

Development Review Committee

Staff Report

September 5, 2018



Case No:	18WAIVER1029
Project Name:	Office/Warehouse Waivers
Location:	2008 Blankenbaker Road
Owner(s)/Applicant:	Matthew and Jana Miller
Representative(s):	Ann Richard – Land Design and Development Inc.
Project Area/Size:	1.9 acres
Zoning:	PEC
Form District:	Suburban Workplace
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Chris French, AICP, Planning Supervisor

REQUEST(S)

- **WAIVER #1:** from Jeffersontown LDC (September 2015) 10.2.4.B to allow encroachment of the proposed parking spaces into the 15 ft. south property line Landscape Buffer Area (LBA).
- **WAIVER #2:** from Jeffersontown LDC (September 2015) 5.5.4.B.1/10.2.4.B to reduce the LBA from the required 50 ft. to 15 ft. and to not provide a 6 ft. berm along the northern property line.
- **WAIVER #3:** from Jeffersontown LDC (September 2015) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southern and western property lines by more than 50%.

CASE SUMMARY/BACKGROUND

The subject site consists of three parcels encompassing approximately two acres on a vacant partially wooded area in Eastern Louisville Metro within the City of Jeffersontown, KY. The applicant has indicated that a dedication of right away will be provided for the length of the frontage with a depth of approximately 25 ft. The proposal includes the construction of two, one-story (25 ft. height) warehouse structures with accessory office space located 15 ft. from the northern property line requiring WAIVER#2. Each of the proposed warehouse/offices will have four subunits with each subunit having 100 sq. ft. of accessory office space. The proposed structures are situated side by side, perpendicular to Blankenbaker Road with parking to the east and south.

The warehouse office as located closest to the northwestern corner of the proposed consolidated property lines has a building footprint of 11,940 sq. ft. will have four sub-spaces each having a 100 sq. ft. accessory office spaces on the southern side of the structure facing the proposed parking lot. The second proposed warehouse/office structure is located 15 feet to the front, east, of the previously discussed structure and has a 10,750 sq. ft. footprint with four 100 sq. ft. office spaces, one office for each of the four subunits.

The vehicular use area (VUA) is located south and east of the proposed warehouse/office structures with a total of 32,347 sq. ft. The applicant is providing the required 7.5% (2,563 sq. ft.) of the total VUA for Interior Landscape Area (ILA). The VUA encroaches into 15 ft. VUA LBA as found along the southern property line requiring WAIVER #1. The VUA will have a verge of approximately eight ft. in width parallel to the southern property line with a proposed 15 ft. sanitary sewer easement and a 5,100 sq. ft. proposed detention basin located on the western portion of the property that will have drainage to the adjacent western property which also overlaps the 15 ft. wide LBA along the rear (western) property line resulting in the request for WAIVER #3.

The Tree Canopy Calculations indicate that the proposed development will not preserve any of the existing trees on site but will comply with the LDC requirements to provide 20% of the total lot area (82,099 sq. ft.) for tree canopy to be provided, approximately 16,650 sq. ft.

Related Cases:

16DEVPLAN1184: Revised District Development Plan for a new 3,200 sq. ft. warehouse/office on a 1.49 acre parcel in the PEC zoning district. Waiver to allow the LBA to overlap a sewer easement by more than 50% and a second waiver to not provide access to the proposed structure from the Right of way along Carrier Court. Approved at DRC on Jan. 4, 2017.

17WAIVER1020: 2202 Blankenbaker Rd., adjoining property to the south of the subject site. Waiver request to reduce the landscape buffer area from 50 ft. to 15 ft. width and a waiver to allow 100% overlap of an easement within the 15 ft. LBA on 1.9 acres in the PEC zoning district. Approved on August 16, 2017 at DRC.

17MISC1079: 2100 Blankenbaker Rd., adjoining parcel along the southern property line of the subject site. Construction review for Wright Elevator Solutions. Currently, open in Hansen. No other info found during research.

17LSCAPE1207: A landscape plan for a commercial business on 1.271 acres in the PEC zoning district as related to case no. 17MISC1079. Currently, open in Hansen, no associated documents found in Hansen upon research.

18MINORPLAT1057: A minor subdivision plat to consolidate two lots and dedicate right of way on 1.78 acres in the PEC zoning district as located at 2200 Blankenbaker Rd. Currently, open in Hansen.

STAFF FINDING / RECOMMENDATION

- **WAIVER #1:** from Jeffersontown LDC (September 2015) 10.2.4.B to allow encroachment of the proposed parking spaces into the 15 ft. south property line Landscape Buffer Area (LBA). The proposal indicates that an eight foot verge will be present along the southern property line allowing sufficient space for plantings. The 15 ft. sanitary sewer easement as located along the southern portion of the western property line omits only the 15 ft. width where the sanitary line/sewer easement is located the remaining 132 ft. will have sufficient space for plantings. Both LBA's have sufficient area to provide plantings.
- **WAIVER #2:** from Jeffersontown LDC (September 2015) 5.5.4.B.1/10.2.4.B to reduce the LBA from the required 50 ft. to 15 ft. and to not provide a 6 ft. berm along the northern property line.
- **WAIVER #3:** from Jeffersontown LDC (September 2015) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southern and western property lines by more than 50%.

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 Sept. 2015)
Comprehensive Plan (Cornerstone 2020)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1; from Jeffersontown LDC (September 2015) 10.2.4.B to allow encroachment of the proposed parking spaces into the 15 ft. south property line Landscape Buffer Area (LBA).

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

STAFF: The PEC zoning classification envisioned large tract development. The PEC 15 ft. Landscape Buffer Areas were intended to provide consistent perimeter property line landscaping on a large parcel development and did not intend to significantly reduce developable areas on smaller tracts such as the subject site. The applicant states that the 15 ft. Landscape Buffer Areas will be provided along the property perimeters.

The way in which the structures and parking are situated results in the proposed structures consuming approximately 60 ft. in width with the VUA consuming another 65 feet (including the drive lanes of 25 ft.) for a total of 125 feet of the total width of the subject parcel being 147.48 ft. The situation of the parking and proposed structures maximizes the use of the parcel while attempting to mitigate nuisances upon the northern residential property.

- (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. Staff has reviewed the situation of the proposed structures on the parcel which will act as a buffer from parking and associated nuisances from the northern residential property however, the warehouse uses that are proposed are unknown at this time and noise may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA in place of the 50 ft. LBA will help to screen the proposed structures from the rear and allow for sufficient area for plantings. Additionally, the applicant has stated that they intend to meet the landscaping requirements.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The applicant states in their justification that the Landscaping Buffer Areas are being provided where possible and all the required landscaping will be provided. Landscaping/tree canopy if provided along the southern property line as adjacent to the single family residential uses may help to screen from the proposed parking lot but lighting and noises as associated with the VUA are unknown to staff at this time.

- (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 has stated that the strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use. The applicant has also proposed to plant all the required trees and that the granting of the waiver will not result in the loss of tree canopy.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2: from Jeffersontown LDC (September 2015) 5.5.4.B.1/10.2.4.B to reduce the LBA from the required 50 ft. to 15 ft. and to not provide a 6 ft. berm along the northern property line.

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

STAFF: The orientation of the proposed structures on the parcel will act as a buffer from the parking and potentially from associated nuisances from the northern residential property however, the warehouse uses that are proposed are unknown to staff at this time and noise may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA will help to screen the proposed structures from the rear.

- (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. Staff has reviewed the situation of the proposed structures on the parcel which will act as a buffer from parking and associated nuisances from the northern residential property however, the warehouse uses that are proposed are unknown at this time and noise may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA in place of the 50 ft. LBA will help to screen the proposed structures from the rear and allow for sufficient area for plantings.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The proposed structures on the parcel is the minimum necessary to act as a buffer between the proposed parking and the residential use to the north of the subject site. However, associated nuisances such as noise are unknown at this time and may be a potential issue. Screening with required plantings within the proposed 15 ft. LBA will help to screen the proposed structures from the rear.

- (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: Strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use. The applicant is proposing to plant all of the required trees and the granting of the requested waivers will not result in the loss of tree canopy as stated in the justification. Trees planted along the northern and southern property lines will help to minimize the impact of any associated nuisances from the development however, noise nuisances are unknown at this time for the proposed tenants that may occupy the proposed warehouses with accessory offices.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3: from Jeffersontown LDC (September 2015) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southern and western property lines by more than 50%.

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

STAFF: Staff is in agreement with the applicant's justification that the waiver requested to waive the more than 50% overlap of the proposed 15 ft. Sewer and Drainage easement and the 15 ft. Landscape Buffer Area adjacent to the south property line will not adversely impact the adjacent property because sufficient land area will be available to plant the required trees. The 15 ft. Sewer and Drainage Easement are covering a proposed drainage pipe to be installed in the proposed parking lot and will not impact the ability to plant the required trees.

(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 has stated that the comprehensive plan will not be violated because the intent of the requirements is being met through landscaping thus the 15 ft. landscaping buffer on the northern property line and the seven ft. verge with ILA's along the southern property line will allow for sufficient areas for plantings.

(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 applicant/owner is willing to provide landscape buffer areas where possible and all the required landscaping will be provided.

(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 has stated that the strict application of the regulations will restrict the developable area significantly and render it undevelopable for a PEC/SW use. The applicant is proposing to plant the required tree canopy. Tree canopy planted along the northern property line and southern property lines will help to potentially minimize the impact of any associated nuisances from the development however, noise nuisances are unknown at this time for the proposed tenants that may occupy the proposed warehouses with accessory offices.

REQUIRED ACTIONS

Approve/Deny WAIVER #1: from Jeffersontown LDC (September 2015) 10.2.4.B to allow encroachment of the proposed parking spaces into the 15 ft. south property line Landscape Buffer Area (LBA).

Recommendation to the City of Jeffersontown, KY

Approve/Deny WAIVER #2: from Jeffersontown LDC (September 2015) 10.2.4.B to reduce the LBA from the required 50 ft. to 15 ft. and to not provide a 6 ft. berm along the northern property line. **Recommendation to the City of Jeffersontown, KY**

Approve/Deny WAIVER #3: from Jeffersontown LDC (September 2015) 10.2.4.B to allow the existing sanitary sewer and drainage easement to overlap the required 15 ft. property perimeter LBA along the southern and western property lines by more than 50%. **Recommendation to the City of Jeffersontown, KY**

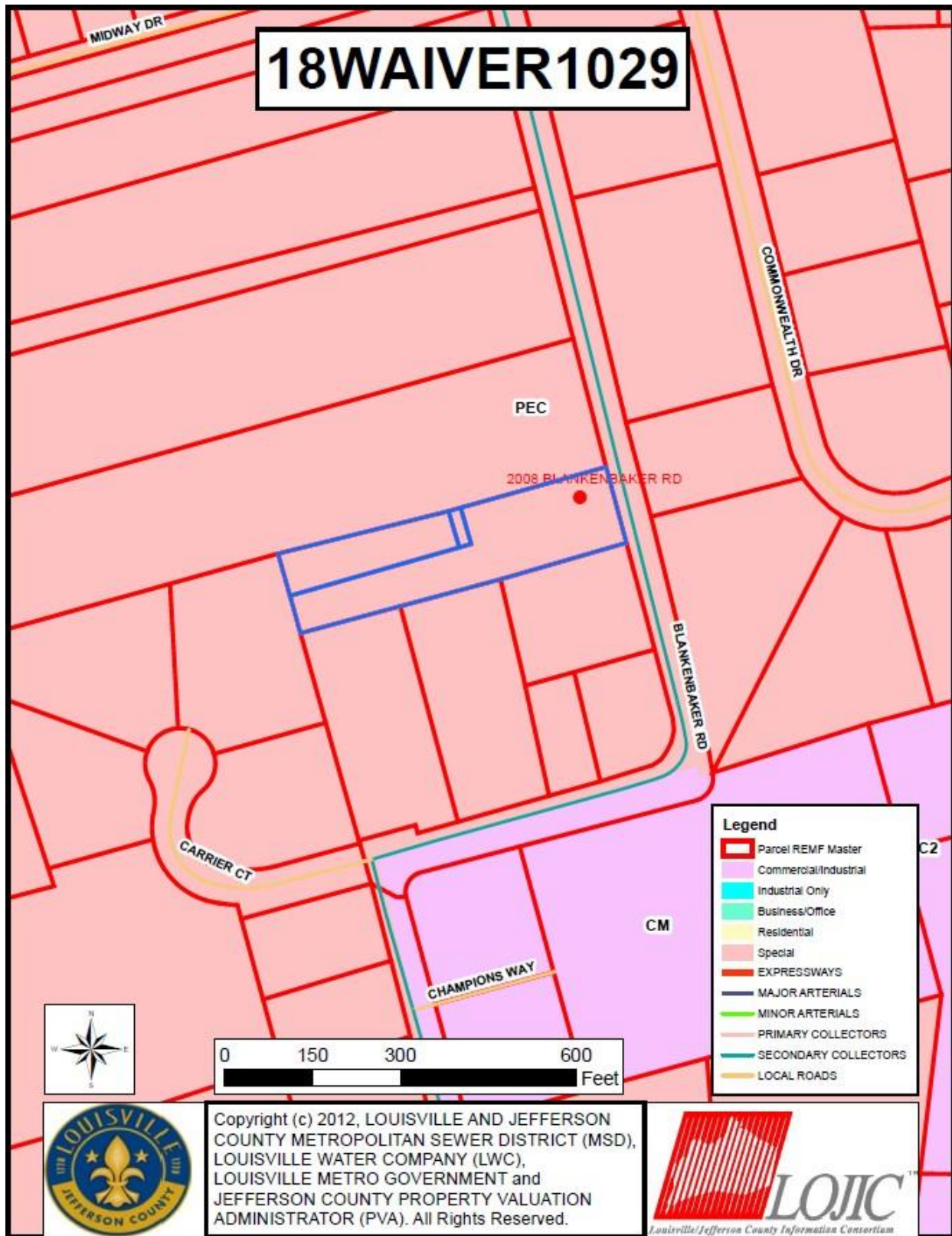
NOTIFICATION

Date	Purpose of Notice	Recipients
Sept. 5, 2018	Hearing before DRC Sept. 5, 2018	1 st tier adjoining property owners Subscribers of Council District 11 Notification of Development Proposals

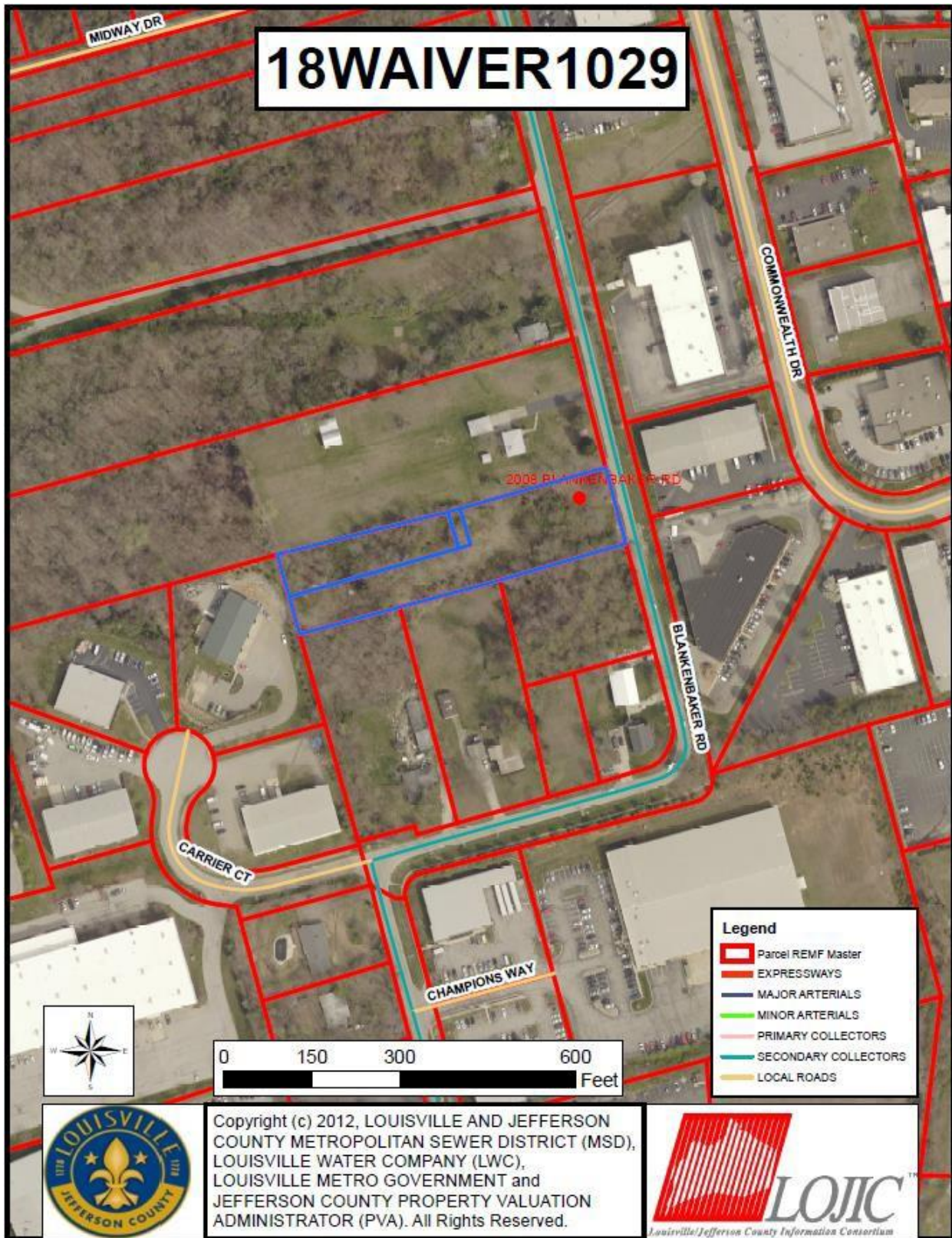
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

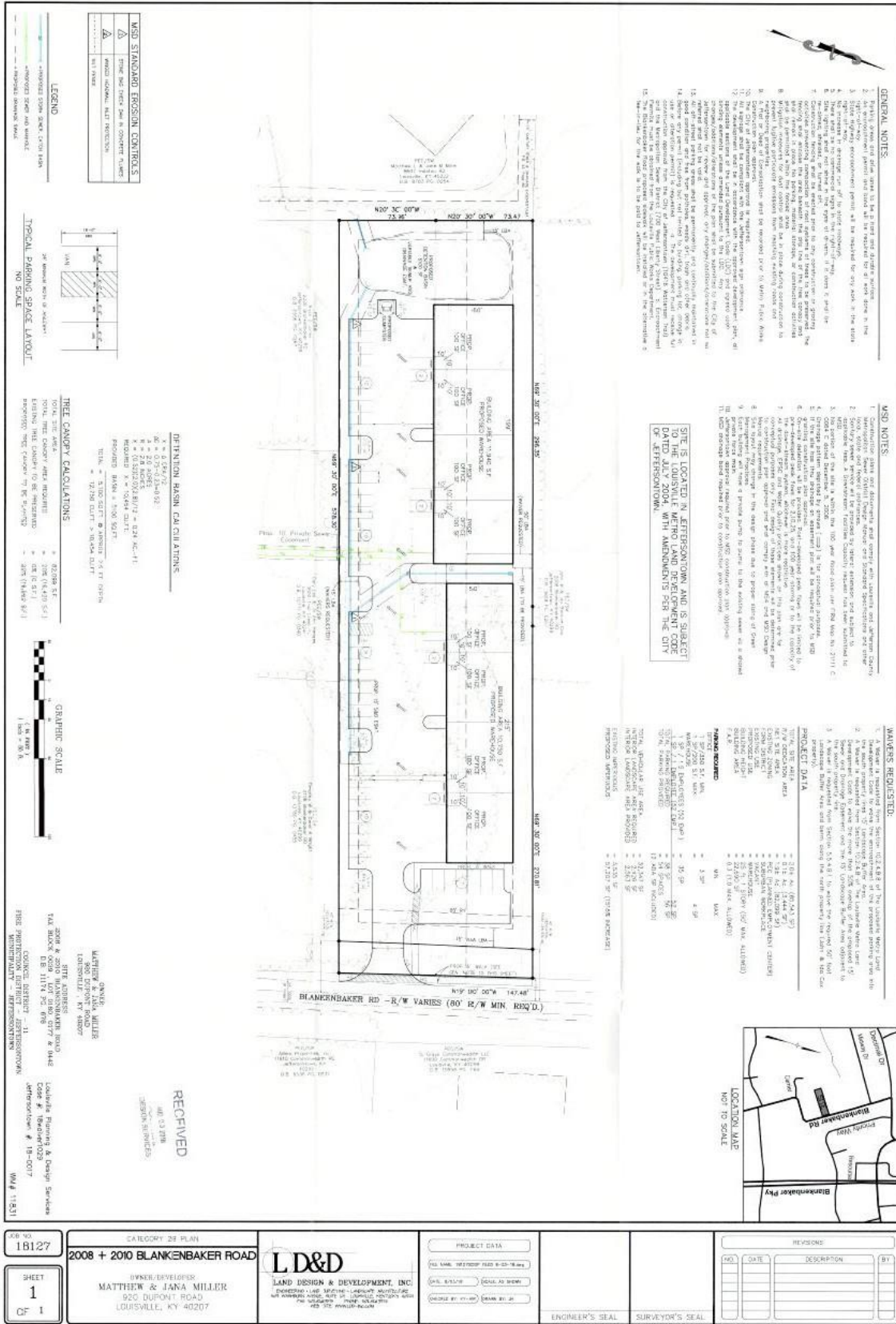
1. **Zoning Map**



2. Aerial Photograph



3. **Site Plan**



GENERAL NOTES

1. All construction shall conform to the City of Louisville Code Book, Chapter 12.01, and all applicable codes.
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MSD NOTES

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MAKERS REQUESTED:

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PROJECT DATA

PROJECT NAME: 2000+ BLANKENBAKER ROAD
 PROJECT ADDRESS: 2000+ BLANKENBAKER ROAD, LOUISVILLE, KY 40207
 PROJECT CONTACT: MATTHEW & JANA MILLER
 PROJECT PHONE: 502-452-1111
 PROJECT FAX: 502-452-1111
 PROJECT EMAIL: info@ldd.com

NO.	DATE	DESCRIPTION

18127
 SHEET 1 OF 1

CATEGORY 2B PLAN
 2000+ 2010 BLANKENBAKER ROAD
 OWNER/DEVELOPER: MATTHEW & JANA MILLER
 ADDRESS: 2000+ BLANKENBAKER ROAD, LOUISVILLE, KY 40207

LD&D
 LAND DESIGN & DEVELOPMENT, INC.
 1000 W. MARKET STREET, SUITE 200
 LOUISVILLE, KY 40202
 PHONE: 502-452-1111
 FAX: 502-452-1111
 WWW.LDAND.COM

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ENGINEER'S SEAL
 SURVEYOR'S SEAL