

## Development Review Committee

### Staff Report

August 16, 2017



<b>Case No:</b>	17WAIVER1020
<b>Project Name:</b>	Landscape Waivers 5.5.4.B.1 and 10.2.4.A and B
<b>Location:</b>	2200 and 2202 Blankenbaker Road
<b>Owner(s):</b>	Gary Hedges – Hedges Landscaping
<b>Applicant:</b>	Alex Rosenberg P.E. – AL Engineering Inc.
<b>Jurisdiction:</b>	City of Jeffersontown, KY
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Ross Allen – Planner I

### REQUEST(S)

**Waiver # 1:** from LDC (City of Jeffersontown, KY) Section 5.5.4.B.1 to reduce the 50’ landscape buffer to 15’ and to eliminate the 6’ berm and tree canopy requirement along the eastern and western property lines adjacent to a single family residential uses.

**Waiver #2:** from the LDC (City of Jeffersontown, KY) Section 10.2.4.B to allow the sewer and drainage easement along the western property line (Side Yard) to encroach 100% into the 15 foot wide Landscape Buffer Area.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct two 7,000 sf. (50’ W x 140’ L each) warehouses located within the City of Jeffersontown, KY on 1.90 acres (82,926 sf.) in a PEC zoned parcels, two parcels which have not been consolidated by deed, within a Suburban Workplace Form District. The larger western parcel currently has an existing house, garage, and storage building on site which will remain. The eastern parcel will have only one of the two proposed warehouses and is adjacent to a One of the two warehouses are to be constructed to the rear of the parcel, Parcel ID: 0039-0181-0000, and the second warehouse is located on the second parcel, Parcel ID: 0039-0034-0000, approximately 15 feet from the property line of a single family residential property. The subject site will have a single 30 foot wide ingress/egress along Blankenbaker Rd.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single Family Residential	PEC	Suburban Workplace
<b>Proposed</b>	Office/Warehouse	PEC	Suburban Workplace
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	PEC	Suburban Workplace
<b>South</b>	Single Family Residential	PEC	Suburban Workplace
<b>East</b>	Vacant/Single Family Residential	PEC	Suburban Workplace
<b>West</b>	Single Family Residential	PEC	Suburban Workplace

## **STAFF FINDING / RECOMMENDATION**

**Waiver #1:** The 50' foot landscape buffer would not allow for the proposed warehouse as found along the eastern property line to be built at the proposed location as found on the development plan. Site constraints based upon the existing house and garage limit the alternative locations where the proposed office/warehouse can be placed on site. Consideration should be given concerning the potential impacts upon the residential single family land use as found on the eastern adjacent property. Landscaping by the applicant would help to screen and possibly mitigate the impacts from the proposed office/warehouse uses. Landscaping requirements would be required by the City of Jeffersontown, KY.

**Waiver #2:** The 15 foot wide Landscape Buffer Area as found along the western property line is required per Jeffersontown LDC but a proposed 15 foot wide sewer and drainage easement overlaps the required landscape buffer area as required by LDC Section 10.2.4.B. The waiver is justifiable based on the proposed sewer/drainage easement location. Consideration should be given again to the fact that the easement overlapping the LBA does not eliminate the ability of the applicant to provide screening and mitigation to the western single family residential property.

## **TECHNICAL REVIEW**

The applicant has two parcels shown on the development plan that will eventually be consolidated. A consolidated deed will be needed for the PDS case file and is noted on the development plan under "Development Notes" #15. The applicant is also dedicating right of way along their subject site for approximately 255 feet of Blankenbaker Rd., again the applicant will provide the dedication of right away via a deed.

## **INTERESTED PARTY COMMENTS**

None

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1: from LDC (City of Jeffersontown, KY) Section 5.5.4.B.1 to reduce the 50' landscape buffer to 15' and to eliminate the 6' berm and tree canopy requirement along the eastern and western property lines adjacent to a single family residential uses.**

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

STAFF: The waiver will not adversely affect adjacent property owners because the 15 foot wide landscape buffer area as proposed along with plantings will provide screening and buffering.

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

STAFF: No, the waiver will not violate the comprehensive plan because the adjacent properties are zoned PEC. The Planned Employment Center District is intended to provide sufficient space in attractive, landscaped, and planned industrial parks for M-2 Industrial Operations, to protect for future industry land which is now or can be served by rail, and to provide opportunities for employment close to residential areas, and thus to reduce travel time from home to work and the burden on the streets and transit system. The applicant is willing to provide a 15 foot wide landscape buffer along both the eastern and western property lines and allow for landscaping.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: Yes, the extent of the waiver is the minimum necessary to afford relief to the to the applicant because the 7,000 sf. proposed warehouse would not be possible to construct resulting from the 50 foot landscape buffer disallowing a large portion of the parcel unusable.

- (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 or would create an unnecessary hardship on the applicant because it would deprive the applicant of reasonable use of the property as the owner would be unable to utilize a large portion of this property until such a time as the adjacent properties land uses transition away from residential uses.

The applicant is providing landscaping that is normally required within the PEC perimeter with a 15 foot wide landscape buffer area. The strict application would

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2: from LDC (City of Jeffersontown, KY) Section 5.5.4.B.1 to reduce the 50' landscape buffer to 15' and to eliminate the 6' berm and tree canopy requirement along the eastern and western property lines adjacent to a single family residential uses.**

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

STAFF: The waiver will not affect adjacent property owners because the applicant intends on providing a 15 foot wide buffer along with plantings that will meet the intent of providing the adjacent property owners with screening and adequate buffering.

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

STAFF: STAFF: Guideline 3, Policies 21 and 22 call 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 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 airborne and waterborne pollutants. The applicant will provide a 15 foot wide buffer which resides upon the

proposed sewer and drainage easement which impacts where the plantings will be located but landscaping will be provided if the waiver is approved.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: Yes, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because if the 50 foot wide buffer is not waived then the proposed warehouses could not reside on the property further limiting the useable area of the property.

- (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 or would create an unnecessary hardship on the applicant because the easement would restrict the applicant from planting any form of screening in an attempt to mitigate any adverse impacts upon adjacent property owner's.

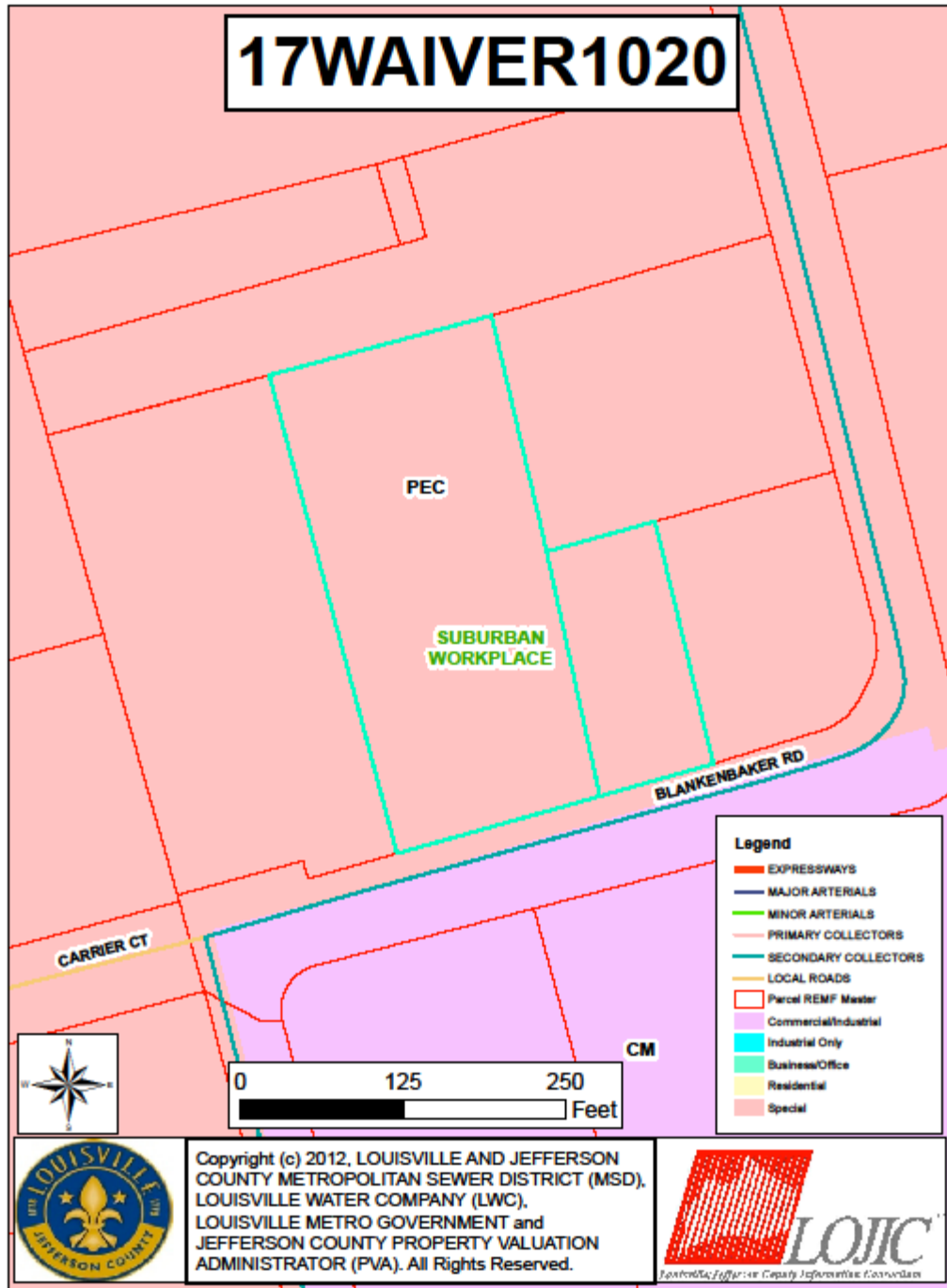
#### **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
Aug. 4, 2017	Notification of Public Hearing	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 11

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

