

Development Review Committee

Staff Report

February 5, 2020



Case No:	19-WAIVER-0109
Project Name:	HB Mold Warehouse
Location:	3001 Watterson Trail
Owner(s):	Hallam Properties, LLC
Applicant:	John Flynn II, Flynn Construction Services, LLC
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST:

1. **Waiver** of Land Development Code 10.2 to allow parking, retaining wall and access to encroach into required LBA

CASE SUMMARY/BACKGROUND

The subject site is zoned PEC Planned Employment Center in the Suburban Workplace form district and the City of Jeffersontown. It is located east of Watterson Trail and south of Electron Drive.

The applicant is requesting to allow parking, a retaining wall, and access to encroach into the LBA on the north property line where it borders 10704 Electron Drive. Both sites are developed as shown on the plan, with three existing buildings. According to the applicant, the parking was shifted to accommodate site conditions, which resulted in the encroachments for which the waiver is requested. The applicant proposes to provide all required plantings.

Previous cases:

- 13DEVPLAN1036: Development plan for office/warehouse development
- 18LSCAPE1337: Landscape plan to which the waiver applies

STAFF FINDINGS

The waiver request is adequately justified and meets the standard of review. Staff recommends that the Development Review Committee discuss with the applicant the site conditions which resulted in the need for the requested waiver, where the required plantings will be located, and whether there are opportunities to plant additional plantings as mitigation for the requested encroachment.

TECHNICAL REVIEW

MSD and Public works have provided preliminary plan review.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2 TO ALLOW PARKING, RETAINING WALL AND ACCESS TO ENROACH INTO REQUIRED LBA

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

STAFF: The waiver will not adversely affect adjacent property owners, since the property perimeter where the waiver request applies is adjacent to a neighboring building façade which does not have windows, and a grassy area that divides the subject site from a parking lot in the neighboring property to the north.

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

STAFF: Land Use & Development Goal 1, Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Land Use & Development Goal 1, Policy 10 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density.

The subject site and the abutting property are both zoned PEC Planned Employment Center. PVA lists the subject site's use as Manufacturing/Warehouse, and the abutting site to the north is listed as Commercial Office. The intensity of uses does not appear to be substantially different and no known adverse visual intrusions should occur.

- (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 property perimeter where the waiver request applies is adjacent to a neighboring building façade which does not have windows, and a grassy area that divides the subject site from a parking lot in the neighboring property to the north. Staff recommends the Committee discuss with the applicant the site characteristics which resulted in the need to shift the parking lot, access, and retaining wall. Additionally, staff recommends the Committee discuss with the applicant whether there is an opportunity for additional plantings as mitigation for the requested waiver.

- (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, according to the applicant, there are site conditions which necessitated the encroachment for which the waiver is requested.

REQUIRED ACTIONS:

- **Recommend APPROVAL or DENIAL of the Waiver to Jeffersontown**

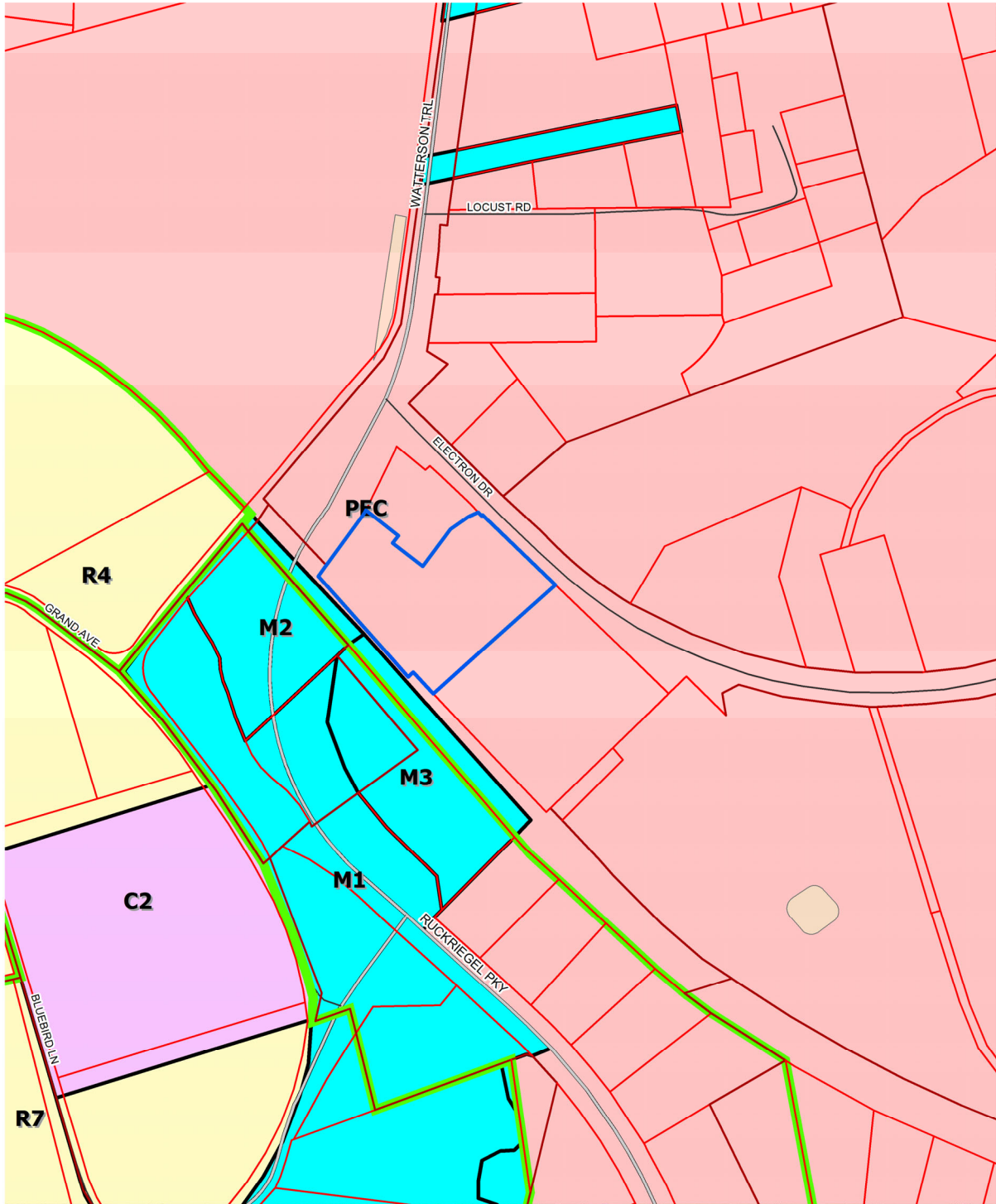
NOTIFICATION

Date	Purpose of Notice	Recipients
2-5-20	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

ATTACHMENTS

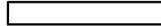
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



3001 WATTERSON TRAIL

feet



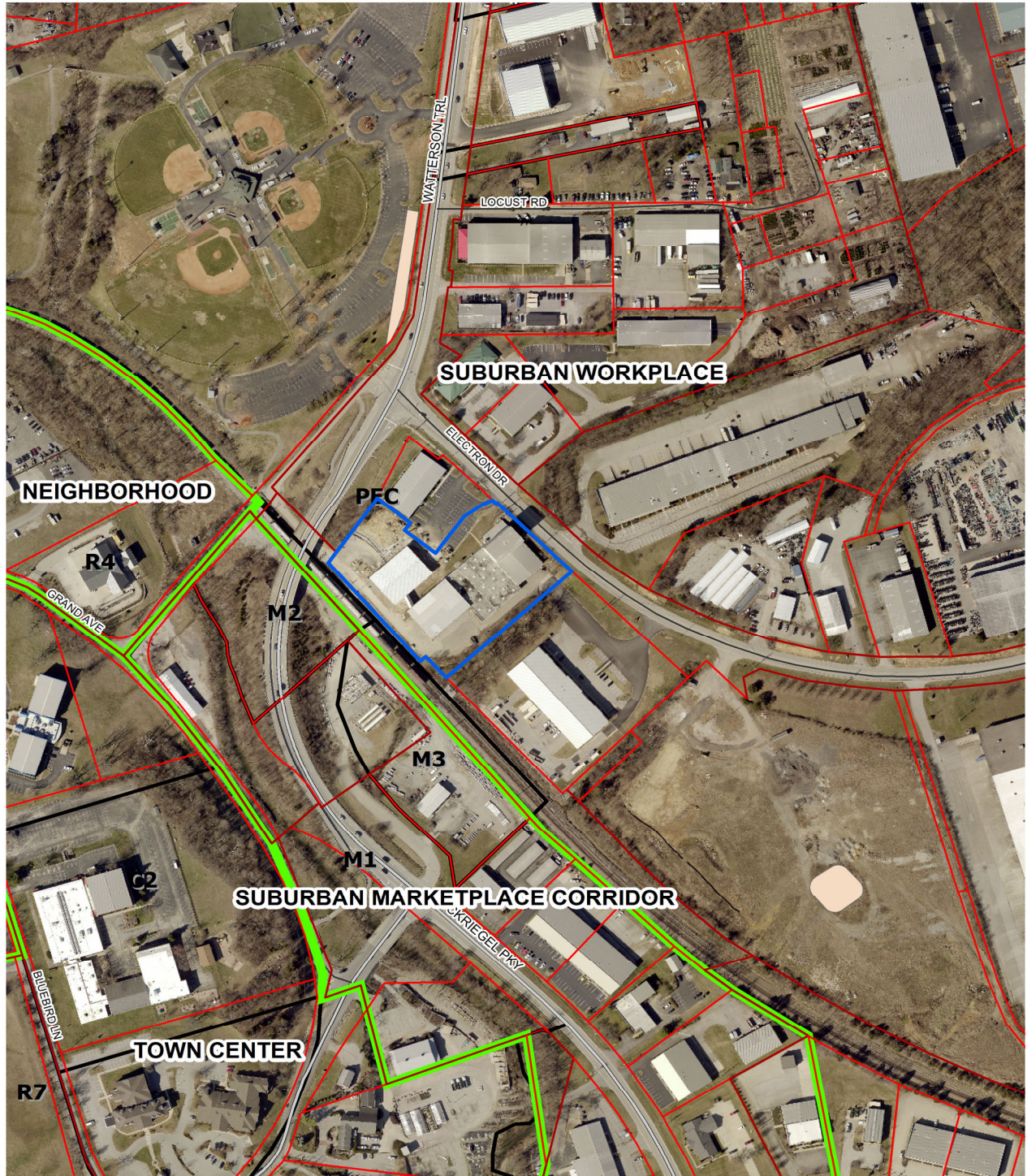
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Map Created: 1/27/2020



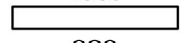
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2. Aerial Photograph



3001 WATTERSON TRAIL

feet



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Map Created: 1/27/2020



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