

Development Review Committee Staff Report

April 18, 2018



Case No:	18WAIVER1012
Project Name:	Apel International Addition
Location:	11201 Ampere Court
Owner(s):	Susan LaCroix – Apel International Inc.
Applicant:	Susan LaCroix – Apel International Inc.
Representative(s):	Nathan Wright – Mindel Scott and Associates
Project Area/Size:	6.18 acres or 269,200.8 sf.
Zoning:	PEC
Form District:	Suburban Workplace
Jurisdiction:	City of Jeffersontown, KY
Council District:	11 – Kevin Kramer
Case Manager:	Ross Allen – Planner I

REQUEST(S)

- **WAIVER #1:** from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow for the encroachment of a retaining wall into the 15 ft. reduced property perimeter LBA along an approximate 168 ft. portion of the southern property line, an approximate 148 ft. portion on the eastern property line as adjoining the southern property line, and an approximate 85 ft. long section along the northwestern edge of the eastern most parking lot.
- **WAIVER #2:** from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow a proposed concrete drainage swale to encroach into the 15 ft. property perimeter LBA along the eastern property line.
- **WAIVER #3:** from Jeffersontown LDC (July 2004) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southwestern property line.

CASE SUMMARY/BACKGROUND

The subject site is approximately 6.18 acres having an existing non-residential structure, Apel International, a 1 story concrete office/warehouse located in Eastern Louisville within the City of Jeffersontown, KY. The applicant is proposing to construct a 28,200 sf. addition onto the eastern portion of the existing structure and is expanding parking on the western portion of the subject site. The applicant will be constructing retaining walls along the western parking which encroach into the requested 15 ft. property perimeter LBA (waiver) along the western, southern and eastern property lines. Additionally, the applicant is proposing to construct a concrete drainage swale which will also encroach into the requested 15 ft. property perimeter LBA (waiver) along the eastern property line as well as allow an existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA as found in the southwestern corner of the subject site. The Category 2B development plan was reviewed by the City of Jeffersontown and the aforementioned waivers are being requested by the applicant as a result of the development plan review.

Related Cases:

09-84-73: this plan predates plan certain and no applicable binding elements. Case was not requested from archives and predates the Bluegrass Industrial Park.

L-117-89: Landscape plan associated with 9-84-73.

STAFF FINDING / RECOMMENDATION

- **WAIVER #1:** from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow for the encroachment of a retaining wall into the 15 ft. reduced property perimeter LBA along an approximate 168 ft. portion of the southern property line, an approximate 148 ft. portion on the eastern property line as adjoining the southern property line, and an approximate 85 ft. long section along the northwestern edge of the eastern most parking lot. The development plan shows sufficient space for the 25 ft. property perimeter LBA to be provided along the southern and western property lines, whereas the eastern property line would only allow for a 15.47 ft. wide property perimeter LBA at the most because of the proposed 28,200 sf. addition. The retaining walls would still require the waiver regardless of the width/depth of the LBA as shown on the development plan.
- **WAIVER #2:** from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow a proposed concrete drainage swale to encroach into the 15 ft. property perimeter LBA along the eastern property line. The eastern property line would only allow for a most 15.47 ft. wide property perimeter LBA at the most because of the proposed 28,200 sf. addition. The proposed concrete drainage swale would require the waiver regardless of the width/depth of the LBA as shown on the development plan.
- **WAIVER #3:** from Jeffersontown LDC (July 2004) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southwestern property line. The existing sanitary sewer and drainage easement predates the property perimeter LBA.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Industrial	PEC	Suburban Workplace
Proposed	Industrial	PEC	Suburban Workplace
<i>Surrounding Properties</i>			
North	Industrial and Commercial	PEC	Suburban Workplace
South	Industrial	PEC	Suburban Workplace
East	Commercial	PEC	Suburban Workplace
West	Industrial and Commercial	PEC	Suburban Workplace

TECHNICAL REVIEW

No technical review was conducted.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Land Development Code (Jeffersontown LDC July 2004)
Comprehensive Plan (Cornerstone 2020)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1: from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow for the encroachment of a retaining wall into the 15 ft. reduced property perimeter LBA.

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

STAFF: The waiver will not adversely affect adjacent property owners since the property is located within an industrial park. There is an existing fence separating the subject property from both the eastern and northern adjacent properties. The northern property is already above grade of the subject property and has a ditch with a large green space between the parking lot and the subject property. Landscape material will also be provided per Chapter 10 requirements (Jeffersontown LDC July 2004).

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

STAFF: Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within suburban areas. The applicant states that the waiver will not violate the comprehensive plan since the retaining wall is located in the landscape buffer area allowing for the required plantings per Chapter 10 (Jeffersontown LDC July 2004).

- (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 the retaining wall will be required to accommodate the building addition. The applicant states that the wall be as small as possible.

- (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 since the disallowance of the retaining wall in the landscape buffer area would not allow the applicant to fully utilize the parcel. The existing grades within the industrial park prohibit the use of 3:1 slopes to accommodate the needed building addition. The re-design of a smaller building would result in an unnecessary hardship.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2: from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow a proposed concrete drainage swale to encroach into the 15 ft. property perimeter LBA along the eastern property line.

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed concrete ditch will be close to the building and the required plantings will be provided.

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

STAFF: Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The waiver will not violate specific guidelines of the Comprehensive Plan, Cornerstone 2020 since the required plantings will still be provided per the LDC in the property perimeter landscape buffer area.

- (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 “to accommodate the proposed addition a concrete ditch is necessary for the drainage flow per MSD standards. Based on the grades of the area, both the needed building addition and the concrete drainage swale cannot be provided without encroaching into the property perimeter LBA.

- (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 since not allowing the proposed concrete drainage swale in the LBA would not allow the applicant to construct the building addition to the needed size. A reduction in building size would not allow the applicant to fully utilize the parcel. The disallowance of the proposed concrete drainage swale would result in the proposed building addition to be redesigned. A reduction on the size or a redesign of the proposed building addition would result in an unnecessary hardship to the applicant if the concrete drainage swale is not allowed in the property perimeter LBA.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3: from Jeffersontown LDC (July 2004) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southwestern property line. The existing sanitary sewer and drainage easement predates the property perimeter LBA.

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

STAFF: The waiver will not adversely affect adjacent property owners since the landscape material will still be provided. The owner will be responsible for replacing any landscape material in the easement and is removed.

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

STAFF: Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within suburban areas. “The landscape material will still be provided per the LDC (Jeffersontown July 2004) requirements.”

- (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 “the ability to accommodate the proposed building addition the proposed Sanitary sewer and drainage easement will need to overlap the property perimeter LBA. The existing easement was present on the property prior to the Jeffersontown, KY LDC regulations and as a result any denial of the waiver would be cost prohibitive.”

- (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 states “The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because the existing easement in the property perimeter

landscape buffer area would not allow the applicant to fully utilize the parcel. Any denial of the waiver “would cause a major economic hardship by the relocation of an existing sanitary sewer and drainage easement, line and structure.”

REQUIRED ACTIONS

Approve/Deny WAIVER #1: from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow for the encroachment of a retaining wall into the 15 ft. reduced property perimeter LBA. **Recommendation to the City of Jeffersontown, KY**

Approve/Deny WAIVER #2: from Jeffersontown LDC (July 2004) 10.2.4.B to reduce the minimum 25 ft. property perimeter LBA to 15 ft. and allow a proposed concrete drainage swale to encroach into the 15 ft. property perimeter LBA along the eastern property line. **Recommendation to the City of Jeffersontown, KY**

Approve/Deny WAIVER #3: from Jeffersontown LDC (July 2004) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southwestern property line. The existing sanitary sewer and drainage easement predates the property perimeter LBA. **Recommendation to the City of Jeffersontown, KY**

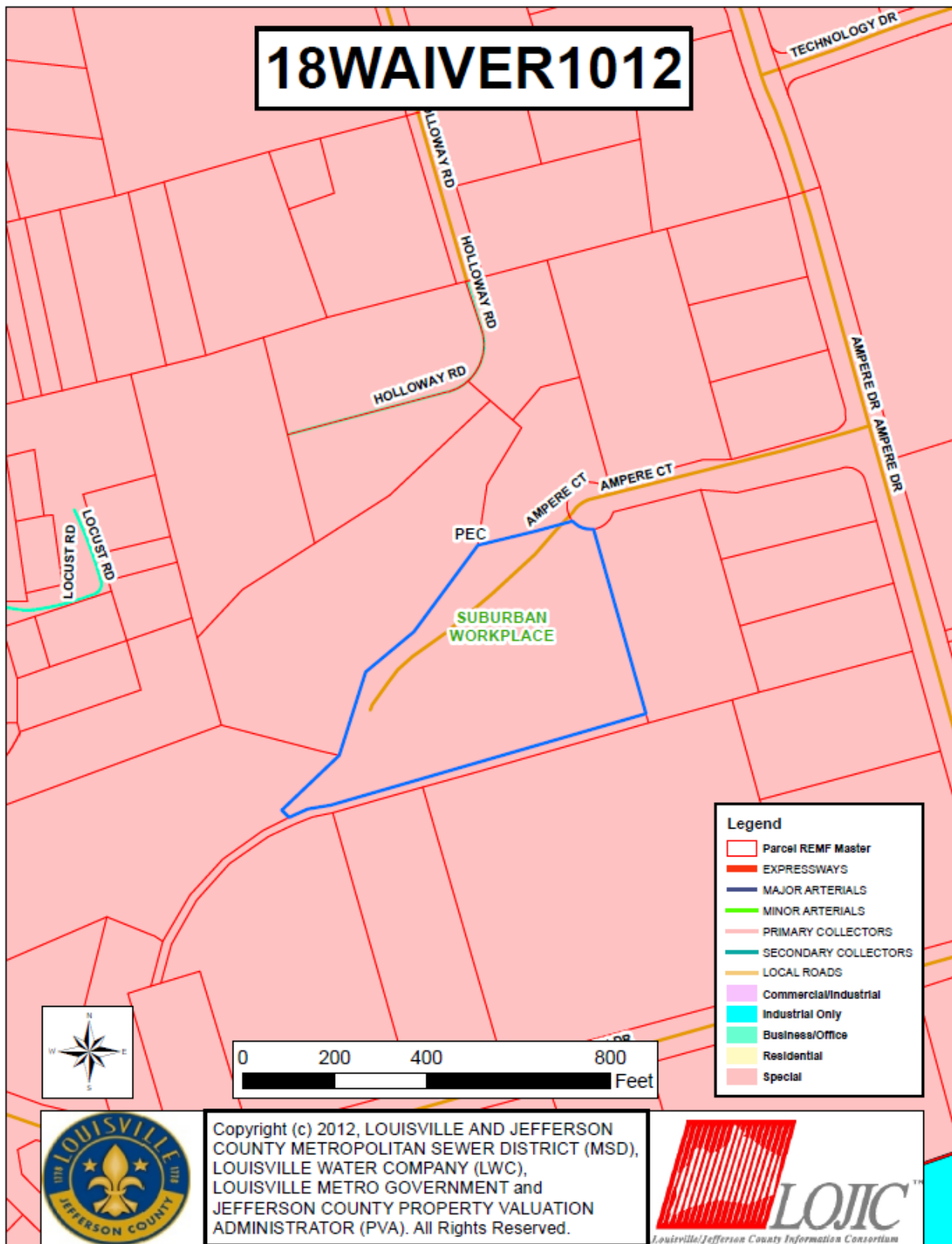
NOTIFICATION

Date	Purpose of Notice	Recipients
April 18, 2018	Hearing before DRC April 18, 2018	1 st tier adjoining property owners Subscribers of Council District 11 Notification of Development Proposals

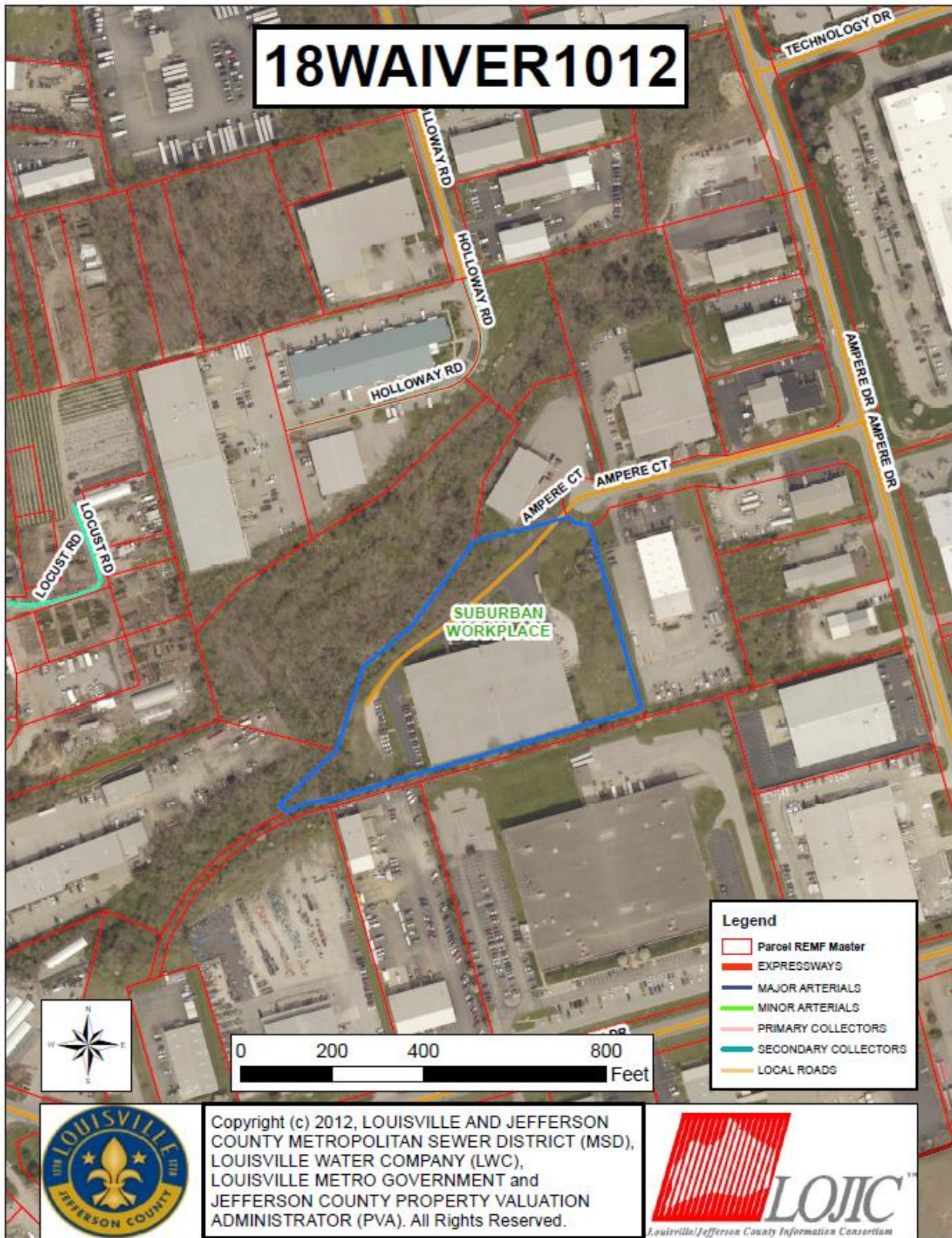
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. City of Jeffersontown Technical Review Committee Report Page 1
4. City of Jeffersontown Technical Review Committee Report Page 2
5. City of Jeffersontown Technical Review Committee Report Page 3

1. **Zoning Map**



2. Aerial Photograph



City of Jeffersontown
Technical Review Committee
 Planning & Design Review
J-Docket Number: 18-0007
 TRC Report
 3/22/18

RECEIVED
 MAR 27 2018
 PLANNING &
 DESIGN SERVICES

Please Deliver To:		Engineering Firm Name:	
Nathan Wright		Mindel Scott	
Project Name		Address	
Apel International		11201 Ampere Court	
TRC Members	Telephone Number	Related Cases Docket Number(s)	
CHRIS RAQUE & STEVE RUSIE JIMMY FRANCONIA	267-8333 267-7273		

REQUEST:
CAT. 2B & WAIVER APPROVAL FOR A 28,600 S.F. BUILDING EXPANSION.

COMMENTS AND RECOMMENDATIONS BY:
JIMMY FRANCONIA, DIRECTOR, DEPARTMENT OF PUBLIC WORKS:
<input type="checkbox"/> Recommend approval of plans as submitted. By: ___/___/2018 <input type="checkbox"/> Recommend disapproval of plans as submitted. By: ___/___/2018 <input type="checkbox"/> Recommend plans be changed for the following reasons. By: ___/___/2018
Comments: I will forward Public Works Comments when I receive them.

1
 18 WAIVER 1012

RECEIVED

City of Jeffersontown
Technical Review Committee

MAR 27 2018

PLANNING &
DESIGN SERVICES

COMMENTS AND RECOMMENDATIONS BY:
CHRIS RAQUE, DEPARTMENT OF PERMITTING & ENFORCEMENT:
<input type="checkbox"/> Recommend approval of plans as submitted. By: ___/Date: ___/___/2018
<input type="checkbox"/> Recommend disapproval of plans as submitted. By: ___/Date: ___/___/2018
<input checked="" type="checkbox"/> Recommend plans be changed for the following reasons. By: CR /Date: 03/26/2018
Comments:
1. Footprint of building appears to have conflicts with height & area tabulations of K.B.C.

ADDITIONAL COMMENTS:

Recommendation:
Approve as submitted: Approve on Condition: Deny:

RECEIVED

MAR 27 2018

City of Jeffersontown
Technical Review Committee

PLANNING &
DESIGN SERVICES

COMMENTS AND RECOMMENDATIONS BY:

STEVE RUSIE, DEPARTMENT OF PERMITTING & ENFORCEMENT:

- Recommend approval of plans as submitted. By: ___/Date: ___/___/2018
- Recommend disapproval of plans as submitted. By: ___/Date: ___/___/2018
- Recommend plans be changed for the following reasons. By: SR/Date: 03/26/2018

Comments: **Preliminary**

1. Please provide the area of existing (paved) VUA that is to remain and provide the proposed new VUA (including truck maneuvering areas).
2. Use a solid line to show the edge of existing pavement on the plan.
3. Parking on the west side of the building & north side violates the 120' ILA separation regulation.
4. LOJIC does not show the former rail spur lot to the south as having been consolidated with the development lot. Please show where the two lots were consolidated.
5. Need a waiver along the east property line to allow the paved drainage swale to be located in the LBA.
6. Label the 25-foot building setback and 15-foot LBA along Ampere Court.
7. A waiver is required to allow the existing easement to overlap the required 15' LBA along the northwest property line.
8. Please provide the % of lot coverage by the building.

Fire Department Comment:

It looks like the addition is going to require the relocation of a fire hydrant as well as the fire department connection for the sprinkler system. I would like to be able to have a look at those changes to make sure they meet our needs. Thanks.

Tom Carroll
Fire Marshal
Jeffersontown Fire Protection District
10540 Watterson Trail
Jeffersontown, KY 40299
(o) 502.267.7300
(f) 502.267.5217

ADDITIONAL COMMENTS:

Recommendation:

Approve as submitted:

Approve on Condition:

Deny:

18 WAIVER 1012³