

Development Review Committee

Staff Report

November 18, 2015



Case No:	15devplan1154
Request:	RDDP with waivers
Project Name:	Old Bardstown Road Storage
Location:	8814 Old Bardstown Road
Owner:	KWB Investments LLC
Applicant:	KWB Investments LLC
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	22-Robin Engel
Case Manager:	Julia Williams, RLA, AICP, Planner II

REQUEST

- Waivers:
 1. Waiver from 5.12.2 to not provide an outdoor amenity area
 2. Waiver from 10.2.4 to permit encroachments into the 25' LBA along the north property line.
- Revised District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to construct a mini-warehouse storage facility zoned C-M. The applicant proposes to utilize the existing 4,050 square foot residential building on the property as an office and manager's residence. The plan shows 8 free-standing storage buildings that encompass 105,400 square feet of storage space. The property is proposed to be fenced and gated and will include 25' landscape buffer areas along the perimeter. The site is located in a predominantly residential area and all surrounding properties are zoned R-4 or R-5 and are within the Neighborhood Form District.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Mini-Warehouses	C-M	Neighborhood
Proposed	Mini-Warehouses	C-M	Neighborhood
Surrounding Properties			
North	Single-Family Residential	R-4	Neighborhood
South	Cambridge Commons Garden Homes	R-4 & R-5	Neighborhood
East	Single-Family Residential	R-4	Neighborhood
West	Single-Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

17867- Revised DDP approved in 2012

16209- Change in zoning from PRD to CM for mini-storage, approved April, 2012.

13854 – In July 2010 the property was rezoned from R-5A to PRD to allow a 41 unit attached single-family residential development.

8867 – In December 2007 this property was rezoned from R-4 & C-1 to R-5A to allow 41 patio home units. It should be noted that up until this 2007 rezoning, the front portion of this property had been used and zoned commercially for many years.

INTERESTED PARTY COMMENTS

None received

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Fern Creek Small Area Plan (2001) – The Fern Creek Small Area Plan does not encourage commercial activity south of the Snyder Freeway and north of the Thixton Lane area.

Snyder Freeway Corridor Development Guidelines (1988) – The Snyder Freeway plan indicates that neighborhood commercial and office uses that serve nearby residents may be appropriate if a particular site has adequate access to a collector level roadway and Old Bardstown Road is a collector level roadway.

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: 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 and the Kentucky Transportation Cabinet have 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 with 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 provisions 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 land uses are compatible with the existing and future development of the area. 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 requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 Amenity Area

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

STAFF: The waiver will not adversely affect adjacent property owners since an amenity area would only serve the subject site.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since there are no employees that would benefit from an amenity 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 there are no employees that would benefit from an amenity 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: 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 since there are no employees that would benefit from an amenity area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER#2 LBA Encroachments

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

STAFF: The waiver will not adversely affect adjacent property owners since the encroachments are existing and the landscape requirements will still be met along the perimeter.

- (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. The landscape requirements will still be met along the perimeter.

(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 encroachments are existing and the landscape requirements will still be met along the perimeter.

(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 since the encroachments are existing.

TECHNICAL REVIEW

- See agency comments for development plan review comments.

STAFF CONCLUSIONS

The development plan conforms to requirements of the Land Development Code.

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 LDC Waivers and a Revised District Development established in the Land Development Code.

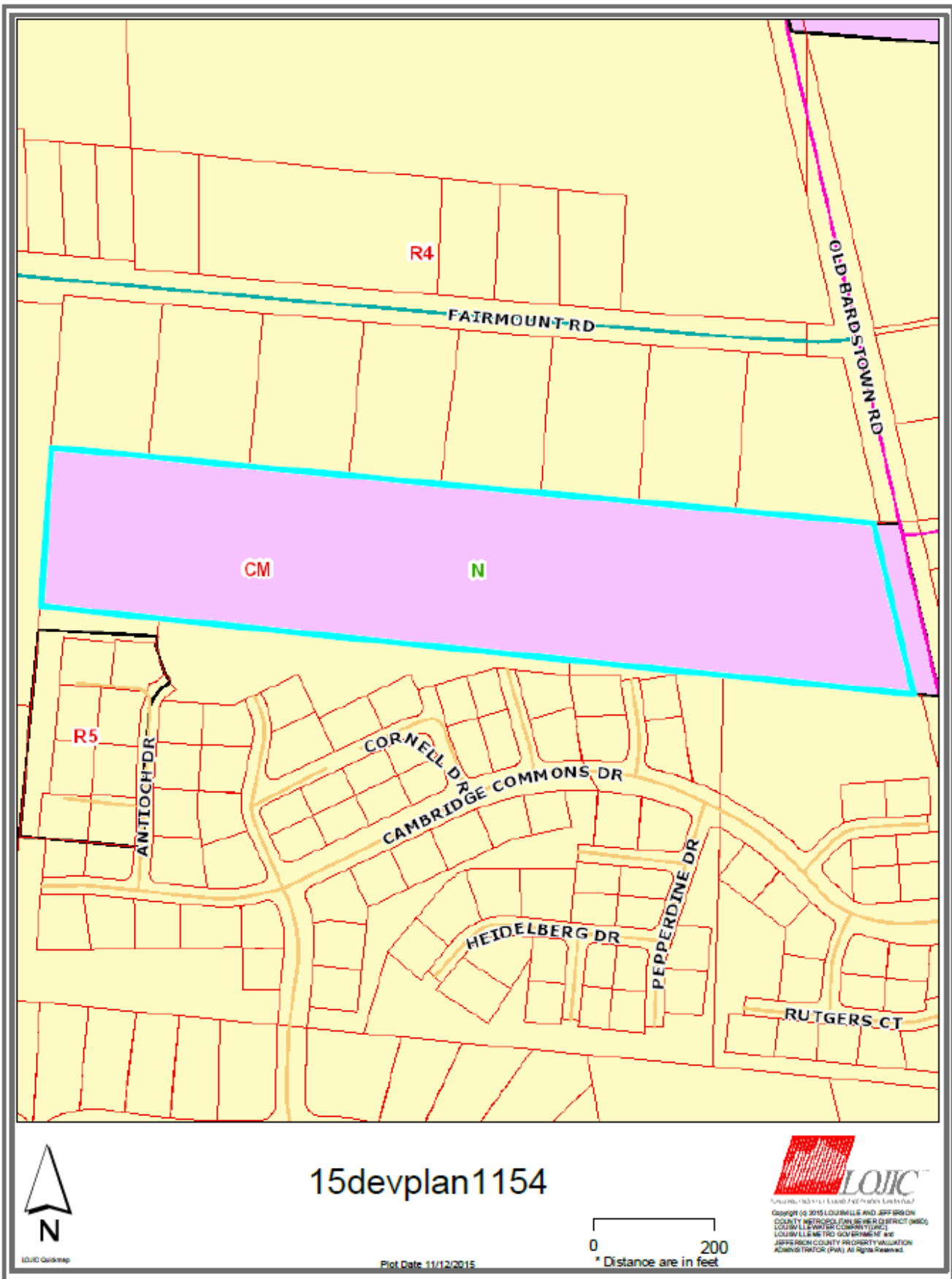
NOTIFICATION

Date	Purpose of Notice	Recipients
11/4/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 22 Notification of Development Proposals

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. **Proposed Binding Elements**

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 storage portion of the development shall not exceed 111,100 square feet of gross floor area.
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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the appropriate road agency with authority over Old Bardstown Road.
 - c. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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.
6. 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 11/18/15 DRC meeting.
8. Hours of operation will be limited to 6 am to 11 pm, Monday through Sunday.
9. There shall be no outdoor storage on site.
10. Light poles and fixtures shall not extend above perimeter walls and shall be focused down and away from adjoining properties in order that no light source is visible off site.

11. Exterior building materials shall be limited to brick and/or split face block with integrated or baked on paint of a reddish color similar to the color of brick in the Cambridge Commons patio home community.
12. The only signage shall be letters attached to a residential signature entrance style wall, substantially similar to the elevation of the same produced at the 3/1/12 Planning Commission hearing.
14. Security fencing where walls do not exist shall be black brushed aluminum or wrought iron style.
1. The Old Bardstown Road frontage shall be heavily landscaped substantially in accordance with the elevation renderings of the same produced at the 3/1/12 Planning Commission public hearing so as to limit visibility into the inside of the mini-storage facility except at the entrance gate.
15. Access to the site shall be limited to a key coded entrance gate that shall remain closed except when opened for vehicles entering or exiting the facility.
16. No retail sales shall take place on site except the sale of boxes to renters of these storage units.
17. No business shall be conducted out of any storage units.
18. Hazardous material shall not be kept in any storage units.
19. C-M Commercial Manufacturing uses of this property shall be limited to mini-storage, unless a new use is proposed which shall require review in a Planning Commission public hearing against all the "impact mitigation" Guidelines and Policies of the Comprehensive Plan, knowing that no use alternatives to mini-storage are guaranteed because of this rezoning, but rather a brand new impact mitigation Planning Commission assessment and determination under the Comprehensive Plan must first be made.