

# Land Development & Transportation Committee

## Staff Report

September 8, 2016



|                          |  |
|--------------------------|--|
| <b>Case No:</b>          | <b>16WAIVER1032</b>                    |
| <b>Request:</b>          | <b>Landscape Waiver</b>                |
| <b>Project Name:</b>     | <b>KCC International</b>               |
| <b>Location:</b>         | <b>2716 Grassland Drive</b>            |
| <b>Owner:</b>            | <b>Mike Neely, KCC</b>                 |
| <b>Applicant:</b>        | <b>Mike Neely, KCC</b>                 |
| <b>Representative:</b>   | <b>Mark Patterson, Power of Design</b> |
| <b>Jurisdiction:</b>     | <b>Jeffersontown</b>                   |
| <b>Council District:</b> | <b>11 – Kevin Kramer</b>               |
| <b>Case Manager:</b>     | <b>Laura Mattingly, Planner I</b>      |

### REQUEST

- Waiver of Section 10.2.11 to eliminate the Internal Landscape Area requirement for a parking expansion

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant has filed for Category 2B approval for a warehouse and parking/vehicle use area expansion with the City of Jeffersontown. The proposal includes converting existing concrete pavement at the North end of the site to a new parking area to meet the increased parking needs of the facility. This concrete area is currently used for outdoor storage. At the northeast side of the site, concrete storage and asphalt pavement is being proposed in place of existing, treed green space. The applicant wishes to maximize the number of parking spaces provided in the new parking area by not providing the required Internal Landscape Areas.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

|                                      | Land Use                  | Zoning | Form District |
|--------------------------------------|---------------------------|--------|---------------|
| <b><i>Subject Property</i></b>       |                           |        |               |
| <b>Existing</b>                      | Industrial Warehouse      | PEC    | SW            |
| <b>Proposed</b>                      | Industrial Warehouse      | PEC    | SW            |
| <b><i>Surrounding Properties</i></b> |                           |        |               |
| <b>North</b>                         | Warehouses                | PEC    | SW            |
| <b>South</b>                         | Warehouses                | PEC    | SW            |
| <b>East</b>                          | Manufacturing             | PEC    | SW            |
| <b>West</b>                          | Single Family Residential | R-4    | N             |

### PREVIOUS CASES ON SITE

18648 - Sidewalk waiver to omit the required sidewalk along Grassland Drive.

### INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of section 10.2.11 to eliminate the Internal Landscape Area requirement on an existing parking area.

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

STAFF: The waiver will adversely affect adjacent property owners as the total impervious area is being increased significantly and run off to adjacent property owners will increase without the replacement of tree canopy on site.

- (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. This policy is violated as there will be no tree canopy created on a large impervious surface where there will be no shade or water retention, increasing water runoff and creating a hotter surface temperature.

- (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 not the minimum necessary to afford relief to the applicant as trees are being removed in additional open space areas and are not being replaced on site or in the proposed parking 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 not deprive the applicant of the reasonable use of the land as sufficient parking could still be provided with the addition of the required Internal Landscape Areas.

## TECHNICAL REVIEW

- Original parking calculations displayed on the 2b plan are incorrect and show an excess of parking beyond the regulated maximum. The applicant has since adjusted the number of employees on site to reflect correct parking calculations.
- The members of the Land Development & Transportation committee should consider that the applicant is proposing to plant trees at an alternative location at a 2 to 1 ratio, as dictated by the City of Jeffersontown.

## STAFF CONCLUSIONS

The Landscape Waiver to allow the omission of the requirement of Internal Landscape Areas is not justified due to the removal of trees on site and a failure to mitigate the negative effects on the site itself and on adjacent property owners. This is based on the standard of review and staff analysis.

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

## REQUIRED ACTIONS

**Recommend** to the City of Jeffersontown:

- **APPROVAL or DENIAL** of the Waiver of Section 10.2.11 to eliminate the Internal Landscape Area requirement on an existing parking area.

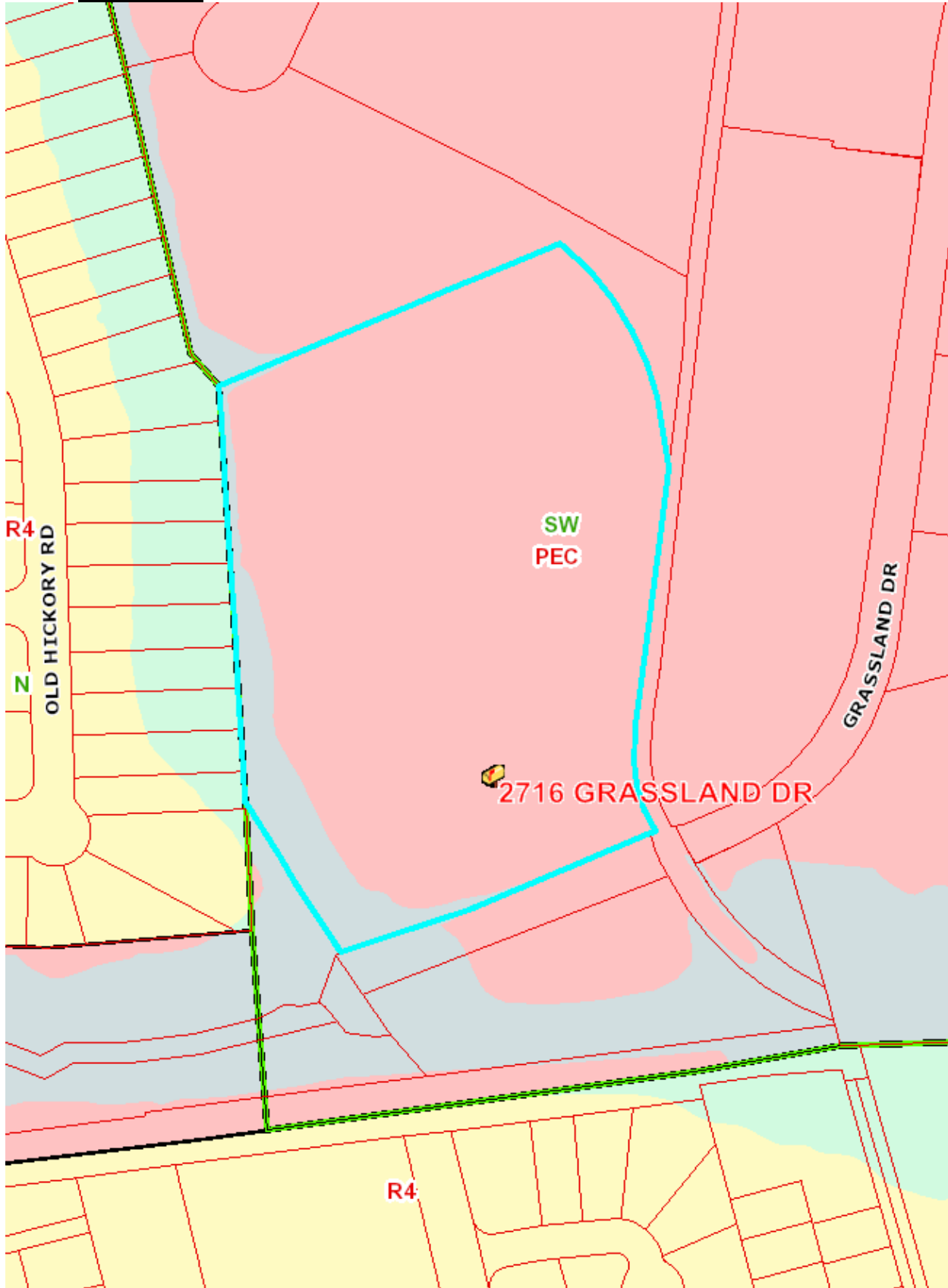
## NOTIFICATION

| Date      | Purpose of Notice    | Recipients                                     |
|-----------|----------------------|--|
| 8/25/2016 | Public Hearing - DRC | Neighborhood notification recipients           |
| 8/25/2016 | Public Hearing - DRC | 1 <sup>st</sup> tier adjoining property owners |

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

