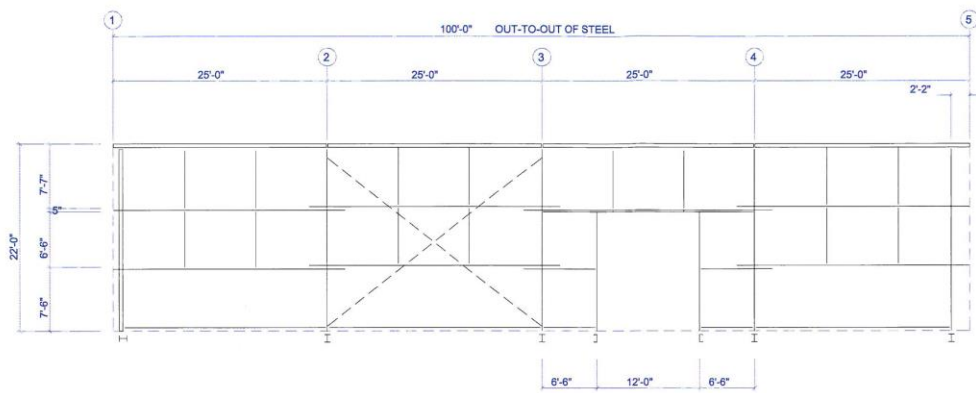
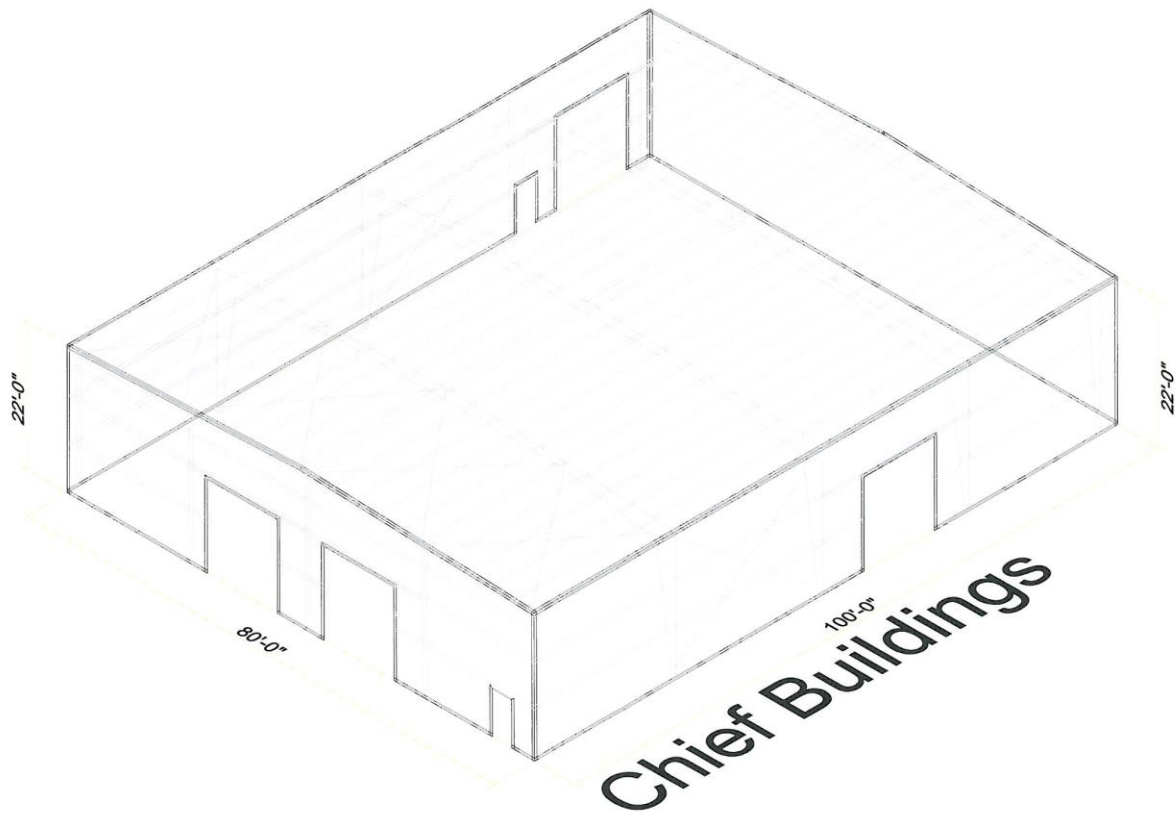
Attachment 1: Zoning Map



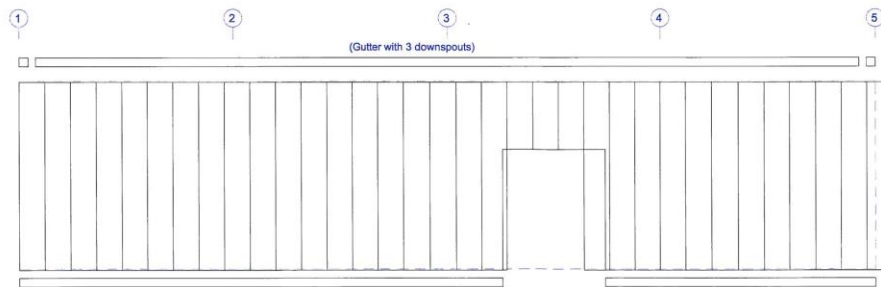
Attachment 2: Aerial Photograph



Attachment 4: Building Elevations

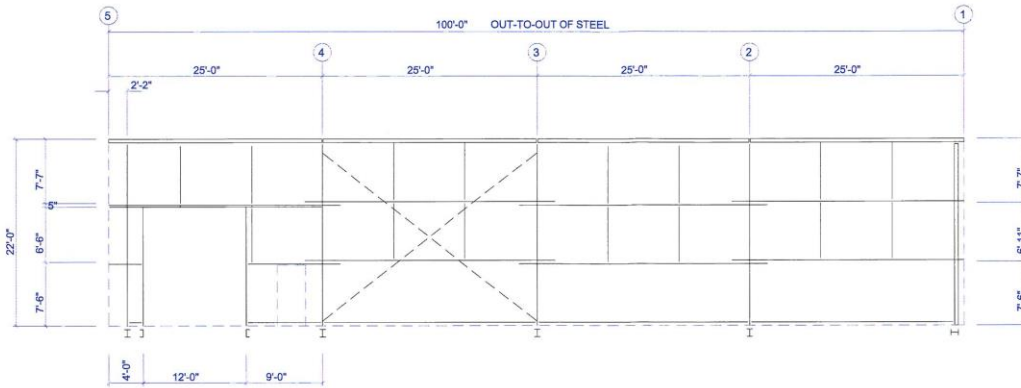


SIDEWALL FRAMING: FRAME LINE E

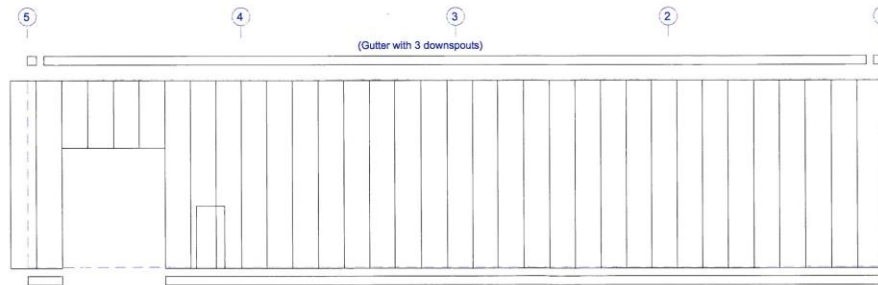


SIDEWALL SHEETING & TRIM: FRAME LINE E

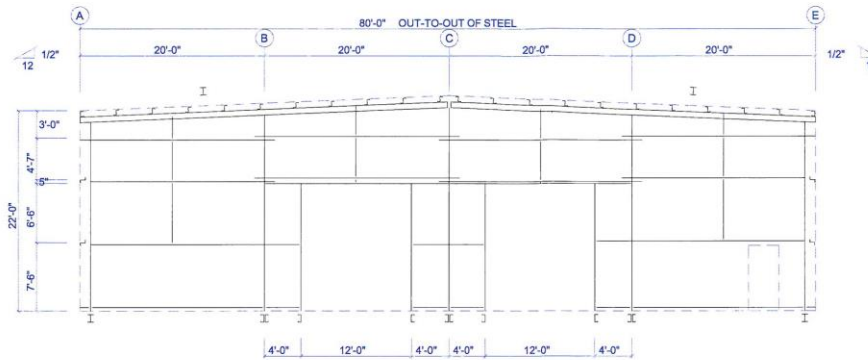
PANELS: 26 Ga. AP - Std. PVDF Finish



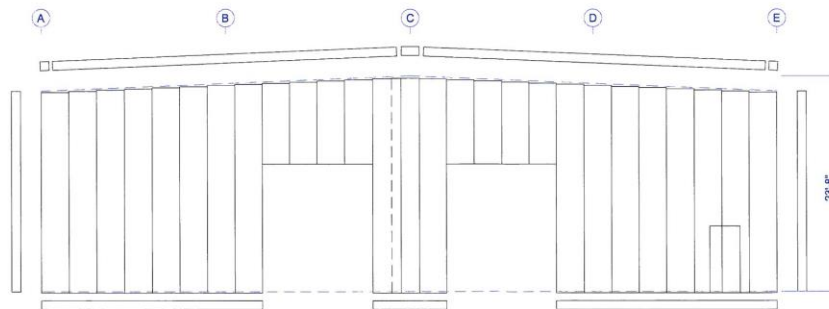
SIDEWALL FRAMING: FRAME LINE A



SIDEWALL SHEETING & TRIM: FRAME LINE A
 PANELS: 26 Ga. AP - Std. PVDF Finish



ENDWALL FRAMING: FRAME LINE 1



ENDWALL SHEETING & TRIM: FRAME LINE 1
 PANELS: 26 Ga. AP - Std. PVDF Finish

Attachment 5 – Applicant’s Justifications

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. A response of **yes, no, or N/A** is not acceptable.

1. Will the waiver adversely affect adjacent property owners?

The proposal to allow the proposed asphalt pavement encroachment into the required landscape buffer area will not adversely affect adjacent property owners due to the existing conditions. The property that would be directly affected would be the apartment complex to the west, that property currently has an approximately 25' wide greenspace between the buildings and the shared property line. The subject site will provide the required screening within the remainder landscape buffer area, 3 large or medium type A trees plus the existing 6' height wooden privacy fence.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan, the land use is still compatible.

RECEIVED
OCT 15 2015
PLANNING &
DESIGN SERVICES

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The waiver is the minimum to give relief to the applicant, the additional asphalt pavement only encroaches into the landscape buffer area 10' deep by 95' wide and is similar to the adjacent property to the north, where the property has existing pavement which extends 10' from the western property line and the property to the south where the existing pavement extends all the way to the western property line. The waiver is also the minimum to allow the owner to utilize the existing 6' height privacy wooden fence in screening the property, such as the properties to the north and south currently use.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of the regulation would deprive the applicant from being able to use the land in keeping with the current use. The proposed building addition would not be fully accessible if this waiver is not granted forcing the applicant unnecessary hardship. A granted waiver would allow the applicant to utilize the proposed building addition in the manner in which it is designed, while still meeting the intent of LDC 10.2.4 within the reduced landscape buffer width and utilizing the existing 6' ht. wood privacy fencing.

15WAIVER1033

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The proposed waiver will not adversely affect adjacent property owners, the condition is existing and the waiver is to waive a code requirement that post dates the construction of the building and parking lot area.

2. Will the waiver violate the Comprehensive Plan?

The proposed waiver will not violate the Comprehensive Plan, the land use is staying the same.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The proposed waiver is the minimum action necessary to provide relief to the applicant. The parking lot was constructed in 1974 and predates the LDC requirement of Interior Landscape Areas. This waiver is submitted to allow the parking to remain as is, to provide parking for the business' employees.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of the LDC requirement would create unnecessary hardship on the applicant by diminishing the amount of existing parking space needed for existing employees.

RECEIVED

NOV 09 2015

PLANNING &
DESIGN SERVICES

15DEVPLAN1177