

Development Review Committee

Staff Report

November 5, 2014



Case No:	14DEVPLAN1135
Request:	Revised Detailed District Development Plan, Binding Element Amendments, and Waivers
Project Name:	4330 Crittenden Drive Expansion
Location:	4320-4334 Crittenden Dr.
Owner:	Hubers, Inc.
Applicant:	Plumbers, Pipefitters, & Service Technicians-Local Union 502
Representative:	BTM Engineering, Inc.
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	David B. Wagner – Planner II

REQUEST

- Waiver #1 to not provide the required sidewalk along East Adair Street per LDC Section 5.8.1.B
- Waiver #2 to not provide the required pedestrian connections from adjacent streets to building entrances per LDC Section 5.9.2.A.1.b.i
- Revised Detailed District Development Plan
- Binding Element Amendments

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing two 2-story additions to existing non-residential buildings. Proposed Building 4 will be an addition to Building 1 and have an 8,400 SF footprint. Proposed Building 5 will be an addition to Building 3 and have a 7,600 SF footprint. The site will be used for multiple uses including: auto rental, office, truck repair, storage, and training purposes. An area at the corner of Crittenden Drive and East Adair Street will be used for parking rental cars and there is an existing canopy between Building 2 and 3 to assist in the automobile services provided on the site. The two Waivers are requested to not provide sidewalks along East Adair Street and pedestrian connections from adjacent streets to building entrances. The proposed Binding Element Amendments are simply to update them to the current standard Binding Elements.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Auto Rental, Truck Repair, Office, Storage	EZ-1	SW
Proposed	Auto Rental, Truck Repair, Office, Storage, Training	EZ-1	SW
Surrounding Properties			
North	Airport Support Uses	R-6	SW
South	Interstate	ROW	ROW
East	Interstate	ROW	ROW
West	Airport Support Uses	R-6	SW

PREVIOUS CASES ON SITE

- 14504: Re-zoning from C-2 to EZ-1, Revised Detailed District Development Plan, and Binding Elements, and Waivers for auto rental and truck repair services.
- 9-46-06: Re-zoning from R-6 and C-1 to C-2 and Detailed District Development Plan for auto rental.

INTERESTED PARTY COMMENTS

- Staff has received no inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 to not provide the required sidewalk along East Adair Street per LDC Section 5.8.1.B

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

STAFF: The waiver will not adversely affect adjacent property owners as the street is a dead end street and there is no point in building a sidewalk that does not lead to a destination. Sidewalks are provided along both of the other street frontages which provide adequate pedestrian access to surrounding airport development. Since there are no residential uses to the south and the area is used for airport uses, it is unlikely pedestrians would come from the southern end of Crittenden Drive and utilize a sidewalk along a street that does not lead anywhere.

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

STAFF: The waiver will not violate Cornerstone 2020. Sidewalks are provided along both of the other street frontages which provide adequate pedestrian access to surrounding airport development. Since there are no residential uses to the south and the area is used for airport uses, it is unlikely pedestrians would come from the southern end of Crittenden Drive and utilize a sidewalk along a street that does not lead anywhere.

- (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 applicant has already provided adequate pedestrian access along the other two frontages.

(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 as the applicant would be required to build infrastructure that would rarely, if ever, be used.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2
to not provide the required pedestrian connections from adjacent
streets to building entrances per LDC Section 5.9.2.A.1.b.i**

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

STAFF: The waiver will not adversely affect adjacent property owners as the pedestrian connections would only serve the subject site.

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

STAFF: The waiver will not violate Cornerstone 2020. Most, if not all, pedestrians would access the site from Crittenden Drive sidewalks via the northern end of Crittenden Drive which has a pedestrian connection to the building fronting on that street.

(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 applicant would not have to build unnecessary 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 or would create an unnecessary hardship on the applicant as the applicant would have to build unnecessary infrastructure.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND 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: The site was cleared and prepared for the existing development on site. There are no existing natural resources on the site to be preserved.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and access along the abutting streets. Bicycle parking is being added to the site to assist cyclists in using the site and there is vehicular access to the public road network.

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

STAFF: Open space is not required for this proposal.

- 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: MSD has approved the drainage facilities for the site.

- 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 proposal is compatible with the surrounding area as it is being used for similar uses as were previously approved by the Planning Commission. The location of the additions and parking areas are the same as was previously approved. The site either complies with LDC regulations or would have approved Waivers per this applicant if approved.

- 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 proposal conforms to the Comprehensive Plan and Land Development Code as the proposal is compatible with the surrounding area and it is being used for similar uses as were previously approved by the Planning Commission. The surrounding area has been developed for commercial and industrial uses that complement the nearby airport. The proposed development includes appropriate uses and design for the Suburban Workplace Form District.

TECHNICAL REVIEW

- With the exception of the Waivers, the proposal complies with the requirements of the LDC.
- MSD and Transportation Review have given preliminary approval for the plan.

STAFF CONCLUSIONS

The proposal allows the development to continue to be developed for uses which are similar to what was previously approved by the Planning Commission. There are no residential uses nearby that would be negatively impacted by the proposal and the design of the site and the uses on site are proper for a commercial and industrial development close to an airport.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the proposal for a Revised Detailed District Development Plan and Amendment to Binding Elements and Waiver #1 and #2.

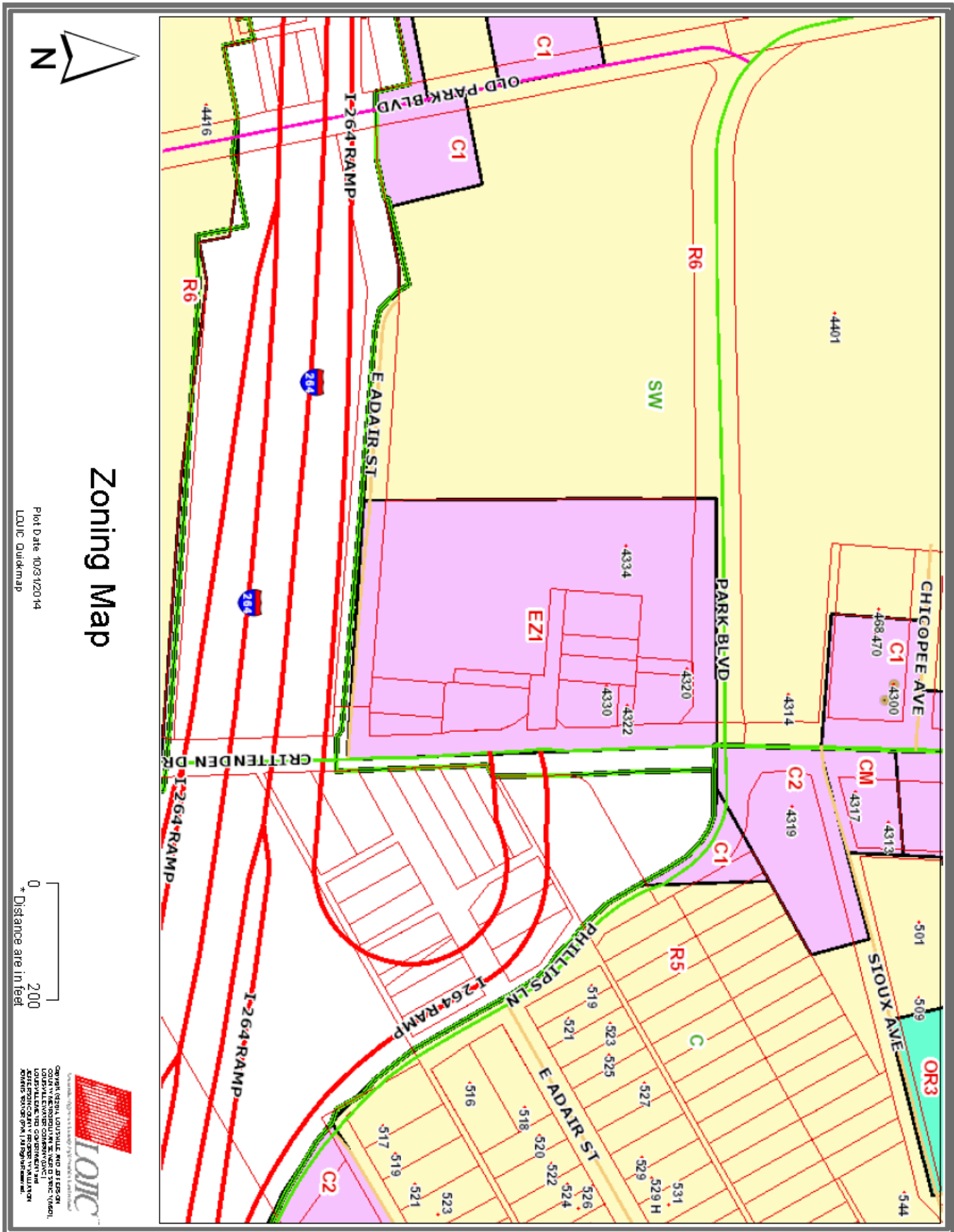
NOTIFICATION

Date	Purpose of Notice	Recipients
10/23/14	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 21 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map

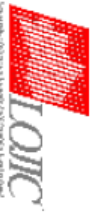


Zoning Map

Plot Date: 10/31/2014
LOJIC Quickmap

0 200
* Distance are in feet

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3. Existing Binding Elements

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. The development shall not exceed **11,000** square feet in area on Lot 1 and **13,650** square feet in area on Lot 2 for a total of **24,650** square feet.
3. Signs shall be in accordance with Chapter 8.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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. Parking is to be removed within the right-of-way within 30 days per written request by Metro Government and/or Kentucky Transportation Cabinet.
 - d. An encroachment permit and bond are required by Kentucky Transportation Cabinet prior to final plan transmittal.
 - e. Right-of-way Dedication totaling 60' from centerline of Park Blvd is required. Right-of-way dedication by deed or minor plat must be recorded prior to plan final plan transmittal.
7. 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.
8. 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.
9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall

be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

10. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. The applicant shall work with staff landscape architect to devise a landscaping system that would best fit the limited space on the property and help ensure the longevity of the landscaping material. The applicant shall submit a landscaping plan in accordance with this binding element no later than six months following the approval of the zone change by Metro Council, and install said landscaping within six months thereafter.

4. Proposed Binding Elements

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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, or site disturbance permit is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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. Parking is to be removed within the right-of-way within 30 days per written request by Metro Government and/or Kentucky Transportation Cabinet.
 - d. An encroachment permit and bond are required by Kentucky Transportation Cabinet prior to final plan transmittal.
 - e. A legal instrument shall be recorded consolidating the property into one lot and dedicating right-of-way along Crittenden Drive as shown on the plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. 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.
5. 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.

6. 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.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 5, 2014 Development Review Committee meeting.