

Development Review Committee

Staff Report

July 15th, 2015



Case No:	15DEVPLAN1068/1069
Request:	Revised Detailed District Development Plan and Category 3 Plan with Land Development Code waivers to eliminate required berming and reduce the amount of outdoor amenity area, binding element amendments and alternative tree canopy compliance plan on 76.92 acres
Project Name:	Renaissance South Business Park Tract 6
Location:	8701 Minors Lane
Owner:	Louisville Renaissance Zone Corporation
Applicant:	Northpoint Development LLC
Representative:	Sabak Wilson and Lingo Inc
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Christopher Brown, Planner II

REQUEST

- Waiver #1: Waiver from Chapter 5.5.4.B.1 of the Land Development Code to not provide the required berming in the landscape buffer along the north and east property perimeters adjacent to the mobile home park
- Waiver #2: Waiver from Chapter 5.12.2 of the Land Development Code to provide a portion of the required amenity area
- Design of Outdoor Amenity Areas
- Alternative Tree Canopy Compliance
- Category 3 Development Plan
- Amendment to Binding Elements
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: EZ-1, Enterprise Zone
Existing Form District: SW, Suburban Workplace
Existing Use: Vacant
Proposed Use: Warehouse
Minimum Parking Spaces Required: 273
Maximum Parking Spaces Allowed: 615
Parking Spaces Proposed: 410
Plan Certain Docket #: 9-64-84

The applicant is proposing to construct a 1,152,655 SF warehouse and office use on the subject property. The office use will occupy 20,000 SF of the proposed building. Outdoor amenity areas will be provided as a percentage of the office use only around the building. The Committee is required to approve the design of outdoor amenity areas in accordance with Chapter 5.12.2 of the LDC. The applicant is requesting to eliminate the berming in the landscape buffer along the north and east property perimeters adjacent to the mobile home park. A 6' berm is required within the 50' landscape buffer. In this buffer, there is an intermittent stream that

needs to be protected per the Army Core of Engineer permitting as well as a Marathon fuel line that runs underground along the majority of the buffering area. Landscaping will be provided in accordance with the Land Development Code with the exception of the tree canopy which will follow the alternative tree canopy compliance guidelines. Tree canopy requirements will be met through a mix of onsite and offsite tree plantings. The off-site trees will be planted on property along Aganza Drive within a conservation easement as demonstrated in the applicant's alternative tree canopy compliance plan. All other Land Development Code requirements are being met with the proposal. A portion of the site is plan certain and the existing binding elements will need to be amended to the current request on the site. The binding elements are proposed to be eliminated since the site is located within the Renaissance Zone.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1	SW
Proposed	Warehouse	EZ-1	SW
Surrounding Properties			
North	Mobile Home Park Vacant	R-4 C-2	SW
South	Vacant	EZ-1	SW
East	Vacant	EZ-1	SW
West	Warehouse	EZ-1	SW

PREVIOUS CASES ON SITE

- 9-64-84: The property was zoned R-4 to R-6 to allow an innovative subdivision with a related subdivision docket 10-9-84. The proposed used was for modular and mobile homes.
- 9-52-06: Area wide rezoning and subdivision plan for the Renaissance South Business Park.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (Berming)

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

STAFF: The waiver will not adversely affect adjacent property owners since extensive buffering and plantings will exist along the property perimeter.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 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 the guidelines will be met through the extensive buffering and planting that will be provided along the property perimeter; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since there is an intermittent stream that must be protected and an underground fuel line along a majority of the buffering area.

- (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 by requiring a berm in an area with extreme constructability difficulties due to existing conditions with the intermittent stream and underground fuel line.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (Outdoor Amenity Area)

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

STAFF: The waiver will not adversely affect adjacent property owners since the amenity area will only serve the privately owned subject site.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since amenity areas will be provided on the site to accommodate the office use portions of the property.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the site does not have sufficient spacing to provide outdoor amenity areas equaling ten percent of the entire structure and mix of uses.

- (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 by requiring additional amenity area beyond the amount requested as part of the development plan.

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: The proposal will conserve the required natural resources in the area of the intermittent stream. Tree canopy requirements of the Land Development Code will be provided on the subject site and the proposed alternative 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 has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: Open space requirements will be met as needed for the proposed use.

- 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 has approved the preliminary development plan and 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. Buildings and parking lots will meet all required setbacks.

- 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

There are no outstanding technical review issues that need to be addressed.

STAFF CONCLUSIONS

The applicant is providing 10% of the office space as outdoor amenity areas on the development plan. The Committee has to approve the design of the proposed outdoor amenity areas. Appropriate buffering and planting will be provided along the north and east property perimeter while preserving the intermittent stream. All other Land Development Code requirements are met as part of the proposed development plan. A portion of the required tree canopy will be provided on a site within the larger business park in a conservation easement. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting Land Development Code Waivers, Alternative Tree Canopy Compliance, Category 3 Development Plan, Revised Detailed District Development Plan and amended binding elements as established in the Land Development Code.

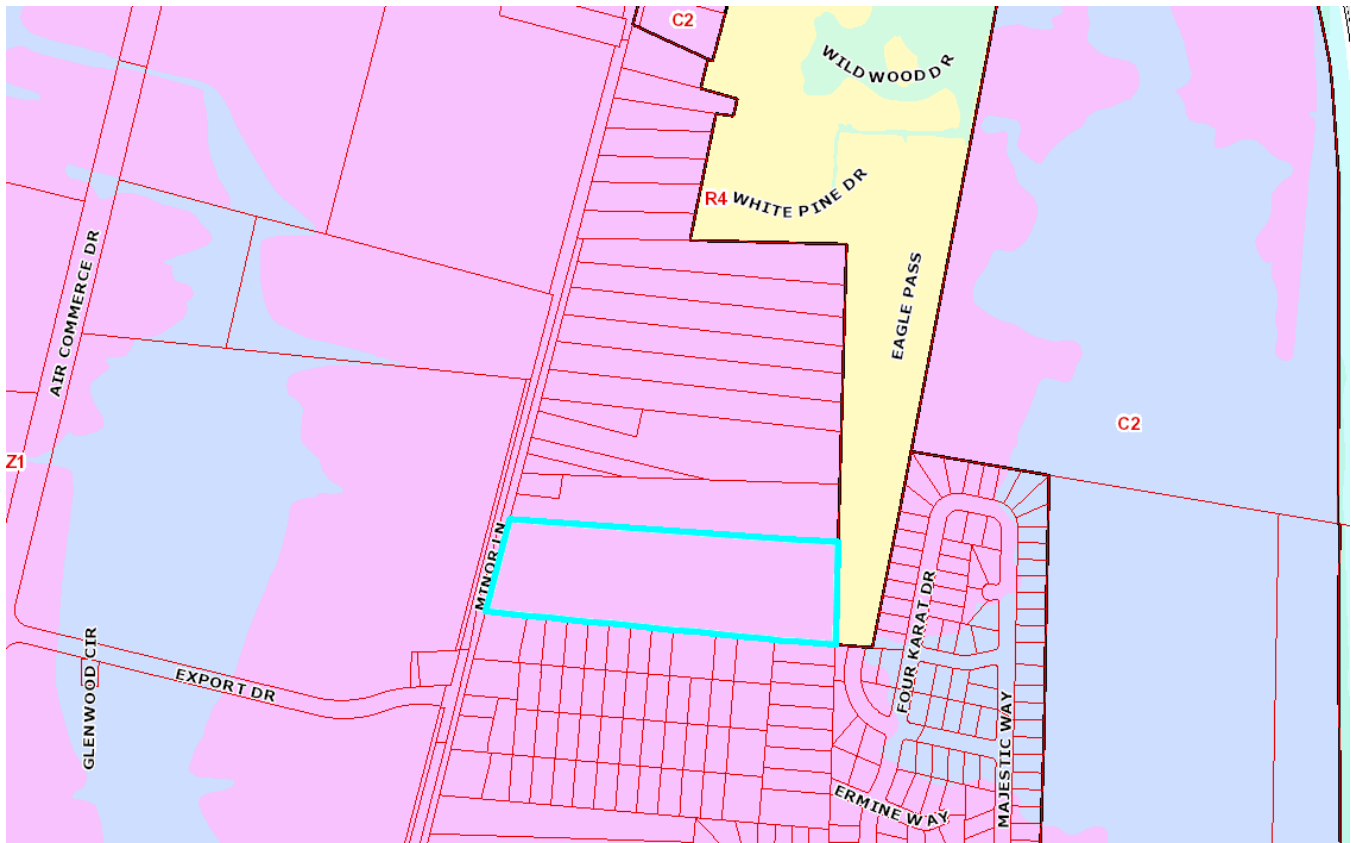
NOTIFICATION

Date	Purpose of Notice	Recipients
6/1/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 13 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements (proposed to be deleted)

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. There will be no vehicular access to South Park Road.
3. The density of the development shall not exceed 5.54 dwelling units per acre (245 units on 44.2 acres).
4. Before a building permit is issued:
 - a) The plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation.
 - 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) A minor subdivision plat or other legal instrument will be recorded dedicating additional right-of-way to Minor Lane to provide a total of 30 feet from the centerline. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.
 - d) The Conditional Use Permit must be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. Prior to the recording of the record plat, copies of the recorded documents listed below will be filed with the Planning Commission.

- a) Articles of Incorporation in a form approved by counsel for the Commission and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space and private roadways.
 - c) Bylaws of the Homeowners' Association in a form approved by counsel for the Commission.
6. When 80% of the dwelling units have been sold the homeowners association must have cash in its account in the amount of \$3,000 and the subdivision performance bond may be required by the Planning Commission to fulfill this funding.
7. 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.
8. 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.
9. The above binding elements may be amended as provided for in the Zoning District Regulations.