

Development Review Committee
Staff Report
June 5, 2019



Case No:	18DEVPLAN1182
Project Name:	Airport Industrial Center
Location:	114 Rochester Dr
Owner(s):	Louisville & Jefferson County Redevelopment
Applicant:	John McLaren, Titan Research & Development
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

Waiver

1. **Waiver** of Section 10.2.4 to allow parking areas to encroach into the LBAs on the north and south property lines and to eliminate the LBAs
2. **Waiver** of Section 5.12.2 to eliminate the Outdoor Amenity Area

Request:

1. **Revised Development Plan with Binding Element Amendments**

CASE SUMMARY/BACKGROUND

The subject site is zoned EZ-1 Enterprise Zone in the Suburban Workplace form district, with an M-3 Industrial zoned portion of .6884 acres in the northwest quadrant of the site. The subject site is otherwise surrounded by EZ-1 properties and is part of the Airport Industrial Center. The applicant is proposing to demolish the existing buildings (with the exception of the building on the M-3 zoned portion) and construct a 120,000 square foot building in Phase I, and an 80,000 square foot building in Phase II.

Additionally, the applicant is requesting a waiver to allow the parking areas near both buildings to encroach into the landscape buffer areas on the north and south property lines and to not provide the landscape buffer areas. The applicant has requested plantings be located off-site at a nearby Metro-owned park, Beechmont Baseball Fields on Rochester Drive.

The subject site will be heard for variance request, 19VARIANCE1038, at the Board of Zoning Adjustment hearing on June 17, 2019. The Development Review Committee takes no action on this request.

Previous cases:

- 9-14-04: Change in zoning from M-3 Suburban Workplace to EZ-1 Suburban Workplace

Staff recommends removal of General Plan Binding Element #6:

6. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:
 - a. Mounting Height Limit
 - b. Luminaire Shielding
 - c. Canopy Lighting Level
 - d. Light Trespass

STAFF FINDINGS

Waiver #1 and the Revised Development Plan are adequately justified and meet the standard of review.

Staff recommends that the Development Review Committee discuss whether one of the Interior Landscape Areas (ILAs) shown on the plan could accommodate an Outdoor Amenity Area, since the applicant is providing more ILA square footage than is required. The applicant is proposing ILAs that equal 14% of the proposed Vehicular Use Area rather than the required 7.5%. The development proposes two buildings equaling a total of 200,000 square feet. Even if both buildings are used completely for office space, the required amenity area would be 20,000 (10%) square feet, which is an area roughly 200 feet by 100 feet. At the time this staff report was written, it was unclear how much square footage of the proposed buildings would be devoted to office space, however it is highly unlikely that all 200,000 square feet would be office space.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

An email was received asking about the environmental concerns listed on the deed. These concerns are not part of Planning and Design Services Review.

An email was received asking for additional information regarding the waiver and variance requests, and suggesting a potential location for the off-site plantings.

Both of these emails are included in the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM CHAPTER 10.2.4 TO ALLOW EXISTING PARKING AREAS TO ENCROACH INTO THE LBAs ON THE NORTH AND SOUTH PROPERTY LINES AND TO ELIMINATE THE LBAs

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

STAFF: The waiver will not adversely affect adjacent property owners since there is currently no landscaping or plantings in the LBAs on either the north or south property lines. There is existing parking on the south property line, and the north property line has a green grassy space but there do not appear to be any plantings. The applicant is requesting to fulfill tree canopy requirements by planting off-site, at a nearby Metro-owned baseball field on Rochester Drive.

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

STAFF: Land Use & Development Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Land Use & Development Goal 1, Policy 12 calls for proposals to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. 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.

The subject site is interior to the Airport Industrial Center development, which does not appear to have any plantings along Rochester Drive or Technology South Drive, both of which are private roads. Additionally, this is an industrial area with no residential structures. The subject site is surrounded by private streets.

- (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 nearby sites in the vicinity of the subject site do not appear to provide the minimum plantings. Additionally, the subject site is internal to the Airport Industrial Center as a whole, and nearby sites within the Center do not appear to be providing plantings.

- (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 applicant has compensated for non-compliance by proposing Interior Landscape Areas in excess of the square footage required. Also, the applicant has requested that tree canopy plantings be located off-site at a nearby Metro-owned park, Beechmont Baseball Fields on Rochester Drive.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM CHAPTER 5.12.2 TO ELIMINATE THE OUTDOOR AMENITY AREA

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

STAFF: The waiver will not adversely affect adjacent property owners as all adjacent properties are industrial facilities and internal to the Airport Industrial Center.

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

STAFF: Land Use & Development Goal 2, Policy 12 calls for the encouragement of large developments in activity centers to be compact, multipurpose centers designed with public spaces including green spaces and plazas with artistic amenities. Land Use & Development

Goal 1, Policy 1 limits land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees.

Staff recommends that the Development Review Committee discuss whether an Interior Landscape Area can be used to accommodate an Outdoor 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 not the minimum necessary to afford relief to the applicant, as there is adequate outdoor space (ILAs) to accommodate an Outdoor 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 applicant has incorporated other design measures that exceed the minimums of the district by providing Interior Landscape Areas (ILAs) that equal 14% of the proposed Vehicular Use Area rather than the required 7.5%. However, the ILAs could be redesigned to accommodate an Outdoor Amenity Area for employees. An ILA could easily accommodate a landscaped green area with seating, outdoor dining, sidewalks, plaza or patio area, all of which are examples of Outdoor Amenities provided in the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

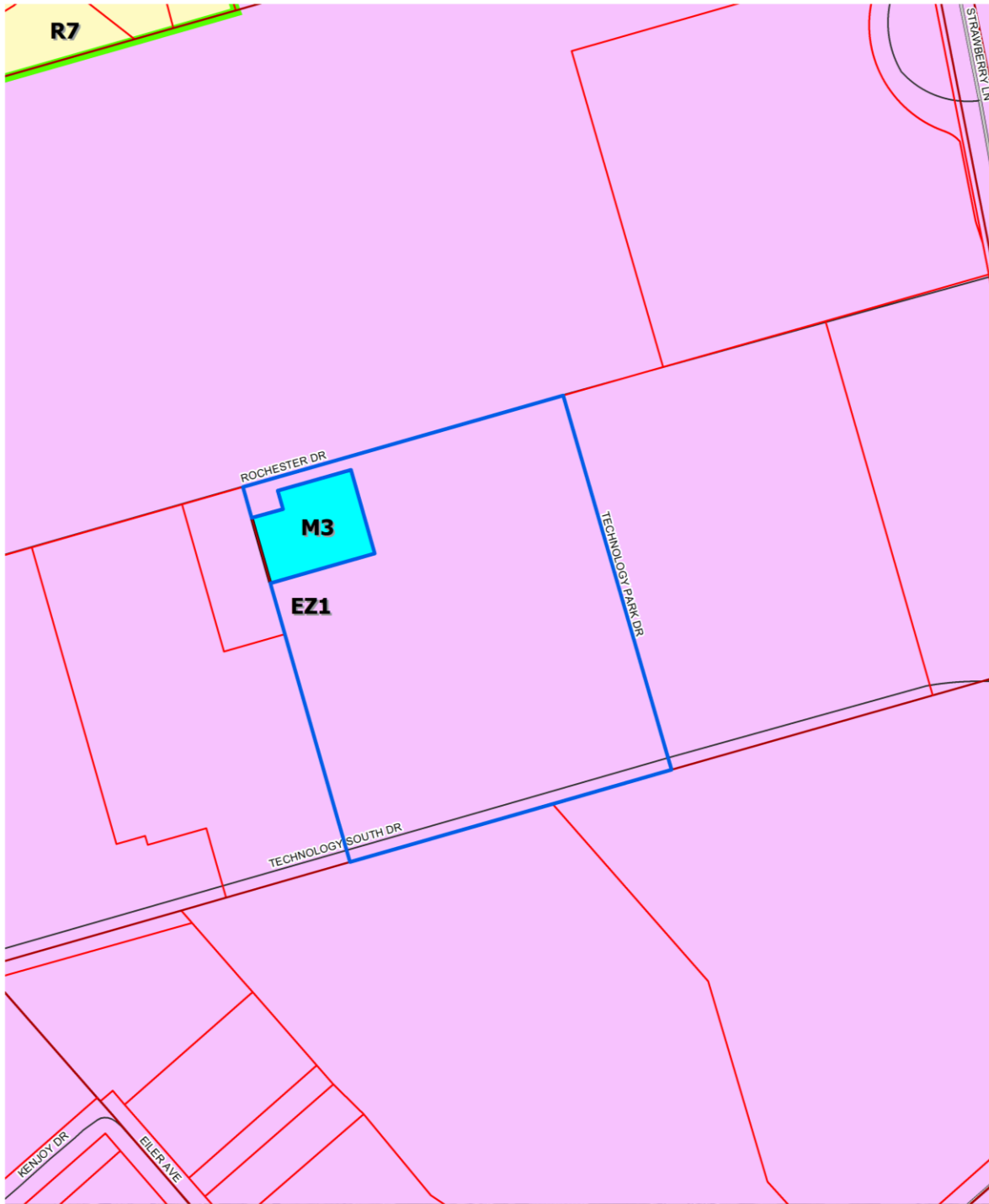
NOTIFICATION

Date	Purpose of Notice	Recipients
6-5-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 21

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing General Plan Binding Elements
4. Existing Site Binding Elements
5. Proposed Site Binding Elements

1. **Zoning Map**



114 ROCHESTER DR

feet



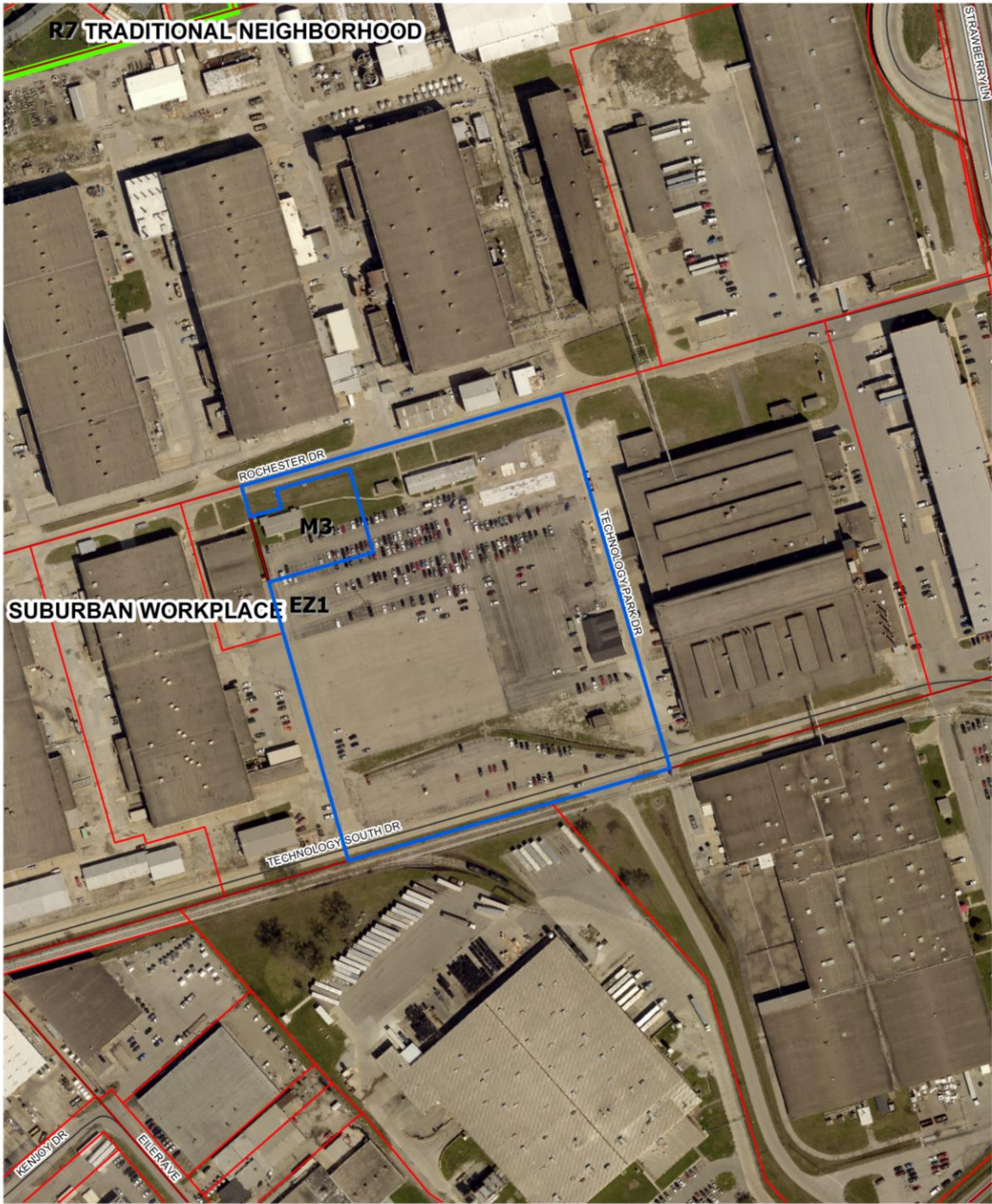
240

Map Created: 5/9/2019



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2. Aerial Photograph



114 ROCHESTER DR

feet



240

Map Created: 5/9/2019



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3. Existing General Plan 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's designees for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.

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) 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.

5. 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.

~~6. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items:~~

- ~~e. Mounting Height Limit~~
- ~~f. Luminaire Shielding~~
- ~~g. Canopy Lighting Level~~
- ~~h. Light Trespass~~

7. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

4. Proposed General Plan 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's designees for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.

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) permit is requested:

- b. 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.

5. 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.

6. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

5. Proposed Site Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.

3. No outdoor advertising signs, small freestanding signs, 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, or site disturbance is requested:
 - a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The appropriate variance(s) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - 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.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.