

Development Review Committee

Staff Report

April 5, 2017



Case No:	17WAIVER1007
Request:	Landscape Buffer Area and Internal Landscape Area Waivers
Project Name:	Manning's Body Shop
Location:	11300 Electron Drive
Owner:	Manning Real Estate Venture, LLC
Applicant:	Manning Real Estate Venture, LLC
Representative:	Travis Saylor, Luckett & Farley
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Laura Mattingly, Planner II

REQUEST

- **Waiver of Section 10.2.4.B** to allow parking to encroach into the required 15' property perimeter Landscape Buffer Area along the east property line.
- **Waiver of Section 10.2.11** to allow the proposal to not provide the required Internal Landscape Areas within the new parking areas located along the south and east areas of the site.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant has proposed an increase in parking for an existing paint and body shop. The proposal includes an increase in parking from 23 spaces to 54 spaces and a 38.5% increase in vehicle use area. These improvements have already been made but do not comply with the landscape regulations for Landscape Buffer Areas or Internal Landscape Areas. The applicant has proposed to provide the required Internal Landscape Area trees on other parts of the site and all required plantings for the Landscape Buffer Areas.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Paint and Body Shop	PEC	SW
Proposed	Paint and Body Shop	PEC	SW
<i>Surrounding Properties</i>			
North	Manufacturing	PEC	SW
South	Warehouse	M-3	SW
East	Warehouse/Telecom Company	PEC	SW
West	Warehouse	PEC	SW

PREVIOUS CASES ON SITE

None found.

INTERESTED PARTY COMMENTS

One email was received in opposition, citing runoff overflow onto the property to the south.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code-September 2015

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of Section 10.2.4.B to allow parking to encroach into the required 15' property perimeter Landscape Buffer Area along the east property line.

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

STAFF: The waiver will not adversely affect adjacent property owners as the required plantings requirements will still be met.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls 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 the impacts from 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as the abutting use is similar in intensity and therefore compatible. The applicant has agreed to plant the required trees in the remaining portion of the buffer to meet the intent of the requirement.

(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 additional parking is necessary for the continued function of the business.

(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 complying with the regulations would result in the loss of the needed parking.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of Section 10.2.11 to allow the proposal to not provide the required Internal Landscape Areas within the new parking areas located along the south and east areas of the site.

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

STAFF: The waiver will not adversely affect adjacent property owners as the applicant has agreed to plant the required number of Internal Landscape Area trees at alternate locations within the site. Specifically, additional trees will be planted along the west and south edges of the parking lot in order to provide shade.

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

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. This policy is not violated, as the parking expansions are single rows of parking around the perimeter of the existing vehicle use area. The trees that will be planted around the boundaries of the parking lot will have the same intent as trees planted within the required Internal Landscape Areas in this case.

- (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 trees that would have been placed in the Internal Landscape Areas are being replaced by the same number of trees at alternative locations within the property.

- (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 not deprive the applicant of the reasonable use of the land as complying with the regulations would result in the loss of the needed parking and would result in additional costs to the applicant.

TECHNICAL REVIEW

- The City of Jeffersontown is reviewing the Category 2b plan.

STAFF CONCLUSIONS

The requested waivers appear to be adequately justified and meet the standard of review as proposed. This is based on the standard of review and staff analysis.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting the Waivers established in the Land Development Code.

REQUIRED ACTIONS

Recommend to the City of Jeffersontown:

- **APPROVAL or DENIAL** of the **Waiver of Section 10.2.4.B** to allow parking to encroach into the required 15' property perimeter Landscape Buffer Area along the east property line.
- **APPROVAL or DENIAL** of the **Waiver of Section 10.2.11** to allow the proposal to not provide the required Internal Landscape Areas within the new parking areas located along the south and east areas of the site.

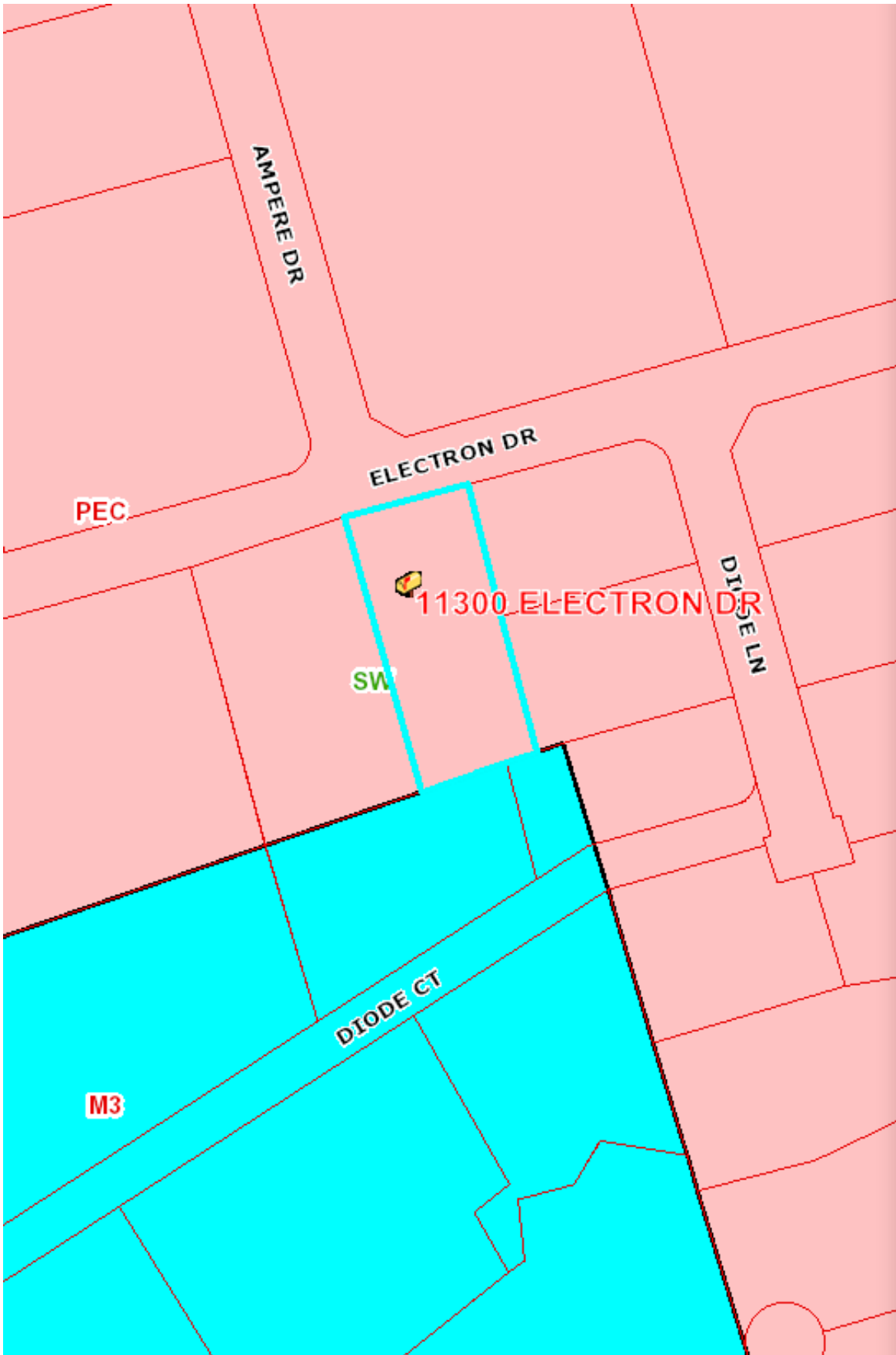
NOTIFICATION

Date	Purpose of Notice	Recipients
03/23/2017	Public Hearing - DRC	Neighborhood notification recipients
03/23/2017	Public Hearing - DRC	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

