

Development Review Committee

Staff Report

November 4, 2015



Case No:	15Waiver1030
Project Name:	Research Drive Building Expansion
Location:	1733 Research Drive
Owner(s):	Noltemeyer Capital Ltd
Applicant:	Jeff Robinson, Summit Construction
Representative:	Amy Cooksey, Mindel Scott & Associates
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Sherie' Long, Landscape Architect

REQUESTS

Waiver #1: Waiver of the Land Development Code Section 10.2.4.B, to not provide the required 15' landscape buffer area (LBA) along the northeast perimeter.

Waiver #2: Waiver of the Land Development Code Section 10.2.4.B, to allow more than 50% overlap of a utility easement into the 15' required LBA along the rear of the property.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This is a Category 2B Development Plan in the City of Jeffersontown. The applicant has removed the existing warehouse to construct a new 66,850sf warehouse, loading area, and parking. The site is located on the southern side of Research Drive surrounded by properties which are a mix of commercial and industrial warehouses along with manufacturing all zoned PEC in the Suburban Workplace Form District. The applicant will be providing the required tree canopy in addition to providing the perimeter planting and screening along the northwest, southwest and southeast.

BACKGROUND/ PREVIOUS CASES

15MISC1008: Category 2B Development Plan – pending approval.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Industrial Warehouse	PEC	SW
Proposed	NA		
<i>Surrounding Properties</i>			
North	Industrial Warehouse	PEC	SW
East	Commercial & Industrial Warehouse	PEC	SW
South	Manufacturing/ Commercial Warehouse	PEC	SW
West	Industrial & Commercial Warehouse	PEC	SW

INTERESTED PARTY COMMENTS

No inquiries have been received.

APPLICABLE PLANS AND POLICIES

Land Development Code (City of Jeffersontown)
Cornerstone 2020

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER

Waiver #1: Waiver of the Land Development Code Section 10.2.4.B, to not provide the required 15' landscape buffer area (LBA) along the northeast perimeter.

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

STAFF: The waiver will not adversely affect adjacent property owners since tree plantings will be provided in the proposed interior landscape areas.

(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 waiver will not violate the comprehensive plan. The adjacent property is similar in scale and intensity, therefore a buffer is not necessary. However, the planting of additional canopy trees between the two parking lots will shade the pavement; reduce the impact of stormwater runoff; and improve air quality.

(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 all the other perimeter planting are being provided along with the required tree canopy.

(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 and would create an unnecessary hardship on the applicant. To provide the required 15' LBA along this perimeter would impact the ability to provide both the necessary parking and increase the square footage of the proposed building. Both necessary to provide adequate facilities for the operation of the business.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER

Waiver #2: Waiver of the Land Development Code Section 10.2.4.B, to allow more than 50% overlap of a utility easement into the 15' required LBA along the rear of the property.

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing vegetation located along southeast perimeter is being preserved and additional plantings could be provided if necessary.

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

STAFF: Guideline 3, policy 9 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. 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 waiver request does not violate the comprehensive plan. The required buffer plantings will be provided even with the encroachment of the easements. Plus the existing vegetation provides an adequate buffer which meets the intent of the guidelines.

(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 plantings will be provided as required even with the encroachment.

(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 and compensate for non-compliance with the requirements to be waived (net beneficial effect). The existing vegetation is being preserved and additional plantings will be provided if need to adequately buffer the site perimeter.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

The waivers appear to be justified. The adjacent property is similar in scale and intensity, therefore a buffer is not necessary along the northeast perimeter. However, the planting of additional canopy trees between the two parking lots will shade the pavement; reduce the impact of stormwater runoff; and improve air quality. The required buffer plantings will be provided even with the encroachment of the easements. Plus the existing vegetation provides an adequate buffer which meets the intent of the guidelines.

Therefore, the Development Review Committee must determine if the proposal meets the standard for waivers established in the Development Code based on the testimony and evidence provided at the public hearing.

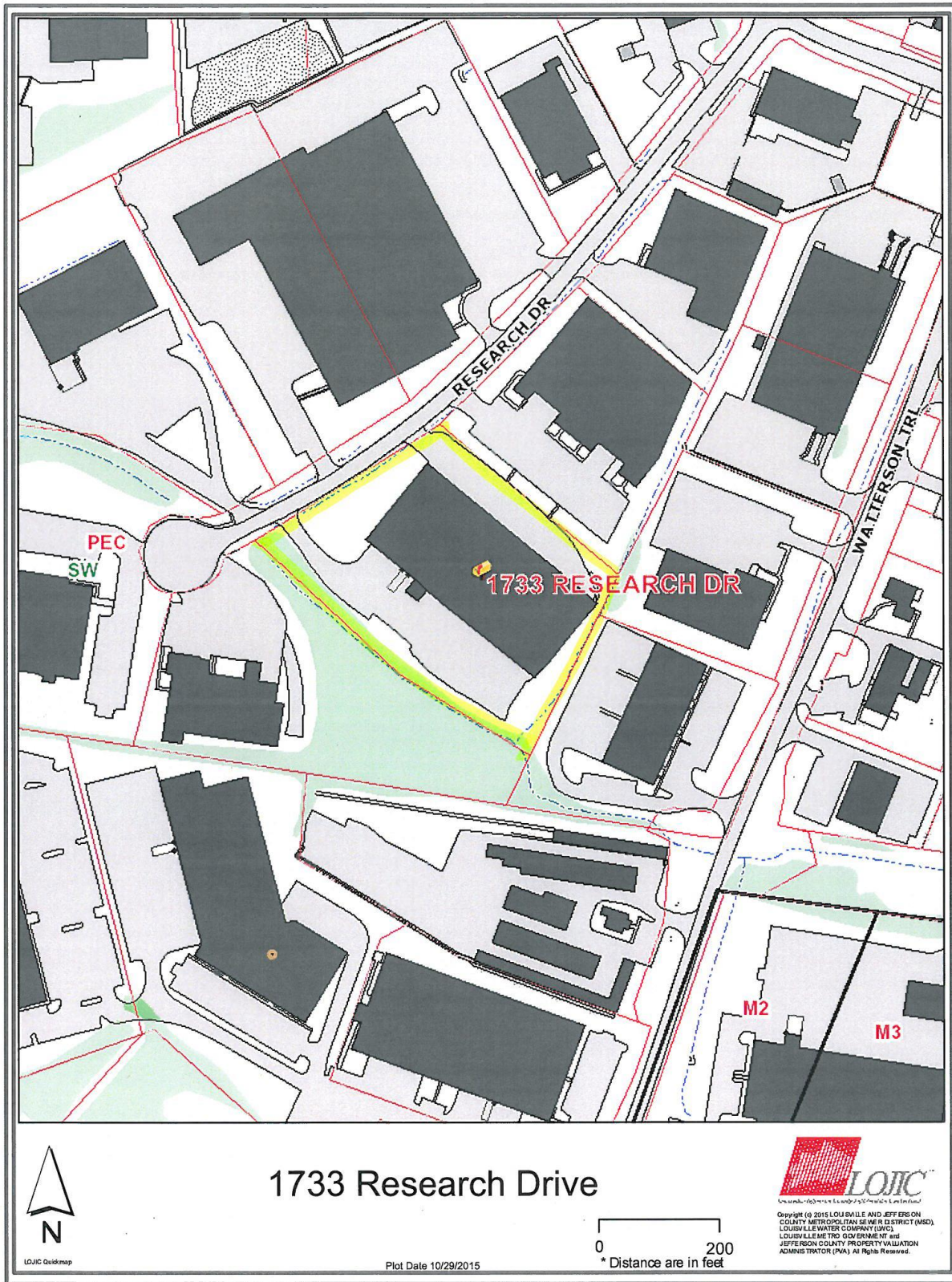
NOTIFICATION

Date	Purpose of Notice	Recipients
10/16/2015	Public Hearing - DRC	Neighborhood notification recipients
10/19/2015	Public Hearing - DRC	1 st tier adjoining property owners

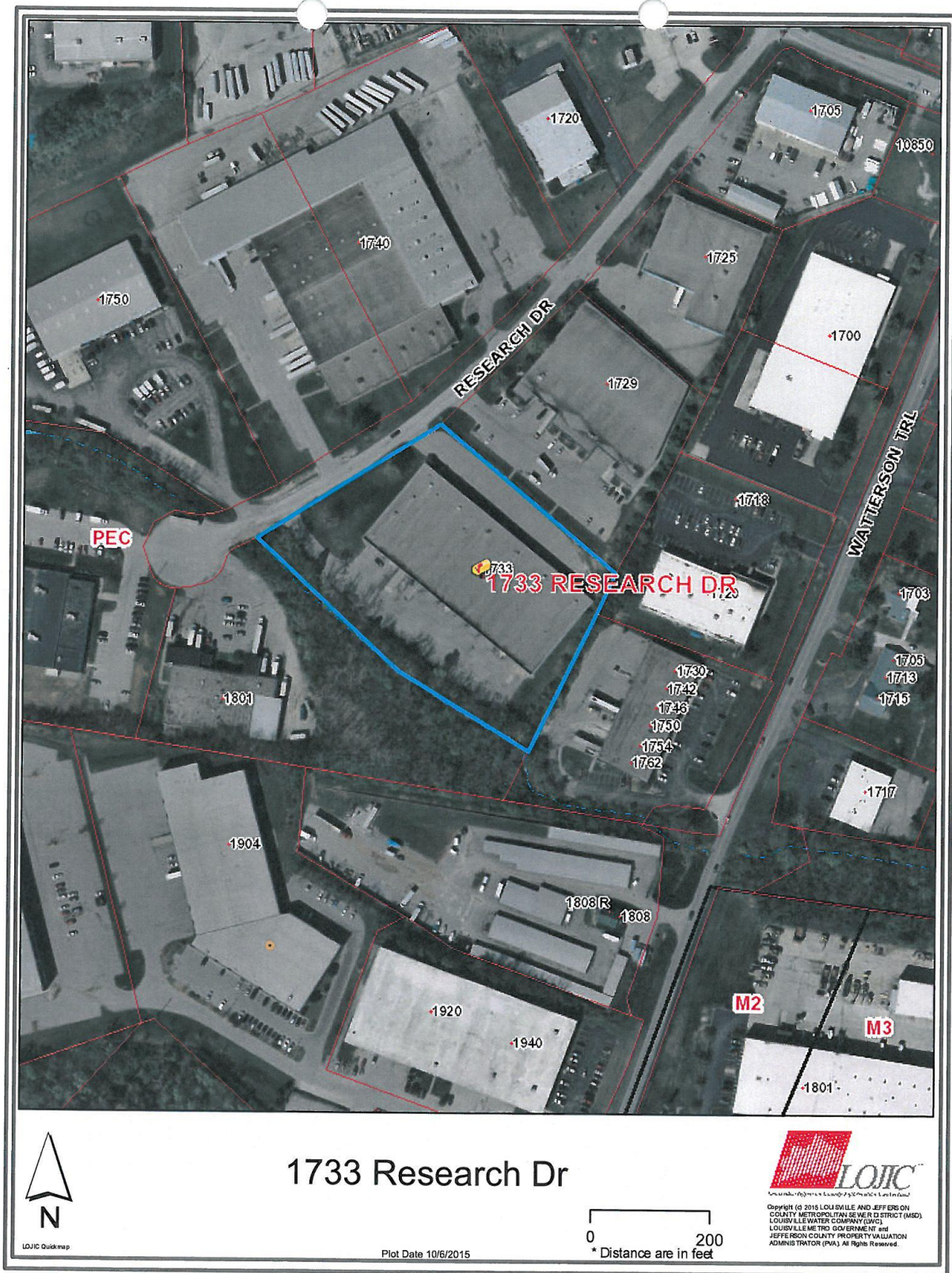
ATTACHMENTS

1. Zoning Map
2. Aerial Photographs
3. Site Plan
4. Applicant's Justifications

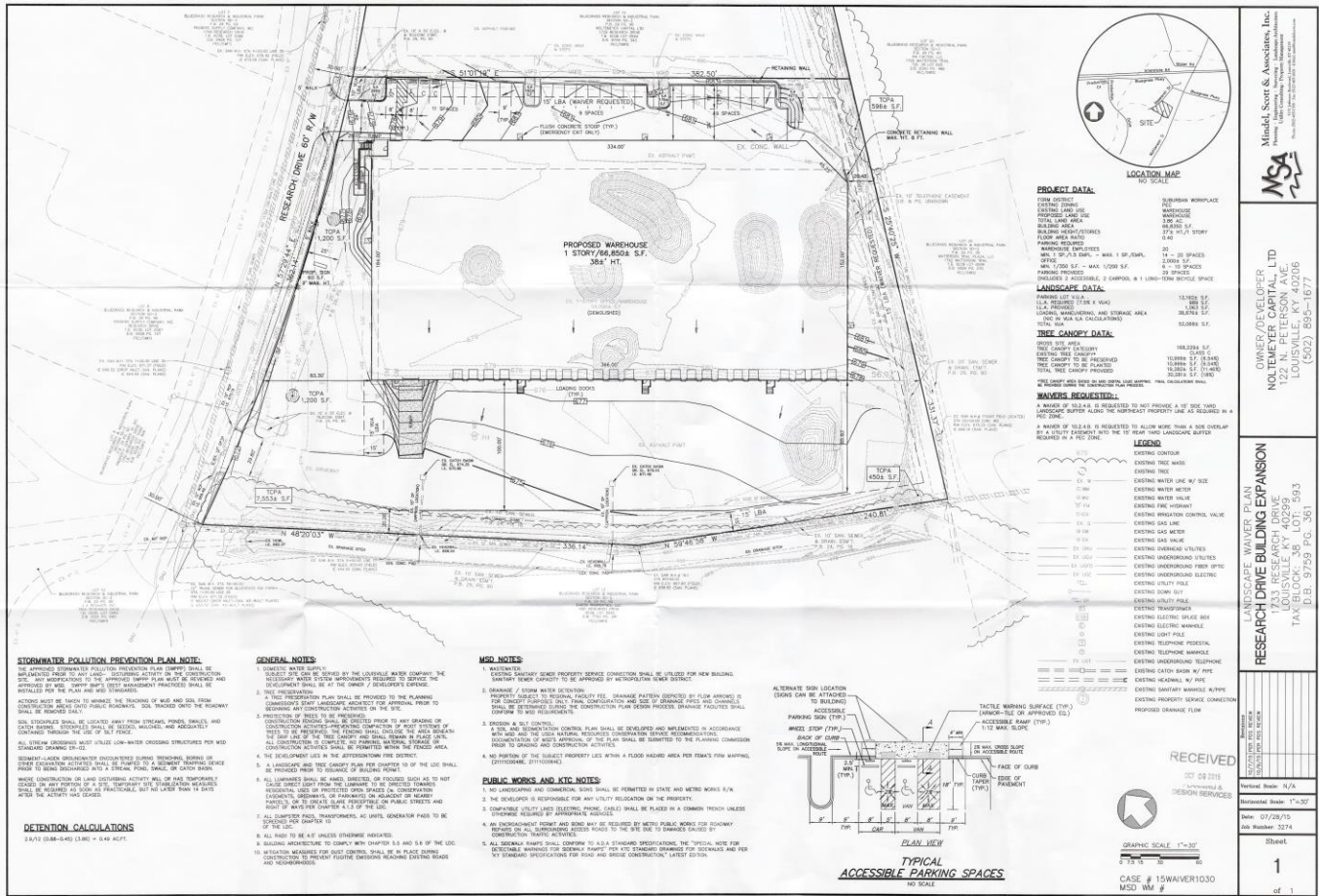
Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Site Plan



OWNER/DEVELOPER:
 NOLTEMEYER CAPITAL LTD
 1733 RESEARCH DRIVE
 SUITE 100
 LOUISVILLE, KY 40206
 (502) 894-1677

LANDSCAPE WAIVER PLAN:
 RESEARCH DRIVE BUILDING EXPANSION
 1733 RESEARCH DRIVE
 SUITE 100
 LOUISVILLE, KY 40206
 D.B. 9759 PG. 361

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Attachment 4: Applicant's Justification

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

No, the adjacent property owner most affected by the waiver of the 15' side yard perimeter landscape buffer is also the owner of the subject property and will not be adversely affected, nor will any of the surrounding properties which are all similar in use, zoning and form district. There is a lot of naturally provided screening from a grove of trees along the rear and the other side yard which provide some buffering for the other adjacent owners. Along the southeast property line, the overlap of the 15' perimeter LBA with underground utility easements is not visually apparent, the existing trees in the buffer provide most or all of the required trees, and the overlap does not affect the planting of new trees if more are needed.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan as the Site Design Goal G4 for buffers and compatibility is still being met with the buffering along the SE property line and there is very little need to buffer between compatible uses on the NE property line between the two parking lots owned by the same owner. There will be internal landscape islands with trees in this area between the two parking lots that will provide some buffering.

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3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes, as the waiver to eliminate the 15' side yard LBA will allow the client to provide enough space for employee parking and to expand the building while still having enough room for the loading docks on the opposite side. The existing warehouse is a multi-level, non-functional building, so a larger warehouse on one floor level will replace it. In order to be financially feasible to build the new warehouse, the waiver of the 15' LBA along the northeast property line is the minimum relief needed to accommodate the new building, parking, and loading dock maneuvering areas.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

The strict application of a new landscape regulation that was not in effect when the original warehouse was constructed in 1980 would deprive the applicant of the reasonable use of the land as he would not be able to construct a new warehouse. He would have to decrease the size of the proposed warehouse from what was already there to accommodate the 15' LBA, employee parking and loading area which would not be financially feasible or reasonable.

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