

Development Review Committee

Staff Report

July 19, 2017



Case No:	17DEVPLAN1107
Project Name:	Terra View Trail
Location:	14105 Aiken Road
Owner(s):	Otte Family Limited Partnership
Applicant(s):	Otte Family Limited Partnership
Representative(s):	Land Design & Development
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- **Waiver of 10.3.7.A.10** to allow a detention basin within the Gene Snyder Landscape Buffer Area
- **Revised Detailed District Development Plan** review for heavy equipment staging and storing

CASE SUMMARY/SITE CONTEXT

The proposed development is for a heavy equipment staging and storage site, including a 21,300 square foot shop building, a 6,000 square foot training building, and covered truck parking located at the southeast corner of the Old Henry Road/ I-265 exchange in eastern Jefferson County. The proposal includes 67 parking spaces and will be accessed from Terra View Trail and a proposed extension of Terra Crossing Blvd. The site is a rectangular shape and is currently vacant. A portion of the site is occupied by an abandoned quarry that is now filled with water. It is surrounded by similar industrial vacant properties, the interstate and some industrial and commercial to the north along Old Henry Road.

Previous Cases

- 9-62-82: Change in zoning from R-4 Single Family Residential to M-3 Industrial, Revised Detailed District Development Plan and Conditional Use Permit for quarry operation.
- B-15-84: Conditional Use Permit for a rock quarry.
- 15DEVPLAN1051: Revised Detailed District Development Plan associated with 15CUP1019 to fill existing quarry.
- 15CUP1019: Modified Conditional Use Permit to fill an existing quarry.
- 16DEVPLAN1225: Revised Detailed District Development Plan for heavy equipment staging and storage.
- 17CUP1012: Modified Conditional Use Permit to allow for heavy equipment staging and storage

STAFF FINDING

Staff finds that the Revised Detailed District Development plan and Waiver request appear to be adequately justified based on staff analysis in the staff report. Staff finds the development and waiver to be in compliance with the Comprehensive Plan and Land Development Code.

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 for Detailed District Development Plan and Waiver approval established in the Land Development Code.

TECHNICAL REVIEW

- This proposal is in order and has received preliminary approvals from MSD and Transportation.
- LOJIC identified a protected waterway on this site. The quarry has been approved for fill activities by the Army Corps of Engineers.
- 17MINORPLAT1004 is currently under review to create the proposed property boundaries and easements.
- 17CUP1049 for a Modified CUP to fill existing quarry will be heard by BOZA on July 24, 2017.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as it is adjacent to the Gene Snyder and all required plantings and screening will still be provided within the 50' buffer.

- (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 roadways through standards for buffers, landscape treatment, lighting and signs. The purpose of Gene Snyder landscape buffer area is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. The intent of the Comprehensive Plan is met as the buffer is provided and all required screening and plantings 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 as the detention area is a requirement of MSD and only encroaches a total of 15% of the entire buffer 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 and compensate for non-compliance with the requirements to be waived as the proposal includes 55% more tree cover than what is required and is providing greater than required screening. Additionally, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant as the size of the detention basin cannot be altered and relocating it would cause significant changes to the site layout.

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: LOJIC has indicated the quarry as a protected waterway. The Army Corps of Engineers has previously approved the quarry for fill activity. There are no other natural features on 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 have been provided through the proposed vehicular access and sidewalks. Transportation has given their preliminary approvals.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: This development does not meet the threshold for open space or outdoor amenity requirements.

- 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 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 land uses are compatible with the existing and future development of the area, as this area is comprised of industrial vacant land as well as commercially zoned properties and is in close proximity to the interstate.

- 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: This development conforms to the Land Development Code and the Comprehensive Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan
- **APPROVE** or **DENY** Landscape Waiver

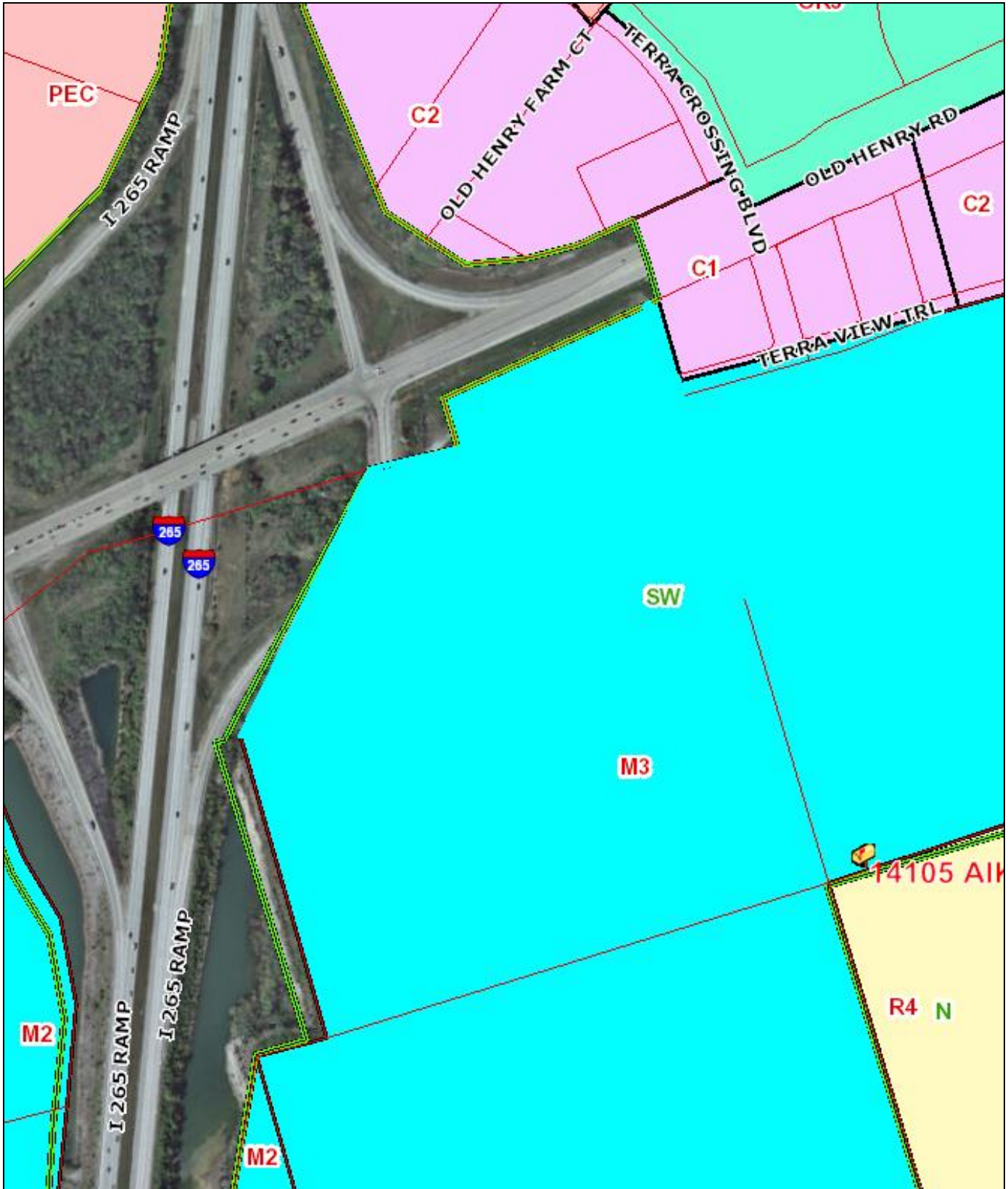
NOTIFICATION

Date	Purpose of Notice	Recipients
July 5, 2017	APO Notice of Public Meeting	First tier adjoining property owners and registered neighborhood groups

ATTACHMENTS

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

1. Zoning Map



2. Aerial Map



3. Existing Binding Elements

All binding elements from the approved General Development Plan (9-62-82) 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 elements 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. Use of the subject site shall be limited to nursery, earth fill, recycling yard, environmental processing, and other uses permitted in the M-3 district. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission / 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. The (Planning Commission/LD&T Committee) may require a public hearing on the request to amend this binding element.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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 Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The appropriate modified conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - c. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. 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.
 - f. Building elevations must be submitted to Planning & Design Services staff for approval prior to building permit issuance.
5. A berm shall be erected, where needed, to contain all organic materials used for the recycling operations within the site, which will be inspected and monitored by the Metropolitan Sewer District as a condition of approval for recycling operations occurring on the development site.
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. 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.
8. Owner shall dedicate Terra Crossing Blvd to public use, the area shown as an 80' private access easement on the proposed minor plat, within 60 days of request by Louisville Metro Public Works Director.