

Land Development & Transportation Committee

Staff Report

December 22, 2016



Case No:	16DEVPLAN1196
Project Name:	LINAK Expansion
Location:	11710 La Grange Road
Owner(s):	Stanflo Properties, LLC
Applicant:	LINAK US, Inc.
Representative(s):	Mindel, Scott & Associates
Project Area/Size:	15.59 acres
Existing Zoning District:	CM, Commercial-Manufacturing
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Revised General/Detailed District Development Plan**
- **Waiver** of Land Development Code (LDC), section 5.12.2.A.1 to reduce required outdoor amenity area

CASE SUMMARY

This case was continued from the Development Review Committee meeting on December 14, 2016. No testimony was taken at that time.

The applicant is proposing a 168,754 square foot warehouse which includes 39,154 square feet of office space. The subject site is located at the intersection of La Grange Road and N. English Station Road in Eastern Louisville Metro; West of the Eastpoint Business Center with access to Interstate-265 from both La Grange Road and Old Henry Road. Two access points will be located along English Station Road, one being restricted for truck departure only. Four hundred fourteen parking spaces will be provided for a proposed employment of three hundred forty employees.

A waiver has also been requested from LDC, section 5.12.2.A.1 to reduce the required outdoor amenity area from 10% of total building square footage to 10% of office square footage. Outdoor amenity areas are being shown on the plan.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant lot	CM	SW
Proposed	Warehouse	CM	SW
<i>Surrounding Properties</i>			
North	Single-family Residential	R-4	N
South	Vacant	R-4	N
East	Industrial	PEC	SW
West	Single-family Residential	R-4	N

PREVIOUS CASES ON SITE

9-52-00/10-18-00: Change-in-zoning from R-4 & C-1 to CM (approved 9/21/00) for business park

INTERESTED PARTY COMMENTS

No comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW FOR DDDP, RDDDP, AND AMENDMENT TO BIDNING ELEMENTS

- 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: As identified on the development plan, wetlands are shown in Southeast corner of the subject site. Army Core of Engineers approval for wetland disturbance will be required prior to MSD construction plan approval. Landscaping and tree canopy will be provided as required by the Land development Code.

- 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 will be provided as the subject site provides entrances for pedestrian and vehicular traffic along English Station Road. Necessary right-of-way as required by the Land Development Code is being provided along all road frontages. Sidewalks will be provided along all road frontages.

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

STAFF: Opens space will be provided to facilitate landscaping, tree canopy, and detention basins within the subject site. Additionally, open space in the form of an outdoor amenity area will be provided for the benefit of employees of the proposed use.

- 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 site design and land uses are compatible with the surrounding area. The subject site abuts to the East a large business center of mixed commercial and industrial uses with easy access to major transportation corridors. Additionally, Transitional design standards are applied along

the West and South property lines as the site abuts a Neighborhood form district. Transitional buffers and site design will be provided on the subject site to mitigate any adverse impacts to adjacent residentially zoned or used property.

- 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 as Guideline 6, Policies 4, 6, & 7 encourage the location of industry with high traffic volumes and employment to be within or adjacent to existing activity centers along major roadways within close proximity to interstate interchanges. The subject site abuts the Eastpoint Business Center and is located at an intersection of an arterial and collector level roadway. Interstate access is available along La Grange Road or Old Henry road via English Station Road.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

LDC, section 5.12.2.A.1 to allow for a reduction in the outdoor amenity area

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

STAFF: The waiver will not adversely affect adjacent property owners as the outdoor amenity area is located to the rear of the facility near the truck loading bays and is not intended to serve the needs of adjacent property or businesses.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 4, Policy 1 calls for open space that is designed to meet outdoor recreation, natural resource protection, aesthetic, cultural and educational or public, health and safety needs. The outdoor amenity area is intended for the use of employees only and is based on the office square footage only, as well being a reflection of employment needs.

- (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 outdoor amenity would be restricted to employees only.

- (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 outdoor amenity is being reduced to reflect office use and employment.

TECHNICAL REVIEW

In addition to providing no blank walls facing public streets, Land Development Code, section 5.6.1.B.1 states, "façades greater than 100 feet in length, measured horizontally, shall incorporate any combination of the following features: wall plane projections having a depth of at least 18 inches or recesses having a depth of at least 3 feet, or building entrances/glassed in areas extending at least 20 percent of the length of the facade. No uninterrupted length of any façade shall exceed 100 horizontal feet." While the subject site is within the SW

form district, it is not permitted the typical exceptions to these requirements for warehousing facilities due to its location within the form district transition zone. The elevation submitted for the West façade does not appear to display the level of façade design required by this section, specifically as it related to projection and/or recesses along the West elevation. The North elevation appears to be compliant with this requirement and the South elevation is exempt from these strict design guidelines as a 50' LBA is being provided along the property line at this location.

The development plan proposes a drive lane for truck traffic and vehicular access in the Southeast corner from the subject site through a residentially zoned property to an adjacent site fronting on Stanley Gault Parkway. This adjacent site is owned and operated by the same company proposing to development the subject site (LINA K US, Inc.). The proposed connection is not permitted as a warehousing facility and uses that are accessory to a warehousing operation; including, vehicle and/or truck maneuvering and loading, vehicle use areas, and parking are not permitted within an R-4, single-family residential zoning district.

Kentucky Transportation Cabinet and Louisville Metro Transportation Planning have not approved the plan due to a conflict between the applicant and a requested binding element that would require improvements within the La Grange Road Right-of-way. Transportation Planning has requested a binding element to be placed on the plan which includes the following language, "The developer shall also provide a left turn from La Grange Road to English Station Road." The applicant has agreed to improve English Station Road as requested by Transportation Planning staff.

STAFF CONCLUSIONS

The Revised General/Detailed District Development Plan appears to be adequately justified and 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 meeting, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the LDC for approving a Revised General/Detailed District Development Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised General/Detailed District Development Plan
- **APPROVE** or **DENY** the Waiver of LDC, section 5.12.2.A.1 to allow for the reduction of the outdoor amenity to be 10% of the office square footage.

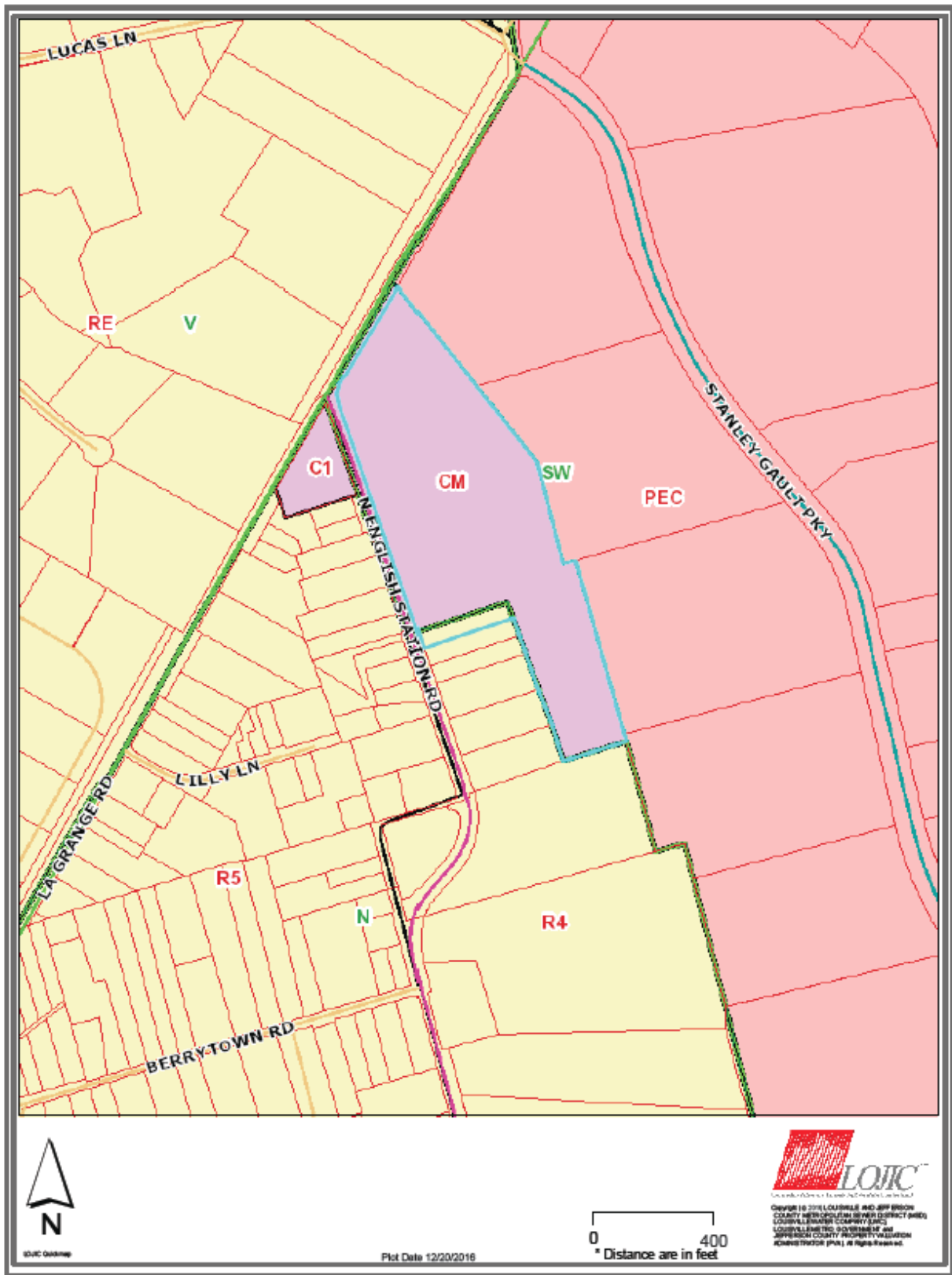
NOTIFICATION

Date	Purpose of Notice	Recipients
12/2/16	Hearing before DRC	Adjoining property owners, applicant, owner, and registered users of Council District 20.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements 9-52-00
4. Proposed Binding Elements 16DEVPLAN1196

1. **Zoning Map**



3. Existing Binding Elements 9-52-00

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. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:
 - a. screening, buffering, landscaping, tree preservation
 - b. density, floor area, size and height of buildings
 - c. points of access and site layout with respect to on-site circulation
 - d. land uses
 - e. signage
 - f. loading berths
 - g. parking
 - h. sidewalks
 - i. site design elements relating to alternative transportation modes
 - j. outdoor lighting
 - k. minor subdivision plat approval
 - l. air pollution
 - m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection
 - n. dumpsters
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site. There shall be no direct access from any parcel onto either LaGrange Road or English Station Road.
5. 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 off-site. Light levels due to lighting on the subject site shall not exceed two foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter
6. 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.
7. 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. 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.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
8. 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.
 9. 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 assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 10. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
 11. 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.
 12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 21, 2000 Planning Commission meeting.
 13. No C-2 type uses shall be permitted on any lots. The following C-1 uses, if ever considered, shall be prohibited in buildings located on Lots 1, 8 and 9: beer depots, liquor stores, gas stations, automobile service repair and car washes.
 14. With respect to lots 1, 2, 8 and 9, no docks or service doors shall face English Station Road.
 15. With respect to lots 8 and 9, only retail, office, office/service or office/warehouse uses are permitted.
 16. Building materials shall be limited to a combination of glass, dryvit, stone, split-face block and/or brick on all buildings on all lots.
 17. A continuous 3-4 foot high hedge at time of planting shall be planted along the south and west sides of lot 8 and along the west side of lot 9.
 18. All internal utilities shall be installed underground.
 19. No chain link fences shall be permitted.
 20. Lighting should be directed down and away from residential properties.
 21. The applicant shall widen English Station Road to 24' between the south property line up to the entrance and 36' from the entrance to the intersection of LaGrange Road.

3. Proposed Binding Elements 16DEVPLAN1196

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. Prior to development of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited, to the following items:~~
 - ~~a. screening, buffering, landscaping, tree preservation~~
 - ~~b. density, floor area, size and height of buildings~~
 - ~~c. points of access and site layout with respect to on-site circulation~~
 - ~~d. land uses~~
 - ~~e. signage~~
 - ~~f. loading berths~~
 - ~~g. parking~~
 - ~~h. sidewalks~~
 - ~~i. site design elements relating to alternative transportation modes~~
 - ~~j. outdoor lighting~~
 - ~~k. minor subdivision plat approval~~
 - ~~l. air pollution~~
 - ~~m. the timing of construction to coincide with the availability of flood protection measures, municipal sewer and water service, and adequate fire protection~~
 - ~~n. dumpsters~~
2. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
3. There shall be no outdoor storage on the site. ~~There shall be no direct access from any parcel onto either LaGrange Road or English Station Road.~~
4. **There shall be no direct vehicular access to La Grange Road.**
5. 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 off-site. Light levels due to lighting on the subject site shall not exceed two foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on site at all times thereafter
6. 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.
- ~~7. 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. ~~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.~~
- c. ~~A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.~~

7. 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. **A minor plat or legal instrument shall be recorded dedicating the right-of-way as proposed/shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.**
- 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**

- 8. If a building permit is not issued within ~~one~~ **two**-years 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.
- 9. 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 assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
- 10. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to commencement of any clearing, grading, or construction activities.
- 11. 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.
- 12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~September 21, 2000 Planning Commission meeting~~ **December 22, 2016 Land Development and Transportation Committee meeting and be in compliance with Land Development Code transitional standards for building façade treatments.**

- ~~13. No C-2 type uses shall be permitted on any lots. The following C-1 uses, if ever considered, shall be prohibited in buildings located on Lots 1, 8 and 9: beer depots, liquor stores, gas stations, automobile service repair and car washes.~~
- ~~14. With respect to lots 1, 2, 8 and 9, No docks or service doors shall face English Station Road.~~
- 13. No loading dock doors shall face English Station Road.**
- ~~15. With respect to lots 8 and 9, only retail, office, office/service or office/warehouse uses are permitted.~~
- ~~16. Building materials shall be limited to a combination of glass, dryvit, stone, split-face block and/or brick on all buildings on all lots.~~
- ~~17. A continuous 3-4 foot high hedge at time of planting shall be planted along the south and west sides of lot 8 and along the west side of lot 9.~~
18. All internal utilities shall be installed underground.
- ~~19. No chain link fences shall be permitted.~~
14. Lighting should be directed down and away from residential properties.
- ~~21. The applicant shall widen English Station Road to 24' between the south property line up to the entrance and 36' from the entrance to the intersection of LaGrange Road.~~
- 15. The applicant shall widen English Station Road to 24' beginning at the South property line up to the northern-most development entrance shown on the development plan where it shall be widened to 36' until terminating at La Grange Road. The applicant shall also provide a left turn lane from La Grange Road to English Station Road. Construction plans, bond, and permit will be required from the Louisville Metro Department of Public Works.**
- 16. Construction approval from the Metropolitan Sewer District into any portion of the 25' wetland buffer or wetlands of the existing pond largely contained on adjacent Lot 228 shall not be granted until the Army Corps of engineers has given approval and issued permits allowing the wetland to be modified or a determination has been made by the Army Corps of Engineers that the pond is a non-jurisdictional wetland.**
- 17. The development shall not exceed 168,754 square feet of gross floor area.**