

# Development Review Committee

## Staff Report

December 17, 2014



|                                  |   |
|----------------------------------|---|
| <b>Case No:</b>                  | 14DEVPLAN1157                                 |
| <b>Project Name:</b>             | 7020 and 7040 International Drive             |
| <b>Location:</b>                 | 7020 and 7040 International Drive             |
| <b>Owners:</b>                   | Sondex Holdings A/S and<br>SC Management, LLC |
| <b>Applicant:</b>                | Sondex, Inc. USA                              |
| <b>Representative:</b>           | Land Design & Development, Inc.               |
| <b>Project Area/Size:</b>        | 4.47 ac.                                      |
| <b>Existing Zoning District:</b> | M-3, Industrial                               |
| <b>Existing Form District:</b>   | SW, Suburban Workplace                        |
| <b>Jurisdiction:</b>             | Louisville Metro                              |
| <b>Council District:</b>         | 1 – Attica Scott                              |
| <b>Case Manager:</b>             | Matthew R. Doyle, Planner I                   |

### REQUEST

- Waiver of section 5.5.4.B to waive the 6 ft. tall berm required in the 50 ft. LBA along the rear property line of 7020 International Drive
- Waiver of section 10.2.4.B to allow a utility easement to encroach more than 50% into the 50 ft. Landscape Buffer Area (LBA) along the rear of 7020 International Drive
- Revised Detailed District Development Plan (RDDDP) for an expansion to an existing industrial office/warehouse development

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject sites are plan certain under Docket 9-16-86 and were developed in 1992 and 1996. They are located in Riverport adjacent to Lazy Acres Mobile Home Park.

The applicant requests approval of the RDDDP to expand the existing office/warehouse developments. The applicant proposes to (1) connect the vehicular use areas (VUAs) of the two sites in the rear; (2) add 20 parking spaces to 7040 International Drive; and (3) expand the building at 7020 International Drive by 5,467 sq. ft. as well as increase the VUA for the truck maneuvering and employee parking. The existing entrance at 7040 International Drive would remain and be shared by both sites. The existing entrance at 7020 International Drive shall be closed after construction of the building addition.

Section 5.5.4.B of the Land Development Code (LDC) requires a 50 ft. LBA with a 6 ft. berm and canopy trees as required by Chapter 10, Part 2 along the rear property line of 7020 International Drive. The applicant requests to waive the 6 ft. tall berm and provide an 8 ft. tall privacy fence instead.

Section 10.2.4.B of the LDC allows utility easements (e.g., drainage, sewer, gas/electric) to encroach into as much as 50% of the required width of property perimeter LBAs provided the required screening can still be achieved and the design of such facilities is compatible with the purpose of the LBA. As shown on the proposed plan, a 75 ft. sewer and drainage easement runs along the rear portion of the lots. It encroaches 100% of the 50 ft. LBA provided on 7020 International Drive. The applicant requests a waiver to allow the encroachment.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

|                               | <b>Land Use</b>              | <b>Zoning</b> | <b>Form District</b> |
|-------------------------------|------------------------------|---------------|----------------------|
| <b>Subject Property</b>       |                              |               |                      |
| <b>Existing</b>               | Office/ warehouse            | M-3           | SW                   |
| <b>Proposed</b>               | Office/ warehouse            | M-3           | SW                   |
| <b>Surrounding Properties</b> |                              |               |                      |
| <b>North</b>                  | Manufacturing                | M-3           | SW                   |
| <b>South</b>                  | Industrial office/ warehouse | M-3           | SW                   |
| <b>East</b>                   | Manufacturing                | EZ-1          | SW                   |
| <b>West</b>                   | Mobile home park             | R-6 w/ CUP    | SW                   |

**PREVIOUS CASES ON SITE**

- 9-72-75 & 10-16-75: Creation of Riverport Industrial Park. Detailed District Development Plans were later approved for the subject sites under Docket 9-72-75 in 1991 and 1994.
- 9-16-86 & 10-5-86: Change in zoning approved from M-R Riverfront Industrial District to M-2 Industrial. The General District Development Plan was approved as well. Several Detailed District Development Plans were approved later.
- 143-90: Minor subdivision plat to shift lot lines on 7000, 7020, and 7040 International Drive, also known as tracts 67A, 66A, and 65A, respectively.

**INTERESTED PARTY COMMENTS**

Staff has not received any communication from interested parties.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.4.B to waive the 6 ft. tall berm required in the 50 ft. LBA along the rear property line of 7020 International Drive:**

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

STAFF: The waiver will not adversely affect adjacent property owners as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned property.

- 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 will not violate specific guidelines of Cornerstone 2020 as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned 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 the minimum necessary to afford relief to the applicant as the 6 ft. berm is the only provision of the regulation that cannot be provided because of the existing infrastructure.

- 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 as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned property.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section  
10.2.4.B to allow a utility easement to encroach more than 50% into the 50  
ft. LBA along the rear of 7020 International Drive:**

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

STAFF: The waiver will not adversely affect adjacent property owners as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned property.

- 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 will not violate specific guidelines of Cornerstone 2020 as the LBA will provide an 8 ft. tall privacy fence and the required trees to adequately screen and buffer the site from the adjacent residentially zoned 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 the minimum necessary to afford relief to the applicant since the encroachment of the LBA does not prevent the site from providing adequate screening and buffering.

- 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 since the encroachment into the LBA does not prevent the site from providing adequate screening and buffering.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND AMENDMENT TO BINDING ELEMENTS**

- 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. Transportation Planning Review has approved the preliminary development plan.

- 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.

**TECHNICAL REVIEW**

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and MSD.

**STAFF CONCLUSIONS**

- The proposed waivers and RDDDP appear to be 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 meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the waivers and RDDDP.

**REQUIRED ACTIONS**

- **APPROVE** or **DENY** the waiver of section 5.5.4.B to waive the 6 ft. tall berm required in the 50 ft. LBA along the rear property line of 7020 International Drive
- **APPROVE** or **DENY** the waiver of section 10.2.4.B to allow a utility easement to encroach more than 50% into the 50 ft. LBA along the rear of 7020 International Drive
- **APPROVE** or **DENY** the RDDDP

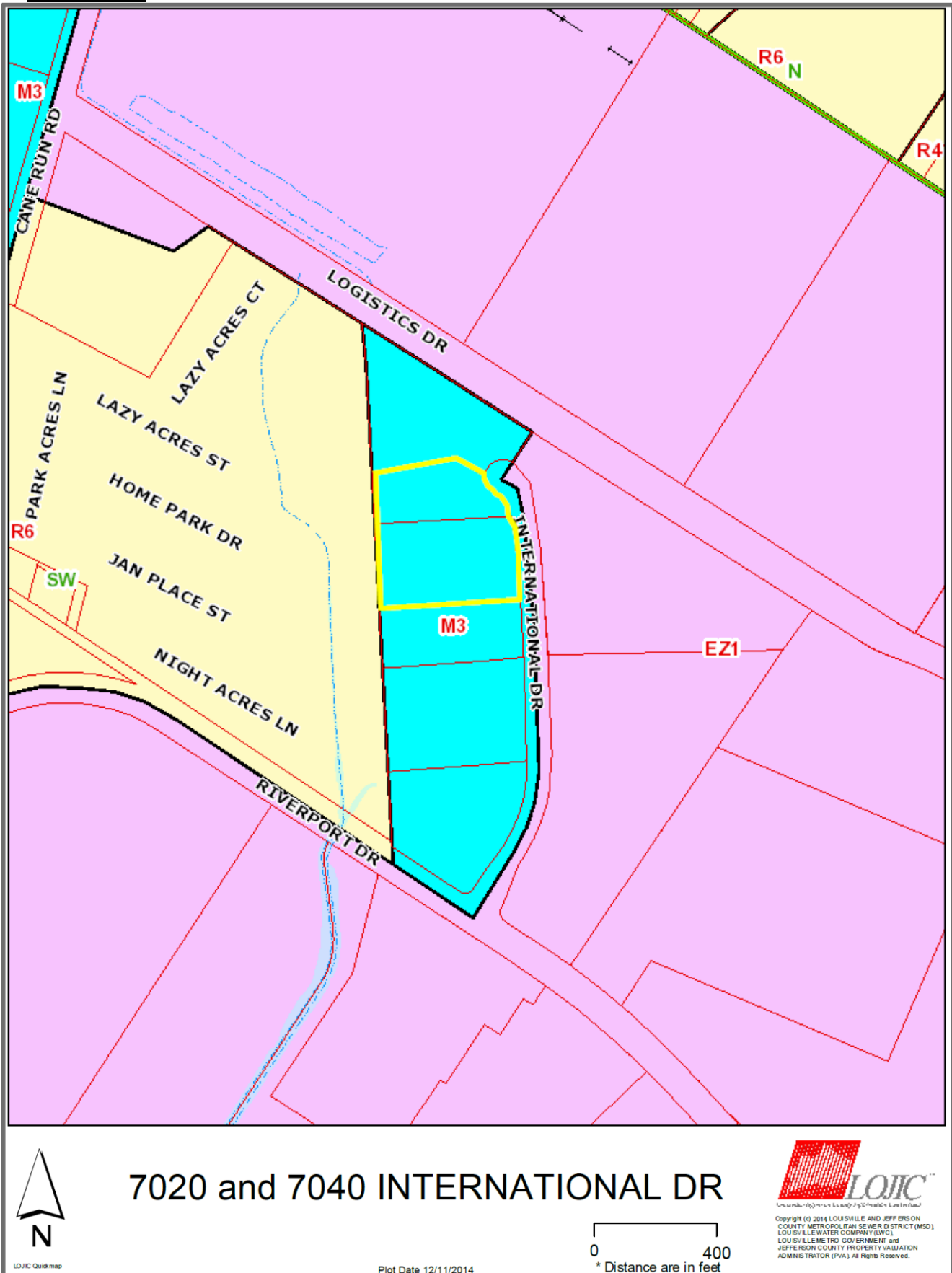
**NOTIFICATION**

| Date    | Purpose of Notice  | Recipients   |
|---------|--------------------|--|
| 12/3/14 | Hearing before DRC | 1 <sup>st</sup> tier adjoining property owners<br>Registered neighborhood groups |

**ATTACHMENTS**

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

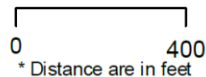
1. **Zoning Map**



7020 and 7040 INTERNATIONAL DR

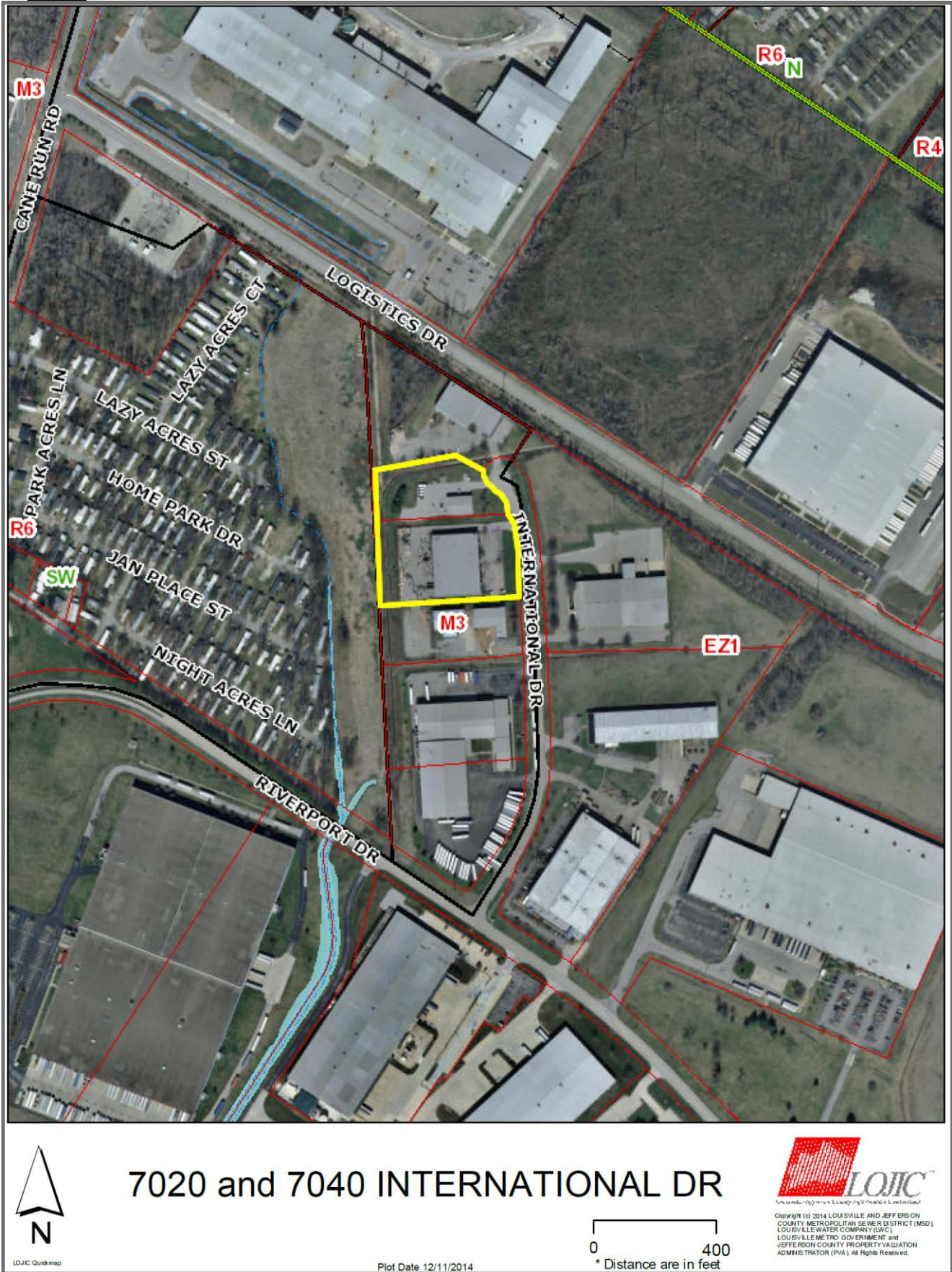


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Plot Date 12/11/2014

2. Aerial



### **3. Existing Binding Elements**

#### **7020 International Drive**

1. The development will be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development will occur without prior approval from the Planning Commission.
2. The development shall not exceed 4,800 square feet of gross floor area.
3. Before a building or alteration permit and/or a certificate of occupancy is requested:
  - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b) The size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - c) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
5. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. The above binding elements may be amended as provided for in the Zoning District Regulations.

#### **7040 International Drive**

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.
2. The development shall not exceed 30,000 square feet of gross floor area (26,400 square feet of warehouse and 3,600 square feet of office).
3. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
4. Before a building or alteration permit and/or a certificate of occupancy-is requested:
  - a) The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b) The size and location of any proposed freestanding sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - c) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
5. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. A certificate of occupancy must be received from the appropriate code enforcement office 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.

**4. Proposed Binding Elements**

**7020 International Drive**

2. The development shall not exceed ~~4,800~~ **10,446** square feet of gross floor area.

**7040 International Drive**

2. The development shall not exceed ~~30,000~~ **29,934** square feet of gross floor area (~~26,400~~ **27,134** square feet of warehouse and ~~3,600~~ **2,800** square feet of office).