

# Board of Zoning Adjustment

## Staff Report

April 20, 2020



<b>Case No:</b>	20-MCUP-0002
<b>Project Name:</b>	4100 Cane Run Rd
<b>Location:</b>	4100 Cane Run Rd
<b>Owner(s):</b>	James S. Womack, Stor All Cane Run Road SPE, LLC
<b>Applicant:</b>	James S. Womack
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	1 – Jessica Green
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

### REQUEST

- **Modified Conditional Use Permit** for a mini-warehouse

### CASE SUMMARY/BACKGROUND

The subject site is primarily zoned C-2 Commercial, with a small portion of R-4 Single Family Residential on the southeast side. It is currently developed with mini-warehouse structures, plus a 1,800 square foot office and apartment building. The subject site is currently developed with Buildings 1-8 as shown on the approved plan.

The subject site was rezoned from R-4 Residential Single Family to C-2 Commercial under case 9-72-96, with a Conditional Use Permit (CUP) for mini-warehouses. A detailed district development plan, 14DEVPLAN1147, was submitted and approved in 2014. Additionally, 19-AMEND-0001 amended two binding elements regarding an 8-foot tall solid wood fence near Building Number 9 (Binding Element #13), the style and design of Buildings 2, 3, and 9 and a requirement that the developer obtain approval from the Land Design and Transportation Committee prior to requesting a building permit (Binding Element #16).

Stor All is now preparing to construct Building 9, the final building. The proposal is to increase the area of building 9 from 18,000 square feet to 23,850 square feet. This will increase the approved total building area by 5% or 5,850 square feet. The currently approved development plan (14DEVPLAN1147) shows a total building area of 118,800 square feet, which the current plan proposes to increase to 124,650 square feet, a 5% increase.

There is an associated development plan, 20-DDP-0008, which is approvable by staff and will not be heard at any public meetings.

### STAFF FINDING

The request is adequately justified and meets the standard of review. There are six listed requirements and all have been met. Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

## **RELATED CASES**

14CUP1036: A request for a Conditional Use Permit to allow mini-warehouses on the subject site.

## **TECHNICAL REVIEW**

There are no outstanding technical issues concerning this request.

## **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT FOR MINI WAREHOUSES:**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conflict with Plan 2040 policies.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The subject site is already developed with eight (8) of the nine (9) proposed mini-warehouse buildings. The proposed increase in square footage of Building 9 appears to be at a scale appropriate with the surrounding area, and will apparently have limited impact on adjacent and nearby residential uses. The proposal provides appropriate transitions to adjacent residential uses through the use of landscape buffer yards, setbacks and screening. Setbacks and building meet form district requirements for the proposed zoning district. Therefore, the proposal is compatible with surrounding uses and the general character of the area.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The subject site is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

- A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

STAFF: The proposal provides appropriate transitions to adjacent residential through the use of landscape buffer yards, setbacks and screening. Setbacks and building heights are compatible with nearby structures and meet form district requirements for the proposed zoning district.

- B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area.

STAFF: The proposal provides 30 ft landscape buffer areas adjacent to both side property lines abutting properties with residential zoning districts.

C. No outside storage shall be allowed on the property.

STAFF: No outdoor storage areas are proposed on the development plan.

D. No storage of toxic or hazardous materials shall be allowed on the property.

STAFF: No toxic or hazardous materials will be stored on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

STAFF: No retail or wholesale or distributing activities are proposed on the site.

F. Loading doors and vehicle maneuvering areas shall be located away from the exterior of the property.

STAFF: All loading doors and vehicle maneuvering areas are facing the interior of the site, away from the exterior of the property.

G. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in H below).

STAFF: All proposed structures are one story in height and do not exceed 15 feet in height.

H. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

STAFF: The currently proposed plan does not include any changes to the signage that is on the subject site.

**REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Modified Conditional Use Permit**

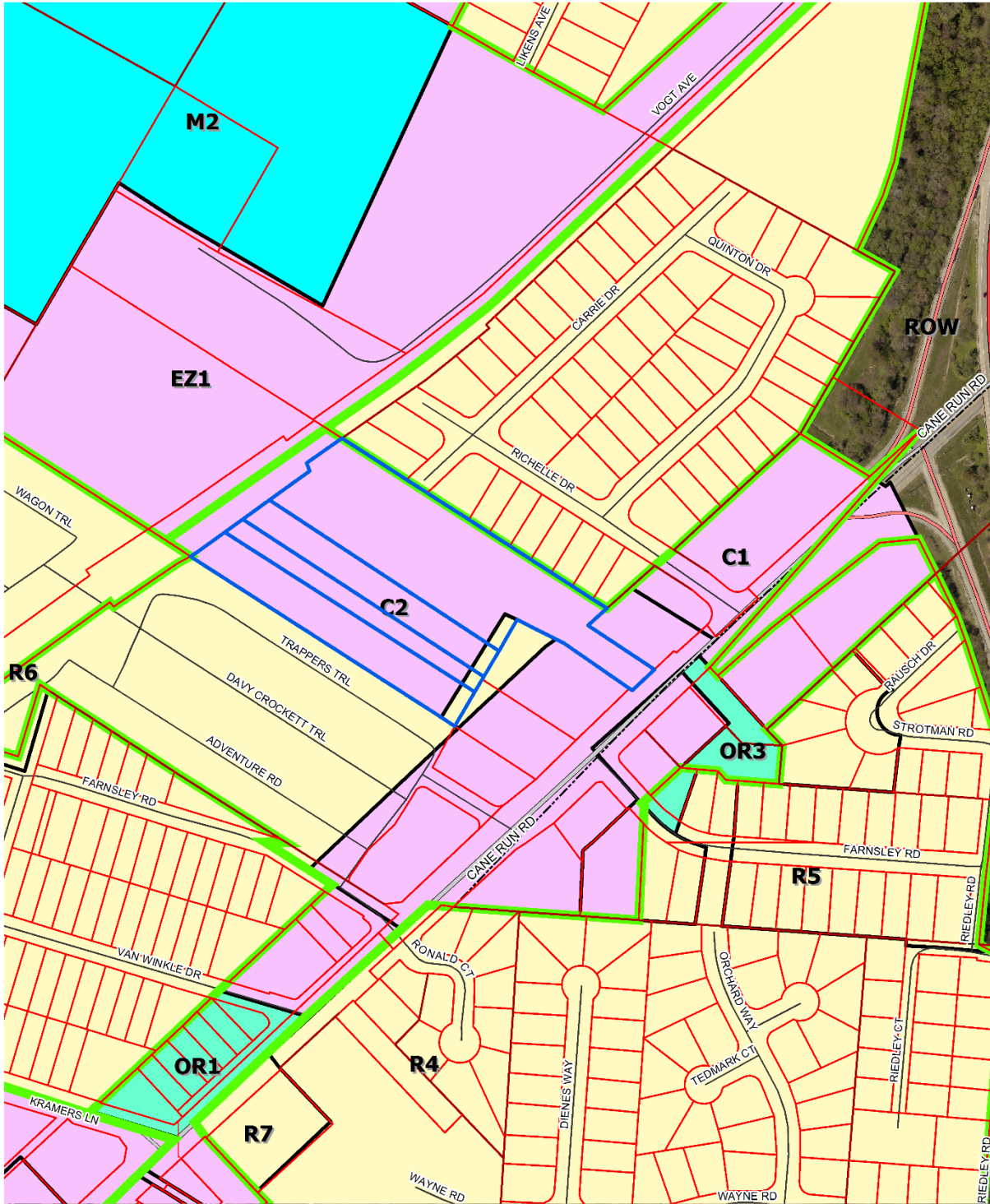
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4-20-2020	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 1

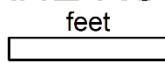
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements 14DEVPLAN1147
4. Proposed Binding Elements

1. Zoning Map



### 4100 CANE RUN ROAD



320  
Map Created: 9/4/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.







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

1. The development shall be in accordance with the approved district development plan 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 except for land uses permitted in the established zoning district.
2. The development shall not exceed 800 square feet of gross floor area for the office, 1000 square feet of gross floor area for the apartment and 118,800 square feet of gross floor area for the mini-warehouse storage (8 mini-warehouse buildings).
3. There shall be no direct vehicular access to Carrie Drive.
4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 64 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants or banners shall be permitted on the site. The existing billboard shall be removed.
6. There shall be no outdoor storage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
8. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
9. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJOC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
10. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:

- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways
  - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - 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. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created and recorded among all tracts in the development. 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.
11. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, 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.
  12. 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.
  13. An 8-foot high solid wood fence shall be constructed along the proposed exterior line of Building Number 9 to screen and buffer the mini-warehouses from the adjoining mobile home park.
  14. All landscaping shall be installed during Phase 1 and maintained thereafter.
  15. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
  16. The exterior walls of the perimeter buildings 2 and 3 shall be split face block with natural gray color. The doors shall be dark green color.