

Development Review Committee

Staff Report

May 14, 2014



Case No:	14DEVPLAN1043
Project Name:	Chamberlain Crossing Business Park
Location:	2500 Chamberlain Crossing Drive
Owner:	Chamberlain Crossings TIC
Applicant:	Same as owner
Representative:	Land Design and Development
Project Area/Size:	5.6 acres
Existing Zoning District:	PEC, Planned Employment Center
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	17 – Ken Fleming
Case Manager:	Matthew R. Doyle, Planner I

REQUESTS

- Waiver of section 5.5.4.B.1 and 10.2.4 to reduce the 50 ft. Landscape Buffer Area (LBA) to 15 ft., to waive the 6 ft. berm and 8 ft. tall screen, and to allow the proposed parking area to encroach into the proposed 15 ft. LBA along the northwest property line
- Waiver of section 5.5.4.B.1 and 10.2.4 to waive the 6 ft. berm and allow the existing sanitary sewer and drainage easement to overlap the 50 ft. LBA more than 50% along the northeast property line
- Waiver of section 10.2.4 to waive the 15 ft. LBA along the JR Real Estate, LLC property to the southwest and along the Nicklies Industrial, LLC/ Hank 1, LLC property to the southeast
- Waiver of section 10.2.4 to allow the existing utility easements to overlap the 10 ft. LBA along Chamberlain Crossing Drive more than 50%
- Revised Detailed District Development Plan (RDDDP)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located in the Chamberlain Crossing Business Park along Collins Lane, north of the Gene Snyder Freeway and near the Ford Kentucky Truck Plant. It is plan certain and the zoning was changed from R-4 to C-M in 2002 and from C-M to PEC in 2005. The site abuts a vacant residential property to the northwest, a railroad to the northeast, and a warehouse/office use and a for-profit college campus to the southeast. The vacant residential property to the northwest has a pre-application for a change in zoning from R-4 to PEC for truck service, towing, and storage facility. Also, the site is adjacent to single family residential to the southwest across Collins Lane.

The proposed RDDDP is similar to the previously approved RDDDP in 2005 with respect to use (i.e., warehouse/office); however, a few differences should be noted with respect to site design. While the size of the building is almost exactly the same (i.e., 78,400 vs. 78,600 sq. ft.), the footprint of the proposed building is wider and shorter than the previously approved building. This moves it 10 ft. closer to the northwest property line and further into the 50 ft. LBA, as well as up to the 25 ft. required yard along Chamberlain Crossing Drive, where a portion of the building actually encroaches the 25 ft. required setback.

The altered footprint of the proposed building moves the parking and loading to the front and the rear of the building respectively. They were previously located along the side of the building facing Chamberlain Crossing Drive. Consequently, the parking and loading areas are closer to the R-4 property to the northwest. A portion of the parking lot in the front actually encroaches into the proposed 15 ft. LBA along the northwest property line.

Since this is a new plan that proposes significant changes in site design, waivers previously granted are null and void; therefore, the applicant requests a waiver of section 5.5.4.B.1 and 10.2.4 to reduce the 50 ft. LBA to 15 ft., to waive the 6 ft. berm and 8 ft. tall screen, and to allow the proposed parking area to encroach into the proposed 15 ft. LBA along the northwest property line. The applicant also requests a waiver of section 5.5.4.B.1 and 10.2.4 to waive the 6 ft. berm and allow the existing sanitary sewer and drainage easement to overlap the 50 ft. LBA more than 50% along the northeast property line.

The applicant requests two more waivers with this RDDDP:

- a waiver of section 10.2.4 to waive the 15 ft. LBA along the JR Real Estate, LLC property to the southwest and along the Nicklies Industrial, LLC/ Hank 1, LLC property to the southeast; and
- a waiver of section 10.2.4 to allow the existing utility easements to overlap the 10 ft. LBA along Chamberlain Crossing Drive more than 50%.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	PEC	SW
Proposed	Warehouse/office	PEC	SW
Surrounding Properties			
Northwest	Vacant single family residential	R-4	SW
Northeast	Railroad	R-4	SW
Southeast	Warehouse and for-profit college	PEC	SW
Southwest	Single family residential	R-4	SW

PREVIOUS CASES ON SITE

- 9-62-02: Change in zoning from R-4 Single Family Residential to C-M Commercial Manufacturing and approval of a General Detailed District Development Plan for an office/warehouse development containing 7 buildings and a total building area of 176,753 sq. ft.
- 9-31-05: Change in zoning from C-M Commercial Manufacturing to PEC Planned Employment Center and approval of a Detailed District Development Plan for an office/warehouse development containing 2 buildings and total building area of 211,238 sq. ft. Waivers were granted from section 5.5.4.B.1 of the LDC to allow the proposed structures and parking areas to encroach into the 50 ft. LBA, to waive the 50 ft. LBA along the northeast property line and to waive the continuous 8 ft. tall screen required along the adjacent R-4 zoned properties. The plan was revised later in 2005 with slight modifications to the layout and a reduction in the total building area.

INTERESTED PARTY COMMENTS

Staff has not received any comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.4.B.1 and 10.2.4 to reduce the 50 ft. LBA to 15 ft., to waive the 6 ft. berm and 8 ft. tall screen, and to allow the proposed parking area to encroach into the proposed 15 ft. LBA along the northwest property line:

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

STAFF: The waiver will not adversely affect adjacent property owners since the required trees will be planted in the proposed 15 ft. LBA and the adjacent residential property is vacant.

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

STAFF: The waiver request will not violate specific guidelines of Cornerstone 2020 as the required trees will be planted in the proposed 15 ft. LBA and the adjacent residential property is vacant.

- 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 required trees will be planted in the proposed 15 ft. LBA.

- 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 since the regulations significantly reduce the developable area and would deprive the applicant of the reasonable use of industrially zoned property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.4.B.1 and 10.2.4 to waive the 6 ft. berm and allow the existing sanitary sewer and drainage easement to overlap the 50 ft. LBA more than 50% along the northeast property line

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

STAFF: The waiver will not adversely affect adjacent property owners since the required trees and screening will be planted in the 50 ft. LBA.

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

STAFF: The waiver request will not violate specific guidelines of Cornerstone 2020 as the required trees and screening will be planted in the 50 ft. LBA.

- 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 required trees and screening will be planted in the 50 ft. LBA.

- 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 since the required trees and screening will be planted in the 50 ft. LBA.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4
to waive the 15 ft. LBA along the JR Real Estate, LLC property to the southwest
and along the Nicklies Industrial, LLC/ Hank 1, LLC property to the southeast**

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

STAFF: The waiver will not adversely affect adjacent property owners since an adequate LBA is already being provided by the abutting properties in the business park.

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

STAFF: The waiver request will not violate specific guidelines of Cornerstone 2020 as an adequate LBA is already provided by the abutting properties in the business park.

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 required plant materials could not be planted in the detention basin and easements and an adequate LBA is already provided by the abutting properties in the business park.

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 since the required plant materials could not be planted in the detention basin and easements.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4
to allow the existing utility easements to overlap the 10 ft. LBA
along Chamberlain Crossing Drive more than 50%**

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

STAFF: The waiver will not adversely affect adjacent property owners since the required plantings will be planted in the LBA.

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

STAFF: The waiver request will not violate specific guidelines of Cornerstone 2020 as the required plantings will be planted in the LBA.

- 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 required plantings will be planted in the LBA.

- 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 since the required plantings will be planted in the LBA.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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: There does not appear to be any environmental constraints or historic resources on the subject site. 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 will be provided. Transportation Plan Review 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: Provisions of sufficient open space will be provided.

- 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 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 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.

- 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.

TECHNICAL REVIEW

A variance is required to permit the proposed structure to encroach into the 25 ft. required setback along Chamberlain Crossing Drive. The hearing before the Board of Zoning Adjustment is scheduled for May 19th.

STAFF CONCLUSIONS

- The applicant is proposing a warehouse/office development with a total building area of 78,400 sq. ft. in the Chamberlain Crossing Business Park.
- The proposed development plan and waivers appears to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for granting the waivers and approving the RDDDP.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the waiver of section 5.5.4.B.1 and 10.2.4 to reduce the 50 ft. LBA to 15 ft., to waive the 6 ft. berm and 8 ft. tall screen, and to allow the proposed parking area to encroach into the proposed 15 ft. LBA along the northwest property line.
- **APPROVE** or **DENY** the waiver of section 5.5.4.B.1 and 10.2.4 to waive the 6 ft. berm and allow the existing sanitary sewer and drainage easement to overlap the 50 ft. LBA more than 50% along the northeast property line.
- **APPROVE** or **DENY** the waiver of section 10.2.4 to waive the 15 ft. LBA along the JR Real Estate, LLC property to the southwest and along the Nicklies Industrial, LLC/ Hank 1, LLC property to the southeast
- **APPROVE** or **DENY** the waiver of section 10.2.4 to allow the existing utility easements to overlap the 10 ft. LBA along Chamberlain Crossing Drive more than 50%
- **APPROVE** or **DENY** the Revised Detailed District Development Plan.

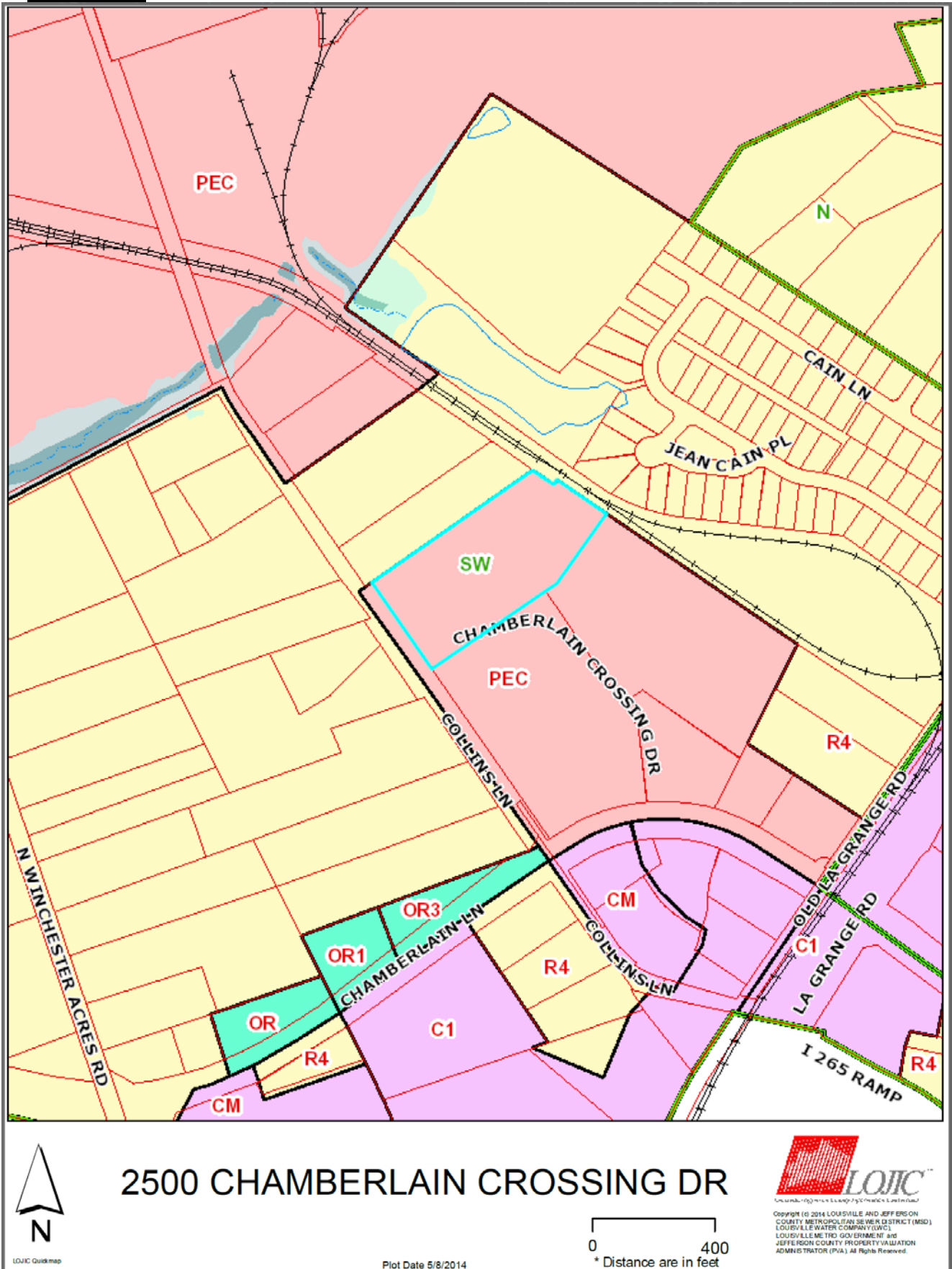
NOTIFICATION

Date	Purpose of Notice	Recipients
5/1/14	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



2500 CHAMBERLAIN CROSSING DR



LOJIC Quickmap

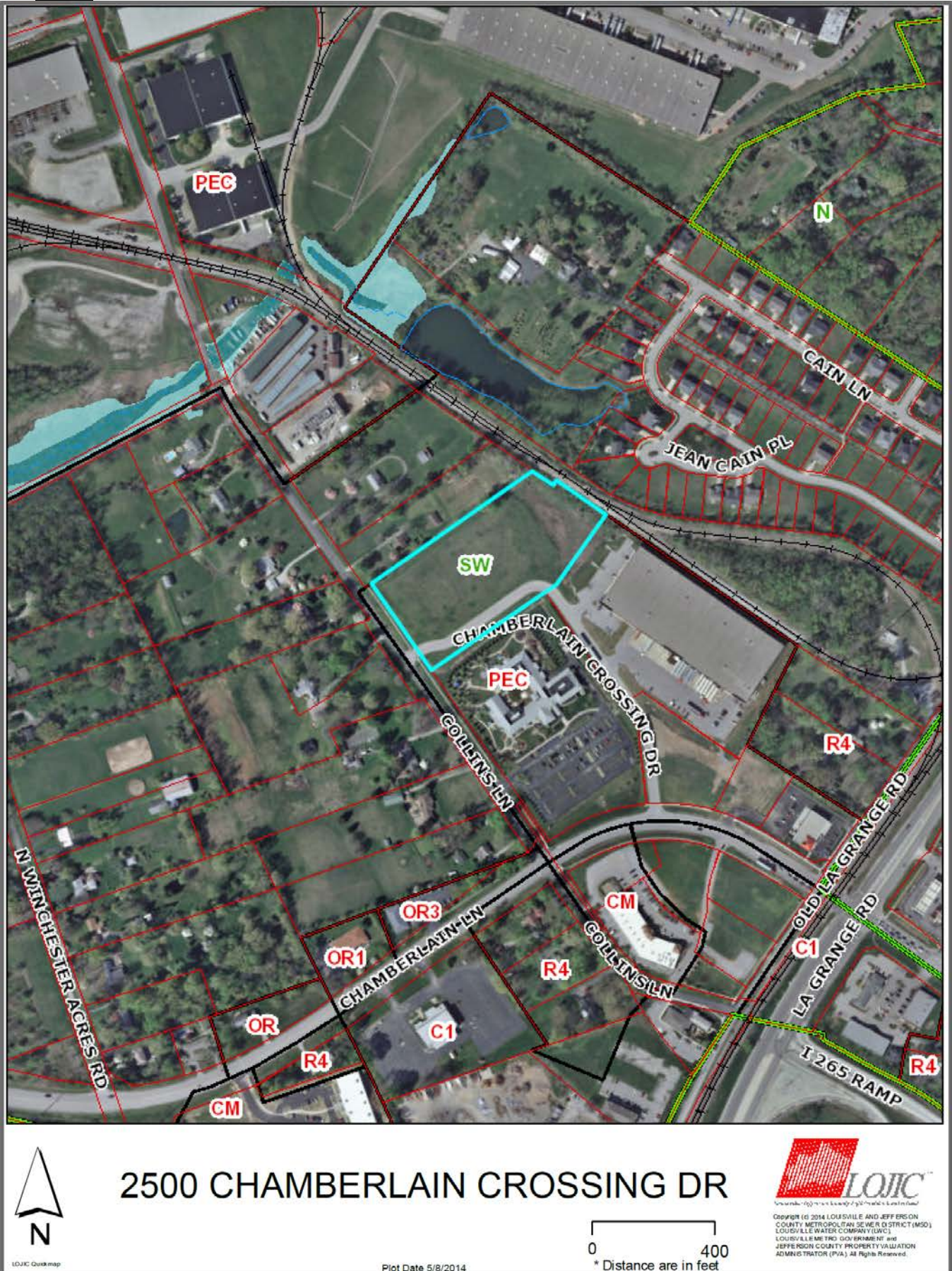
Plot Date 5/8/2014

0 400
* Distance are in feet



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2. Aerial



2500 CHAMBERLAIN CROSSING DR



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Plot Date 5/8/2014

0 400
* Distance are in feet

3. Existing 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 development shall not exceed 207,412 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Before any permit is requested:
 - a. The development plan must receive full construction approval from 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.
7. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
8. 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.
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 May 26, 2005 LD&T meeting.
11. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.

12. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
13. All street signs shall be installed by the Developer, and shall conform with the *Manual on Uniform Traffic Control Devices* (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
14. Use of the subject site shall be limited to auto and truck assembly and truck and auto parts assembly and other uses permitted in the M-1 district. There shall be no other use of the property unless prior approval is obtained from the LD& T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures.

4. Proposed Binding Elements

2. The development shall not exceed ~~207,412~~ **207,212** square feet of gross floor area.
10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~May 26, 2005 LD&T meeting~~ **May 14, 2014 DRC meeting**.