

# Development Review Committee Staff Report

November 15, 2017



<b>Case No:</b>	17WAIVER1036
<b>Project Name:</b>	2705 Watterson Trail Landscape
<b>Location:</b>	2705 Watterson Trail
<b>Owner(s):</b>	Barnett Watterson, LLC
<b>Applicant:</b>	Barnett Watterson, LLC
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Jay Lockett, Planner I

## **REQUEST(S)**

- Waiver from Land Development Code (Jeffersontown) Section 10.2.4.B.1 to allow a retaining wall within a required Landscape Buffer Area.

## **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct an office and warehouse facility on approximately 3.17 acres in the Planned Employment Center zoning district in the city of Jeffersontown. The City of Jeffersontown has already approved a Category 2-B development plan. The applicant is requesting a Waiver from Land Development Code (Jeffersontown) Section 10.2.4.B.1 to allow a retaining wall to encroach into a required Landscape Buffer Area.

## **STAFF FINDING**

The requested waiver is adequately justified and meets the standard of review.

## **TECHNICAL REVIEW**

There are no outstanding technical review issues associated with this request.

## **INTERESTED PARTY COMMENTS**

Staff has received no interested party comments concerning this request.

## **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 all required landscaping and screening will still be provided within the Landscape Buffer Area.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 waiver will allow for a retaining wall to be constructed in an area of grade change, while still allowing required buffering and screening to be installed.

(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 is the minimum necessary to afford relief to the applicant, as all required plantings will still be installed in the buffer area around the retaining wall.

(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 regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship, as the topography of the site makes a retaining wall necessary to grade the site properly.

**REQUIRED ACTIONS:**

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Waiver**.

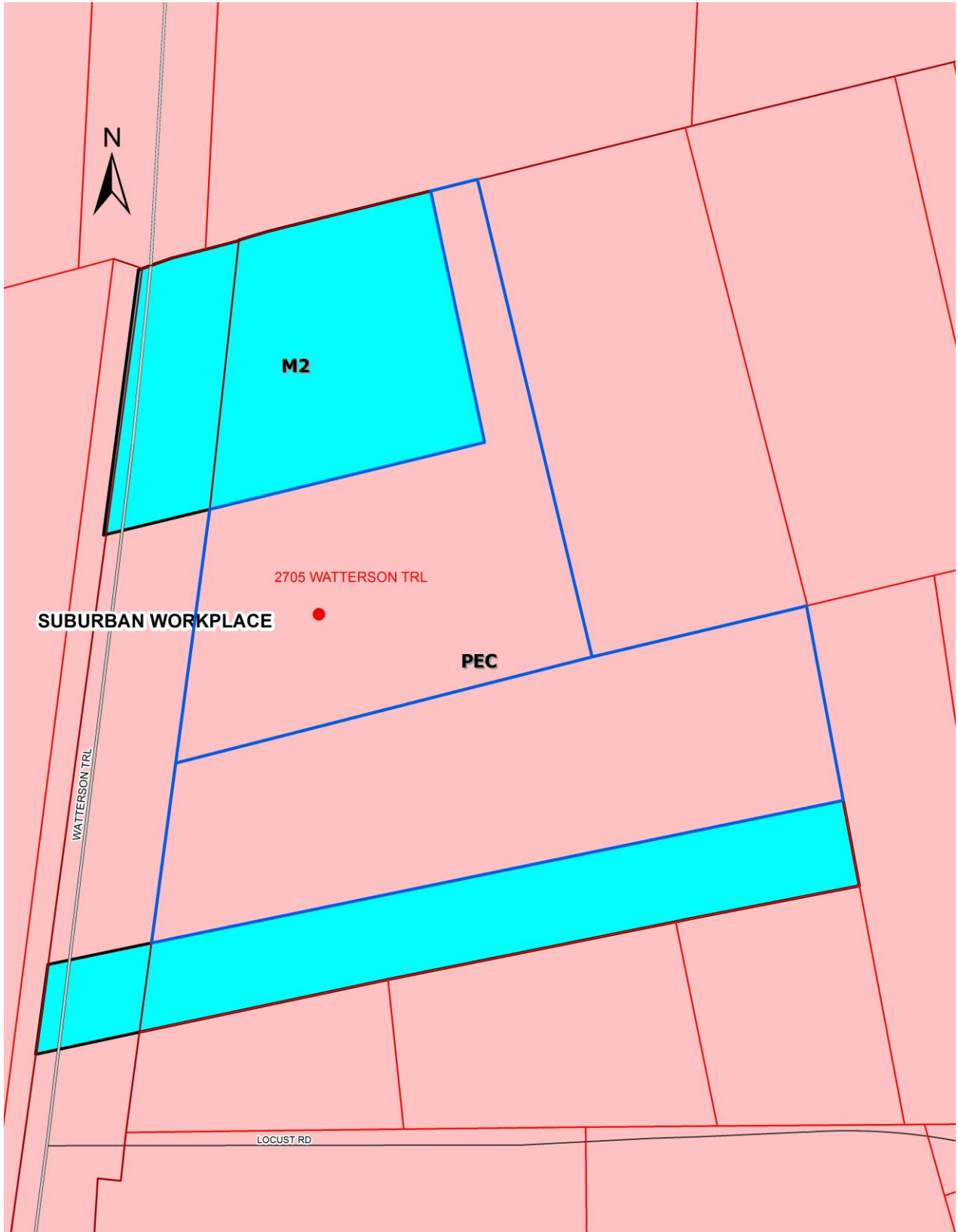
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11-1-17	Hearing before DRC	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

