

Development Review Committee
Staff Report
August 1, 2018



Case No:	18WAIVER1025
Project Name:	Copper Chase Business Park
Location:	10000 Grassland Dr
Owner(s):	Paul and Mildred Quinn
Applicant:	Paul and Mildred Quinn
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Waiver** of Land Development Code (Jeffersontown) section 10.2.4.B to not provide the 15' PEC landscape buffer area along the northern property line.

CASE SUMMARY/BACKGROUND

The applicant has proposed to construct an office/warehouse facility in the city of Jeffersontown. The site has an existing multi-use path that is the property of Jeffersontown, and the property owner and Jeffersontown both wish to keep the path in place for public use. In order to comply with the PEC buffer yard and planting requirements, the applicant would have to either remove portions of the path or significantly alter the approved site layout.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this review.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the City of Jeffersontown is the adjacent property owner and they support the waiver to allow for a public multi-use path.

- (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. Property is still functionally buffered from the next property by a stream buffer area and the multi-use path.

- (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 all other required buffers and plantings will be provided on site.

- (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 create an unnecessary hardship on the applicant, as the buffer area in question is requested to be waived to allow for public recreational use, and providing the buffer would significantly limit the narrow site.

REQUIRED ACTIONS:

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Waiver**

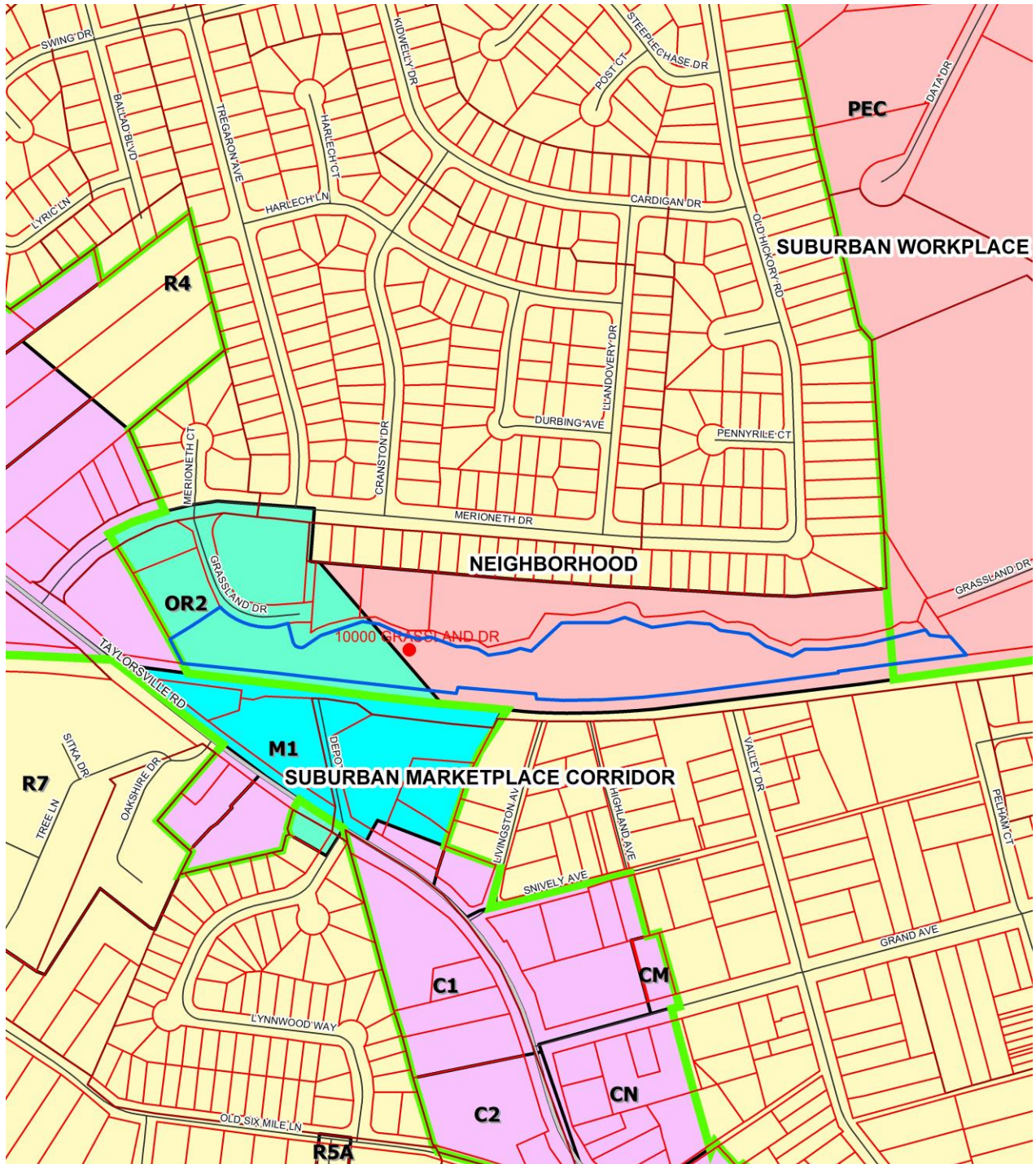
NOTIFICATION

Date	Purpose of Notice	Recipients
8-1-18	Hearing before DRC	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District __

ATTACHMENTS

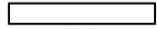
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



18WAIVER1025

feet



375



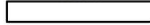
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2. Aerial Photograph



18WAIVER1025

feet



375



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