

Development Review Committee

Staff Report

November 4, 2015



Case No:	15devplan1157
Request:	Revised Detailed District Development Plan and Waivers
Project Name:	Jefferson Commerce Center 2
Location:	5101 Jeff Commerce Drive
Owner:	S&F Hotel, LLC
Applicant:	Jefferson United LLC
Representative:	Mindel Scott and Associates
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Julia Williams, RLA, AICP, Planner II

REQUEST

- Waivers:
 1. 5.12.2.A.1 to reduce the required amount of amenity area from 16,400 sf to 3,922 sf.
 2. 5.5.4.B.1 to allow a drive lane to encroach into the 50' LBA along the north property line.
 3. 10.2.11 to allow encroachments into the 15' LBA along Jeff Commerce Drive
- Approval of the final design of the outdoor amenity area
- Revised Detailed District Development Plan (DDDP)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is located on Jefferson Boulevard in Okolona, about a quarter of a mile south of Fern Valley Road, less than a mile west of Shepherdsville Road, and approximately 1 mile north of the Outer Loop. It is a Plan Certain site that obtained a change in zoning from R-4 to EZ-1 in 2002 along with approval of a General District Development Plan. In 2006, the general plan was revised and a nonresidential major preliminary subdivision was also approved for a commercial/ industrial development, which expired in 2008. A detailed plan was revised and approved earlier this year in Case 15DEVPLAN1031.

The current request for approval of a DDDP for a distribution facility will involve the construction of a 293,000 sq. ft. building with 402 parking spaces.

The proposed plan provides a 50 ft. LBA with a 6 ft. berm in the rear to screen the facility from the adjacent residential subdivision, Sunshine Acres. Notably, a 100 ft. Texas Gas Transmission Easement encroaches 50 ft. into the rear of the subject site and the boundary of the 50 ft. LBA closest to the rear property line actually begins 25 ft. from the rear property line. This means that the parking lot for the employees will start 75 ft. from the edge of the rear property line. This avoids the need for a waiver and also provides a greater buffer between the subject site and residents of Sunshine Acres.

The proposed plan also provides a 50 ft. LBA along the north property line, but without a 6 ft. berm. Existing trees along this property line will be preserved instead of building a berm. Notably, the applicant proposes to construct an 8 ft. tall wooden sound wall to reduce the noise coming from this side of the facility from loading and unloading activity as well as the tractor trailers since the adjacent property is an apartment complex.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	EZ-1	SW
Proposed	Distribution facility	EZ-1	SW
<i>Surrounding Properties</i>			
North	Multi-family	R-6	SW
South	Single family residential	R-4	N
East	Single family residential	R-4	N
West	Vacant and truck terminal	EZ-1	SW

PREVIOUS CASES ON SITE

- 9-03-02:** Approval of a change in zoning from R-4 to EZ-1 and a General District Development Plan for a commercial/ industrial development.
- 9-03-02 & 10-18-06:** Approval of a Revised General District Development Plan and a nonresidential subdivision plan for a commercial/ industrial development.
- 14DEVPLAN1155:** Approval of a Revised General District Development Plan and a Detailed District Development Plan for a warehouse and distribution facility.
- 15DEVPLAN1031:** Approval of a Detailed District Development Plan for a warehouse and distribution facility and waiver to omit the 6’ berm requirement.

INTERESTED PARTY COMMENTS

This development plan has really been a burden on me and many of my neighbors, every time we get to the point of accepting our new open to the public backyard, the developers push for more, they are planning on adding parking on the west side. I am not ok with this, they have taken away all privacy and peace in my backyard!! I do not approve!! They have talked about a berm with trees to separate our property from theirs, yet they have only built a small hill that does nothing. I do not want to see their development! Let alone a parking lot next to my backyard. They cut down trees that blocked my backyard from the apts across the way, now we are exposed. I wish they would go on with proposed plan and quit torturing my neighbors and myself.

How long does it take anyway? It already is crazy that anyone was allowed by the city to build 2 monstrous buildings behind our homes. So I hope you understand that I am not ok with anything extra directly behind my home, is a 293000 sq ft bldg not enough?

I wish I had unlimited funds because I would fight them on the initial project, because now they are continuing to push to get more and more. When does it stop? It is also unfair that you show up, voice your opinion and they agree to certain things, then at the end of the month put in a revised plan and no one knows.

Please contact me, this directly affects my home and family,
 Thank you
 Steve Brown

I just reviewed the proposed plan and I am very much against parking on the west side attached to what was supposed to be a fire road imposed by the fire dept. I will open my back door to a parking lot, my kids will be in the back yard. I am very much against it, and would like to change the proposed plan to not have the any parking spaces on the west side. Again the only reason a road is there is because of the fire dept. Otherwise it was not on the original plan.

Thank you
 Steve Brown

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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.

- 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: The Metropolitan Sewer District 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.

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

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

STAFF: The waiver will not adversely affect adjacent property owners since the amenity area will 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 amenity areas will be provided on the site to accommodate the office use portions of the property.

- (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 since the site could either utilize the fee-in-lieu option to cover the portion of the required outdoor amenity area that cannot be provided on site through the process established within the Land Development Code or provide the required 29,300 sf of amenity area on the site. 4,000 sf of amenity space is being provided. The amenity space is 10% of the office square footage. The amount of space provided is not sufficient for the amount of employees expected at the facility

- (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 not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the required 29,300 sf of amenity area could be provided on the site.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2
To permit encroachments into the north 50' LBA**

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

STAFF: The waiver will not adversely affect adjacent property owners since the planting requirements will still be met within the provided area as shown on the development plan. Much of the buffer is TCPA.

- (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. Existing trees and plants are being used to fulfill the landscape requirements. The encroachment is minor and affects the corner of 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 planting requirements will still be met on the site.

- (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 preservation of trees within the 50' buffer exceed the minimums of the district as there are more existing trees than what is required for the buffer.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3 To permit encroachments into the VUA LBA adjacent to a roadway

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

STAFF: The waiver will not adversely affect adjacent property owners since the planting requirements will still be met within the provided area as shown on the development plan.

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

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting roadways. This is still being met because the planting requirements will be provided.

- (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 roadway acts more like a drive lane and the planting requirements will be provided.

- (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: Providing the VUA LBA would create an unnecessary hardship on the applicant since the roadway acts more like a drive lane and because the planting requirements will be provided regardless of the encroachments into the LBA.

TECHNICAL REVIEW

All technical issues have been addressed.

STAFF CONCLUSIONS

The proposed DDDP and waiver appear 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 hearing, the Development Review Committee must determine if the proposal meets the standards for granting LDC Waivers and a RDDDP established in the Land Development Code.

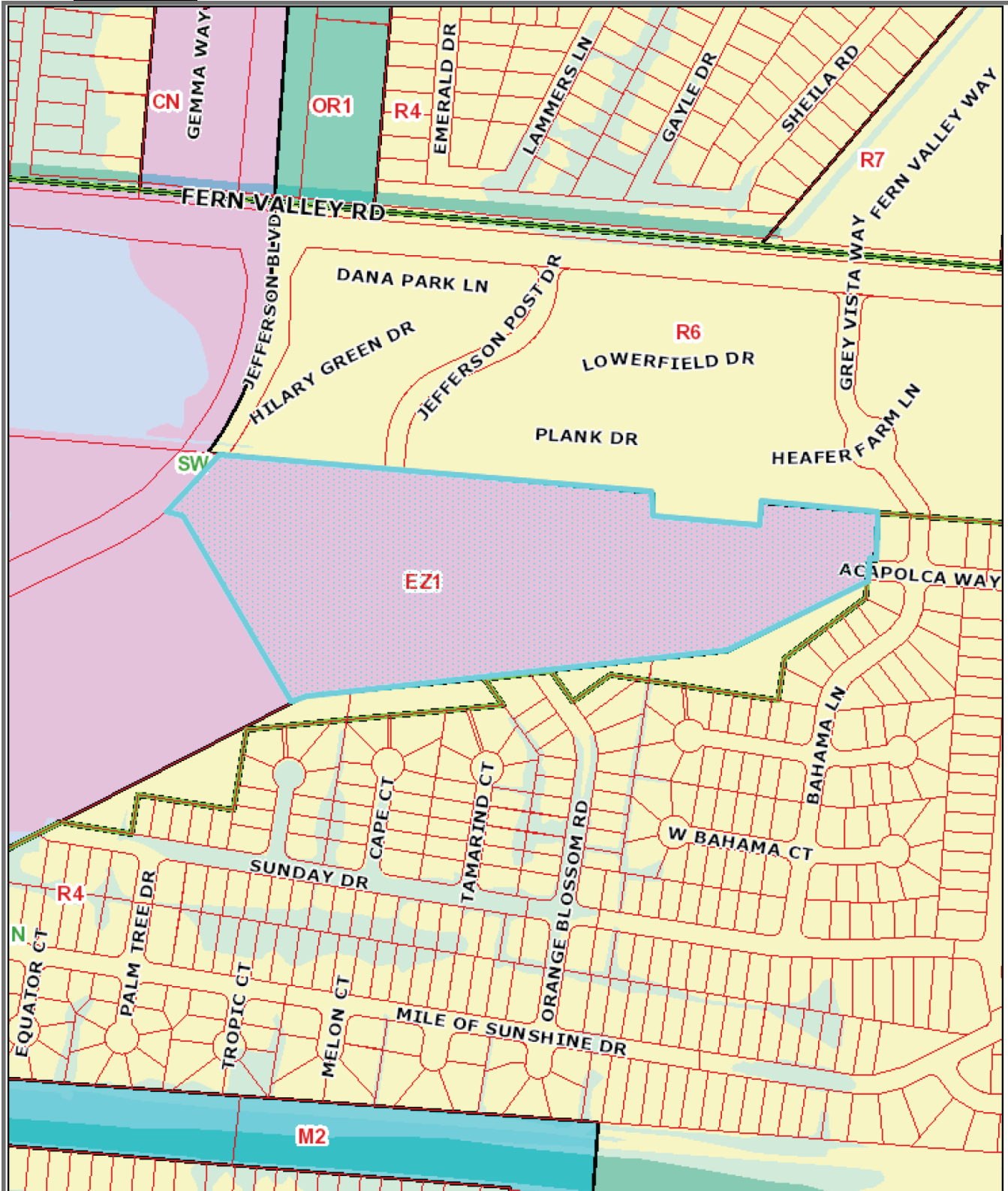
NOTIFICATION

Date	Purpose of Notice	Recipients
10/22/15	Hearing before DRC on 11/4/15	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 2 Notification of Development Proposals

ATTACHMENTS

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

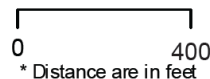
1. Zoning Map



LOJIC Quickmap

6023 Jefferson Boulevard

Plot Date 5/11/2015



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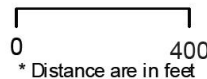
2. Aerial Photograph



LOJIC Quickmap

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3. Proposed Binding Elements

All binding elements from the approved General District 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. 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 Construction Review, Transportation Planning Review, 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.
3. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
4. 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.
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 materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 4, 2015 Development Review Committee meeting.
7. No idling of trucks shall take place within 200 feet of residences. No overnight idling of trucks shall be permitted on-site.
8. The amenity area shall be shown on the landscape plan submitted for approval.