

Development Review Committee Staff Report

June 1, 2016



Case No:	16DEVPLAN1067
Request:	Revised Detailed District Development Plan and Landscape Waiver
Project Name:	Eastpoint Office Park
Location:	13105 Eastpoint Park Blvd
Owner:	Eastpoint Office Park
Applicant:	Terry Chynoweth, T & T Chynoweth
Representative:	Kelli Jones, Sabak, Wilson, & Lingo, Inc
Jurisdiction:	Louisville Metro
Council District:	19- Julie Denton
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Waiver
 1. Section 10.2.4.B to not provide the PEC zone required 15' Landscape Buffer Area along new property lines.
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This site is 6.18 acres in size and currently has three office buildings and all parking that had been previously proposed constructed. The applicant is proposing to revise the development plan for the Eastpoint Office Park to subdivide and reconfigure the remaining unconstructed buildings for financing and conveyance purposes. All other aspects of the plan will remain the same as previously approved.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Office Park	PEC	SW
Proposed	Office Park	PEC	SW
Surrounding Properties			
North	Office	PEC	SW
South	Warehouse/Office	PEC	SW
East	Office	PEC	SW
West	Single Family Residential	R-4	V

PREVIOUS CASES ON SITE

9-5-89 – Change in zoning from R-4 Single Family Residential to PEC Planned Employment Center and Revised Detailed District Development Plan with variances and waiver approved by LD&T on November 29, 2001

14DEVPLAN1156- Staff Approved Revised Detailed District Development Plan.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 includes the preservation of the existing Landscape Buffer Area and the addition of 20 trees in the proposed ILAs.

- 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 through the existing vehicular access and the addition of sidewalks within the development.

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

STAFF: There is no open space requirement with this 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 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: The overall land uses are compatible with the existing and future development of the area, as office and warehouse uses are prevalent in the 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: This development conforms to the Land Development Code and the Comprehensive Plan with the exception of the Landscape Buffer Areas around the new property lines being drawn.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER
Section 10.2.4.B to not provide the PEC zone required 15' Landscape Buffer Area
along new property lines.

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

STAFF: The waiver will not adversely affect adjacent property owners as the required buffers are confined to the development itself.

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

STAFF: Guideline 3, policies 21 and 22 call 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. While the proposed site design does not allow for the required buffer along the new parcel lines, this does not change the character of the development and does not affect the impact of the office buildings on each other.

- (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 site layout already existed due to the previously approved office park proposal. This waiver is necessary in order to maintain the same site layout and comply with parking and other site requirements, while also allowing the applicant to draw new parcel lines for financing purposes.

- (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 as the site layout would need to be completely changed and the proposal would not be possible for the applicant.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- A cross over access/shared parking agreement will need to be submitted in order for each individual lot created to have access.
- The required minor plat to create the new tracts has been submitted by the applicant and is currently under staff review under case number 16MINORPLAT1013

STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Waiver request appear to be adequately justified and generally meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting LDC Waiver and a RDDDP established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan
- **APPROVE** or **DENY** the waiver of 10.2.4.B to not provide the PEC zone required 15' Landscape Buffer Area along new property lines.

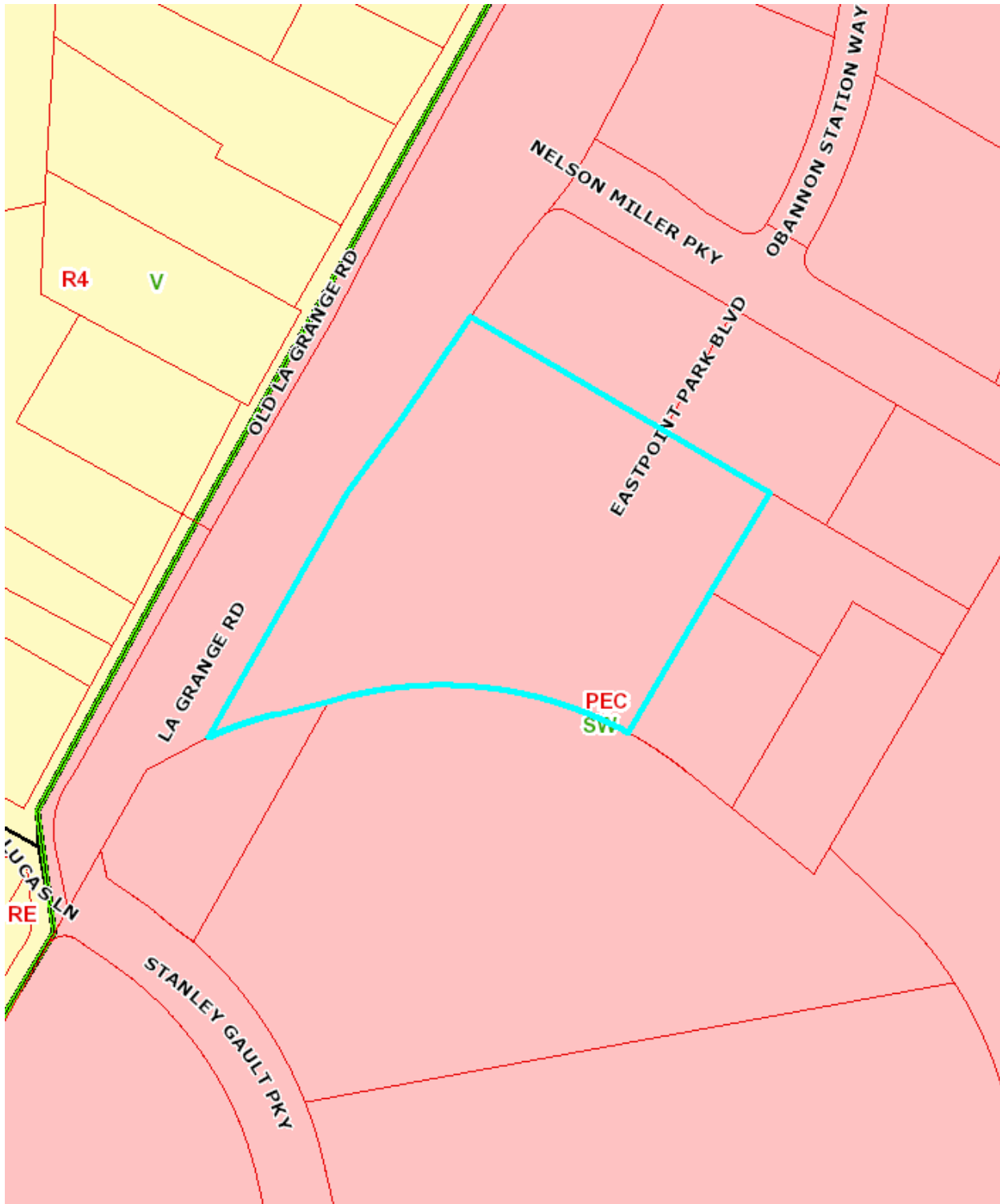
NOTIFICATION

Date	Purpose of Notice	Recipients
4/11/2016	Early Notification of Filing	Neighborhood notification recipients
5/16/2016	Public Hearing - DRC	Neighborhood notification recipients
5/16/2016	Public Haring – DRC	1 st tier adjoining property owners

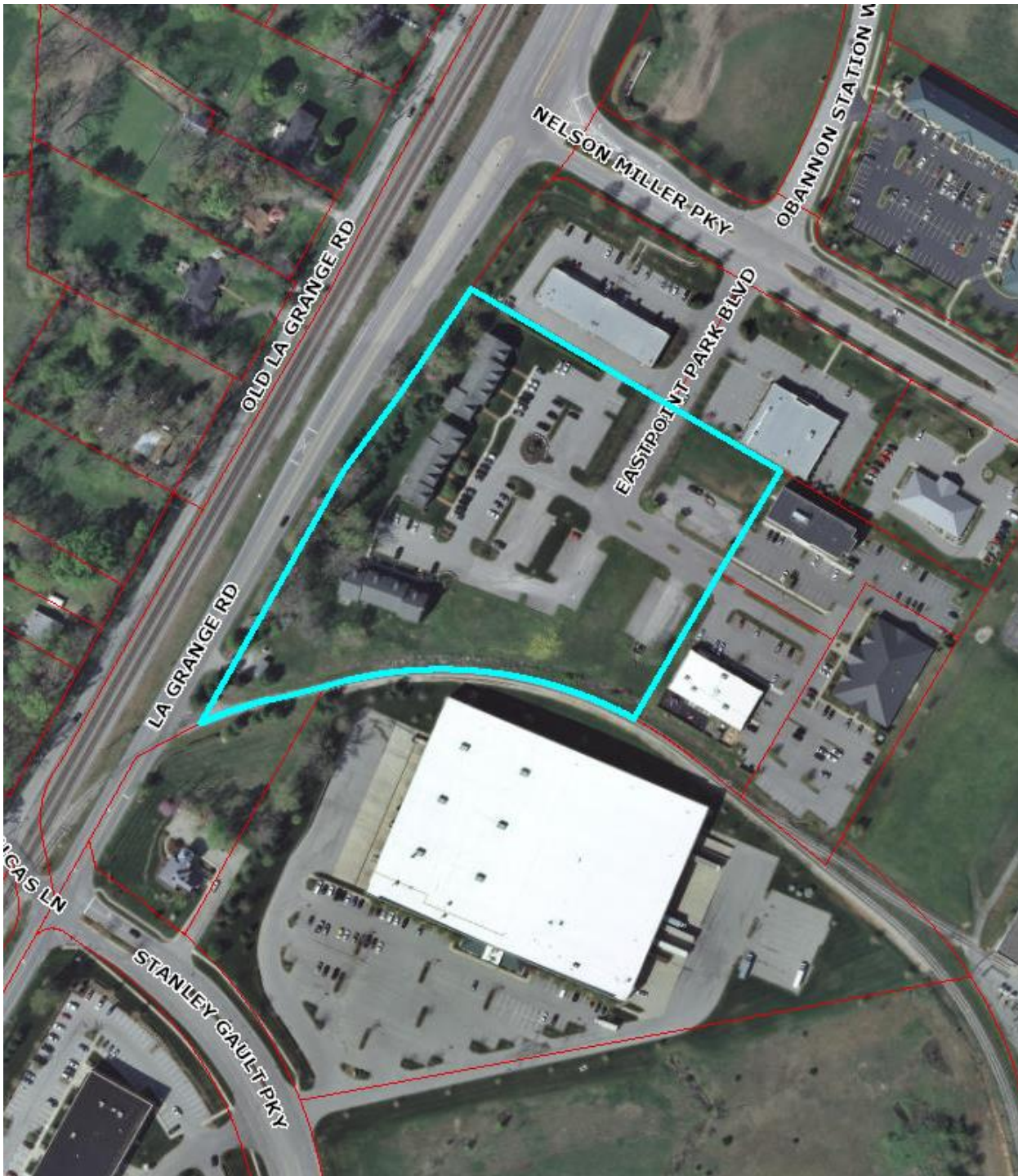
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

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. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 9600 square feet of gross floor area for each building on Lot 4, 12,000 square feet of gross floor area on Lot 5, 12000 square feet of gross floor area on Lot 6, and 12,000 square feet of gross floor area on Lot 7.
3. There shall be no direct vehicular access to LaGrange Road.
4. There shall be no freestanding sign permitted on Lots 4,5,6,7 without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, 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 fixtures shall have a 90 degree cutoff and height of the light standard shall be set so that no light source is visible offsite. (Light levels due to lighting on the subject site shall not exceed .5 foot candles measured at the property line).
8. 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.
9. 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 West Liberty).
 - b. A minor subdivision plat shall be recorded (creating the lot lines as shown on the development plan). A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. The appropriate (variances) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. 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.
 - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured from the adjoining property owner and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

10. 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.
11. 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.
12. 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).
13. 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.
14. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
15. The dumpster shall not be emptied between the hours of midnight and 6 a.m.
16. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 29, 2001 Land Development & Transportation meeting.

4. Proposed Binding Elements

17. 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 West Liberty).
 - b. A minor subdivision plat shall be recorded (creating the lot lines as shown on the development plan). A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
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 - e. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be secured ~~from the adjoining property owner~~ **from the current property owner** and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and

Development Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.