

Land Development and Transportation Committee

Staff Report

April 25, 2019



Case No:	19DEVPLAN1040
Project Name:	Chamberlain Crossing
Location:	2635 Chamberlain Ln
Owner(s):	IAN, LLC.
Applicant:	IAN, LLC.
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waivers**
 1. **Waiver** of Land Development Code section 10.2.4.B.8 to allow a truck parking area to encroach into the 15 foot PEC property perimeter buffer.
 2. **Waiver** of Land Development Code section 10.2.10 to allow the parking lot to encroach into the 10 foot Vehicle Use Area Landscape Buffer Area along Chamberlain Ln.
- **Revised District Development Plan**

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 9,240 SF retail commercial center on approximately 1.25 acres. The site is located in the Suburban Workplace form district and is zoned PEC. The site was rezoned under docket 17ZONE1044 and is currently vacant. The applicant is proposing to construct 5 truck parking spaces on the northern part of the site to serve the adjacent warehouse that was constructed as part of the same overall development. A waiver has been requested to allow for the encroachment of this truck parking. Another waiver is requested to allow an encroachment into a portion of the LBA along Chamberlain Ln.

STAFF FINDING

The requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this review.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

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

STAFF: The waiver will not adversely affect adjacent property owners, as the truck parking is actually proposed to serve the adjacent property and all required plantings will still be provided on the subject site.

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

STAFF: Community Form goal 1, policy 16 says we should Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. Community Form goal 2, policy 5 says we should locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. Community Form goal 2, policy 6 says we should encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. The proposed waiver will allow for the development of appropriate retail commercial within an existing activity center. The waiver will allow for a portion of the site to serve as truck parking for an adjacent light industrial use resulting in a more compact and efficient land use pattern. All required plantings will be provided on the subject site, and any potential negative impacts from the proposed development will be mitigated appropriately.

- (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 all required plantings will still be provided.

- (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 would deprive the applicant of the reasonable use of the land, as the site is being developed in a unified manner with the adjacent site which was part of the same rezoning application. The adjacent site needs an area to accommodate additional truck parking and the subject site has the space to provide it, while still providing all required plantings.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

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

STAFF: The waiver will not affect adjacent property owners as all required plantings and screening will still be provided.

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

STAFF: Community Form goal 1, policy 16 says we should Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected. Community Form goal 2, policy 5 says we should locate retail commercial development in activity centers where it can be demonstrated that sufficient population exists or is anticipated to support it. Community Form goal 2, policy 6 says we should encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment. The waiver will allow for a compact development of appropriate retail commercial. As the site is narrow and has a significant grade change in the rear, the encroachment allowed by the waiver will allow for minimal disturbance of the existing site grades. All required plantings will be provided on the subject site and any potential impacts of the development on the surrounding community will be mitigated appropriately.

- (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 all required planting and screening will be provided on site.

- (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 create an unnecessary hardship on the applicant, as it would necessitate significant grading along the rear of the site which is much steeper than the rest of the property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or 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 do 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 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: There are no open space requirements pertinent to the current 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: The Metropolitan Sewer District has approved the preliminary development plan and will ensure 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.

- (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, except where relief is requested.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Revised District Development Plan**

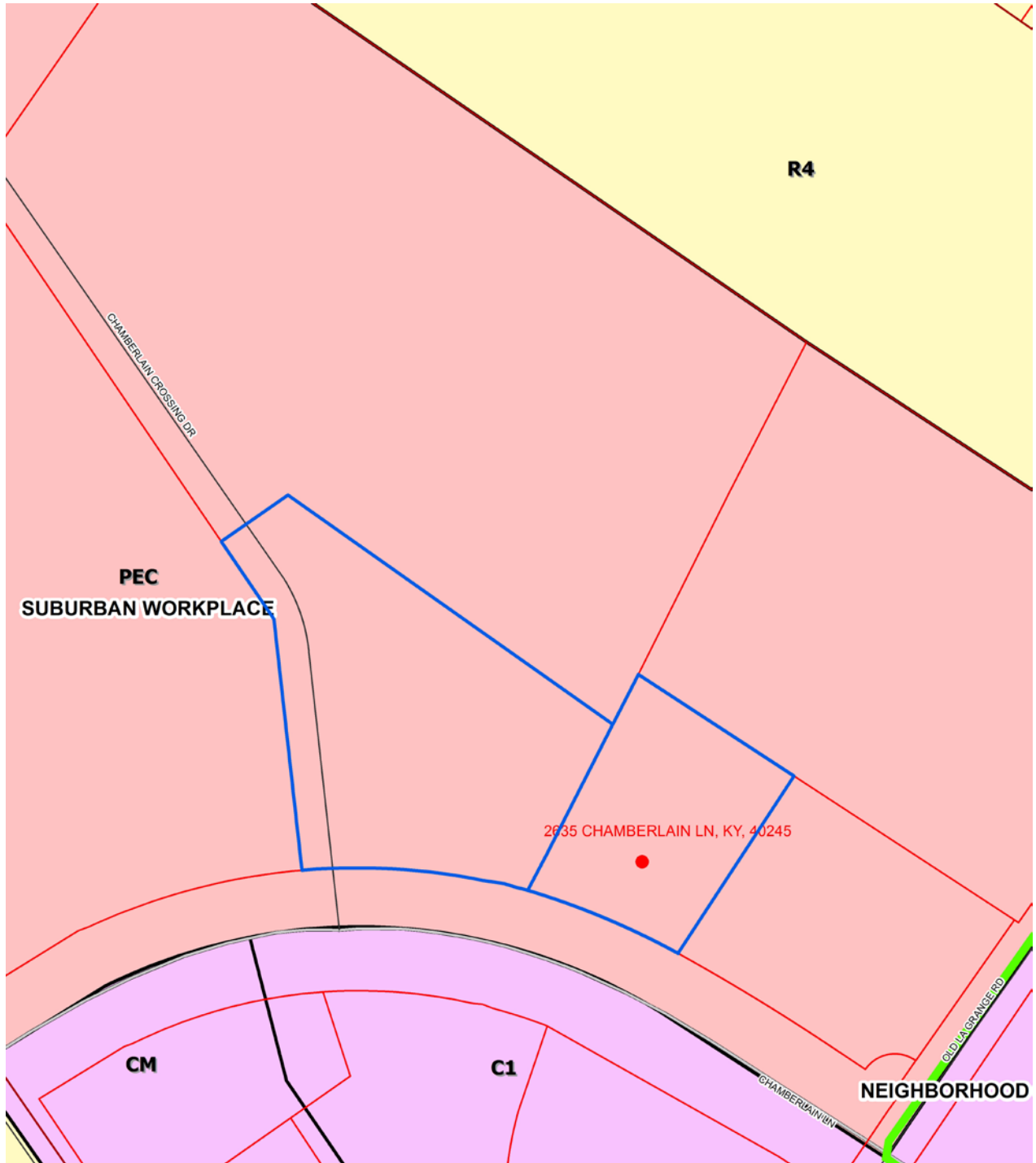
NOTIFICATION

Date	Purpose of Notice	Recipients
4-15-19	Hearing before LD&T	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 17

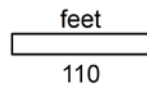
ATTACHMENTS

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

1. Zoning Map



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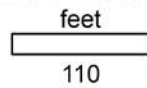


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2. Aerial Photograph



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3. **Existing Binding Elements with proposed addition**

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. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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 Land Development Code, 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. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - d. An Individual Historic Resource Survey Form shall be completed for any historic resources on the subject site. The documentation must occur prior to the issuance of a demolition permit or ground disturbance at the site. The documentation shall be submitted to Urban Design/Historic Preservation Staff upon completion.
 - e. A geotechnical report shall be submitted to staff for incorporation into the record.
 - f. A reciprocal access and crossover easement agreement for "truck access" in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services
 - g. A legal instrument shall be recorded consolidating the property as shown on the approved development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - h. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.**
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. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
8. No heavy-truck shall enter or exit the facility via Old La Grange Road. All heavy-truck access shall be limited to Chamberlain Crossing Drive.
9. The design of the façade and landscaping along Old La Grange Road, including a four-board fence shall be substantially the same as depicted in the renderings as presented at the 01/04/18 Planning Commission meeting and stamped “received 01/18/2018”.