

# Development Review Committee Staff Report

December 20, 2017



<b>Case No:</b>	17DEVPLAN1200
<b>Project Name:</b>	Louisville Self Storage
<b>Location:</b>	3913 Accomack Dr
<b>Owner(s):</b>	Fireside Investment Pool, LLC
<b>Applicant:</b>	Fireside Investment Pool, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Jay Lockett, Planner I

## REQUEST(S)

- **Waiver** of Land Development Code section 5.9.2.A.1.b.ii to not provide vehicular access to adjacent non-residential sites.
- **Waiver** of Land Development Code section 10.2.4.B to allow greater than 50% overlap of a utility easement and a required landscape buffer area.
- **Waiver** of Land Development Code section 5.5.4.B.1 to reduce a 50' property perimeter landscape buffer area to 25' and not provide a 6' berm.
- **Revised District development Plan**

## CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 121,800 square foot mini-storage facility on approximately 3 acres in the C-M zoning district within the Suburban Workplace form district. The site is currently vacant and was rezoned from OTF to the current C-M zoning under docket 14ZONE1023 for a mini-storage facility. The structure and business concept is different than the previous approval, though the proposed use is the same. All of the waivers requested are substantially similar to waivers granted to the previous development plan proposal.

## STAFF FINDING

The requests are adequately justified and meet the standard of review. Transportation planning and MSD have given preliminary approvals to the development plan.

## TECHNICAL REVIEW

There are no outstanding technical review issues associated with this request.

## INTERESTED PARTY COMMENTS

Staff received an email from Robert Vail, who lives in the same council district as the proposal, requesting the committee oppose any landscape waivers due to concerns over a loss of tree canopy.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 5.9.2.A.1.b.ii**

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

STAFF: The waiver will not adversely affect adjacent property owners, as the two properties affected are a hotel and an automobile factory. Cross access is not likely to be needed between these uses and a storage facility. Pedestrian connection will still be provided in with the sidewalk network in the area.

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

STAFF: Guideline 2, Policy 13 encourages adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, Policy 13 requires joint and cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, Policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The adjacent uses are not likely to serve similar purposes in a significant way to reduce traffic or safety hazards.

- (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 safe pedestrian circulation will still be provided within and around the site.

- (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 would deprive the applicant of reasonable use of the land, as they would serve no immediate purpose and cause the location of required detention basins to be altered, potentially constricting the usable area of the site.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 10.2.4.B**

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

STAFF: The waiver will not affect adjacent properties because the landscape requirements will still be met within the provided buffers.

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

STAFF: Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards,

vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The Comprehensive Plan will not be violated because all the buffering and screening materials will be provided within the buffer.

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

STAFF: The waiver is necessary to provide relief to the applicant so that additional land isn't unnecessarily used to provide an extended buffer for which all the landscape materials will still be provided within a buffer that is shared within an easement.

- (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 applicant is unreasonable when the applicant can sufficiently provide the landscape materials within the shared buffer and easement.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 5.5.4.B.1**

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

STAFF: The waiver will not affect adjacent property owners as the screening and landscape materials will still be provided within a proposed 25' LBA.

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

STAFF: Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The Comprehensive Plan will not be violated because all the buffering and screening materials will be provided within the buffer.

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

STAFF: The waiver is the minimum necessary for relief to the applicant as the planting requirements can still be met within a smaller buffer. The reduced buffer allows for further use of the site that is geared toward providing a service to the adjacent multi-family that is located in the 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: Because the planting and screening requirements can still be met within the reduced buffer providing the entire 50' buffer for a use that compliments the surrounding multi-family would create an unnecessary hardship.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING 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: The applicant is not preserving any existing trees on the site but is replanting trees around the perimeter to coordinate with the adjacent properties landscaping and open space.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: A sidewalk is proposed along the frontage with a connection to the development. Vehicular connectivity is not being provided to adjacent sites, as the adjacent automobile factory and hotel are unlikely to have the need for cross access to a storage facility.

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

STAFF: Open space is not required for this development, although landscape buffers and the detention basin provided on site could serve as such.

- 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: MSD has preliminarily approved the proposal.

- 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 proposed use is complimentary to the adjacent multi-family developments. The building and site design are in conformance with the Land Development Code with the exception of the requested waivers.

- 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 proposal meets the requirements of the Land Development Code and guidelines of the Comprehensive Plan.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver of LDC section 5.9.2.A.1.b.ii**
- **APPROVE** or **DENY** the **Waiver of LDC section 10.2.4.B**
- **APPROVE** or **DENY** the **Waiver of LDC section 5.5.4.B.1**
- **APPROVE** or **DENY** the **Revised District Development Plan**

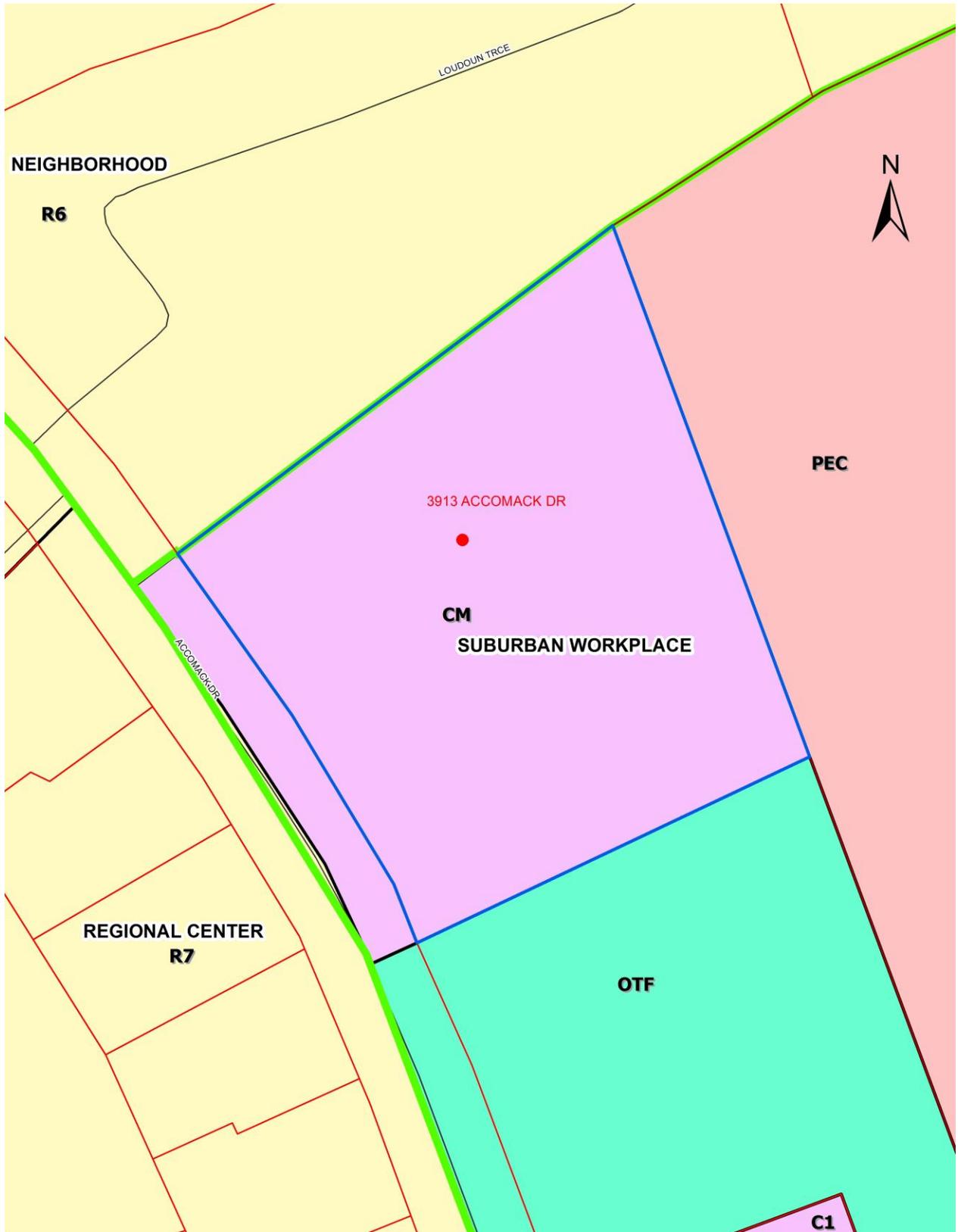
**NOTIFICATION**

Date	Purpose of Notice	Recipients
12-11-17	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with Proposed Changes

1. **Zoning Map**



2. Aerial Photograph



**4. Existing Binding Elements with Proposed Changes**

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. The development shall not exceed 50,426 square feet of gross floor area.~~

3. No pennants, balloons, or banners shall be permitted on the site.

4. 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.

5. 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 Inspections, Permits and Licenses~~ **Develop Louisville**, 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

7. 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.

8. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.

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 assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

~~10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 17, 2014 Planning Commission meeting.~~

~~11. The landscaping shall be substantially similar to the landscaping shown on the concept plan presented at the July 17, 2014 Planning Commission hearing.~~