

Planning Commission

Staff Report

May 21, 2021



Case No:	20-DDP-0013/20-WAIVER-0031
Project Name:	A&S Truck Service
Location:	10605 Freeport Dr
Owner(s):	A&S Truck Service.
Applicant:	A&S Truck Service
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waiver** of 5.9.2.A.1.b.ii to not provide vehicular and pedestrian connection between adjacent non-residential uses.
- **Detailed District Development Plan**
- **Request to amend 200-foot setback adjacent to residential properties not zoned EZ-1**

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a heavy truck repair and storage facility on approximately 4.01 acres. The site is located within the Riverport Phase III development in the Pleasure Ridge Park area of Louisville Metro. The site is located within the EZ-1 zoning district and the Suburban Workplace form district. To the east of the site there is a residential subdivision zoned R-5A within 200 feet of the subject site. Per Land Development Code section 2.6.1.A.1, all uses other than those permitted in the C-2 and M-1 zoning district must observe a 200-foot setback from any residential use not zoned EZ-1. The Planning Commission may amend this setback requirement following a public hearing upon finding that the use will conform to the Comprehensive Plan.

STAFF FINDING

The proposed use is compatible with the development pattern of the area. The Land Development Code will require a significant increase to tree canopy coverage and screening requirements with this proposal, which will provide additional protection to the residential properties. The proposed development is in compliance with the Comprehensive Plan, as it maintains industrial uses within established industrial zones while increasing protection for nearby residential properties. The waiver and Detailed District Development Plan are adequately justified.

TECHNICAL REVIEW

The Board of Zoning Adjustment will consider a variance to allow encroachment into the streamside buffer at the 6-8-20 meeting.

The subject site was originally part of lot 217 on the record plat for Riverport Phase III recorded at Plat Book 43 Page 93 and rezoned under docket 9-58-96. The current lot lines were created via minor plat under docket 19-MPLAT-0044. This is the first Detailed District Development Plan proposal for this site.

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, as industrial uses are unlikely to have a need for shared circulation, and often have exceptional security needs that preclude connection between sites.

- (b) The waiver will not violate specific guidelines of the Plan 2040; and

STAFF: The waiver will not violate the guidelines of the Comprehensive Plan. The nature of the majority of development in this area is industrial and many sites are secured with fences. It is unlikely that anyone will have business at multiple abutting sites and would need to take advantage of connections between sites.

- (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 is the minimum necessary to afford relief to the applicant.

- (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, as the proposed use has exceptional security needs that necessitate a fenced perimeter and it is unlikely that anyone will have business at multiple sites.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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: The Board of Zoning Adjustment will consider a request to encroach into the streamside buffer for Black Pool Creek in the rear of the site. All required planting will be provided within the buffer area. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- 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 has been provided, and Metro Public Works has approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal.

- 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 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.

- 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 existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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 and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Detailed District Development Plan**
- **APPROVE** or **DENY** the **Request to modify the 200-foot EZ-1 setback standards adjacent to residential properties not zoned EZ-1.**

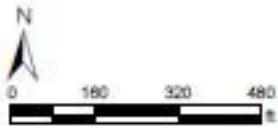
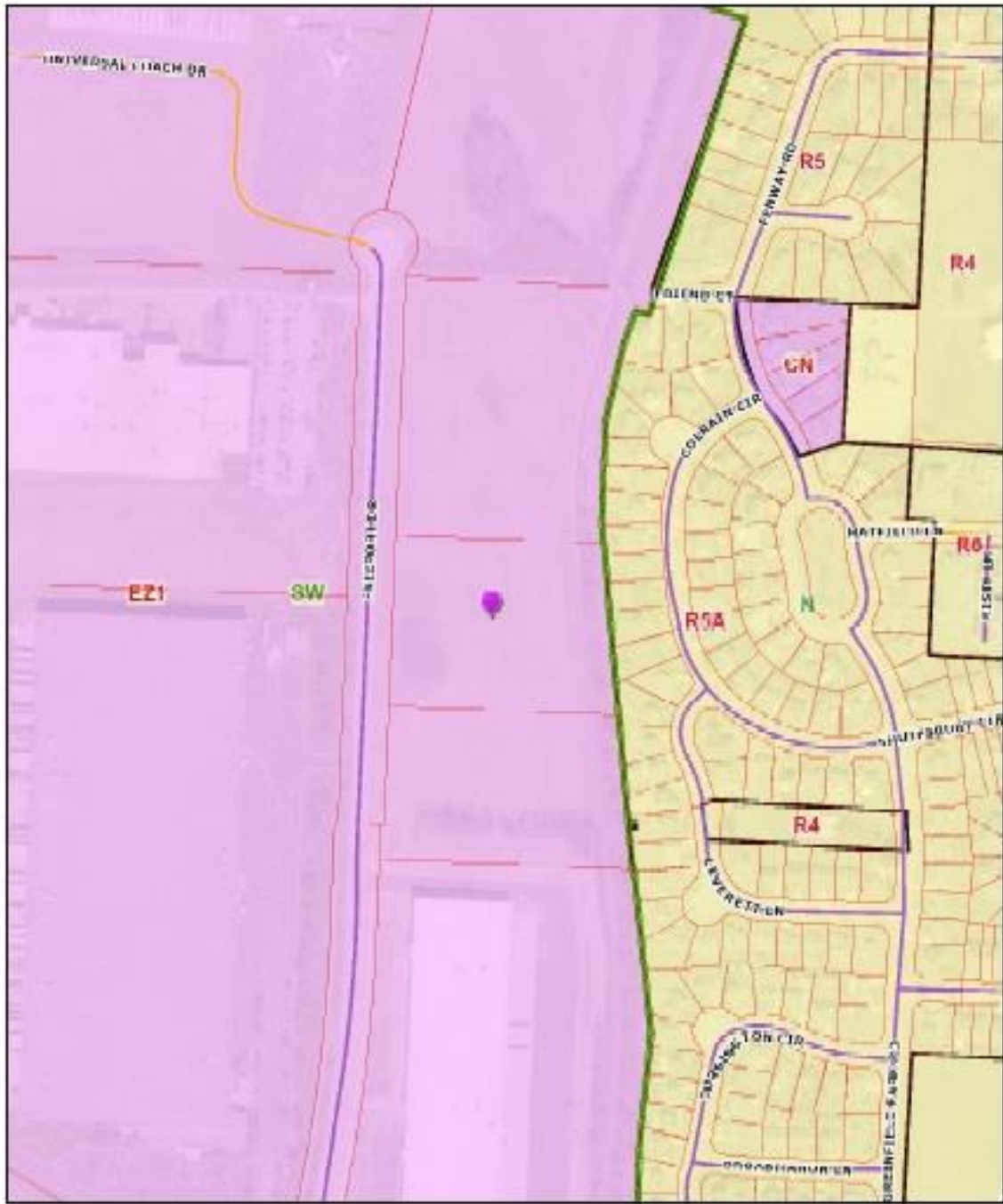
NOTIFICATION

Date	Purpose of Notice	Recipients
5-5-20	Hearing before PC	1 st tier adjoining property owners, residential property owners as required by 2.6.1 Registered Neighborhood Groups in Council District 12

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



20-DDP-0013

Tuesday, May 12, 2020 | 2:58:41 PM



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2. Aerial Photograph



20-DDP-0013

Tuesday, May 12, 2020 | 2:55:16 PM



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3. Proposed Binding Elements

All General Plan Binding Elements are applicable to the subject site, in addition to the following:

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. 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.
 - c. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.