

# Development Review Committee

## Staff Report

August 3rd, 2016



<b>Case No:</b>	16DEVPLAN1135
<b>Project Name:</b>	International Airport
<b>Location:</b>	5808 Johnsontown Rd
<b>Owner(s):</b>	Riverport Distribution Center, LLC
<b>Applicant(s):</b>	Scott Taylor, International Airport Centers
<b>Representative(s):</b>	Ann Richard, RLA, Land Design and Development Inc
<b>Project Area/Size:</b>	23.7 acres
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zone
<b>Existing Form District:</b>	Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	14 – Cindi Fowler
<b>Case Manager:</b>	Laura Mattingly, Planner I

### REQUEST

- Revised Detailed District Development Plan review for office/warehouse
- Waiver of LDC Section 5.12.2.A.1 to allow the proposed amenity area to be less than 10% of the total building square footage.
- Waiver of LDC Section 5.5.4.B.1 to allow drive lanes and parking to encroach into required 50 foot Landscape Buffer Area and to not provide the 6' berm and continuous screening.

### CASE SUMMARY/SITE CONTEXT

The proposed development is for a 370,788 square foot office/warehouse, located approximately 1.5 miles west of Dixie Hwy in southwest Louisville. The proposal includes 226 parking spaces and 229,760 square feet of loading dock and trailer storage area. This site has two access points from Johnsontown Road.

The site is an irregular triangular shape and is currently vacant. It is surrounded by vacant, R-1, Neighborhood Form District properties to the west, east and south, all of which are owned by Louisville Metro Government and are in the floodplain. The site is within a Transition Zone and meets all requirements with the exception of property perimeter buffering. The waiver of 5.5.4.B.1 provides relief from this requirement as well as the requirement for residential to non-residential abutting properties. The applicant is providing amenity areas equaling 11% of the office area in lieu of the total building area and has applied for relief of this regulation as well.

**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>	Vacant	EZ-1	SW
<b>Proposed</b>	Office/Warehouse	EZ-1	SW
<b>Surrounding Properties</b>			
<b>North</b>	Vacant/Industrial	EZ-1	SW
<b>South</b>	Vacant	R-1	N
<b>East</b>	Vacant	R-1	N
<b>West</b>	Vacant	R-1	N

**PREVIOUS CASES ON SITE**

- 8571- Rezoning from R-1 to EZ-1 for regional distribution center and warehouse.
- 13MINORPLAT1054- Minor plat to dedicate Right-of-Way along Johnstontown Road.
- 13DEVPLAN1040- Revised Detailed District Development Plan and LBA waiver for warehouse.

**INTERESTED PARTY COMMENTS**

Staff has not received any comments from interested parties.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP**

- 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: LOJIC does not indicate any environmental constraints on the site except for the floodplain on portions of the eastern edge of the 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 have been provided through the proposed vehicular access and the addition of sidewalks proposed along Johnstontown Road and within the development. Transportation has given their preliminary approvals.

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

STAFF: While the proposed amenity area does not meet the Land Development Code requirement, the applicant is providing 1,950 square feet of amenity area, equaling 11% of the office area, which appears to be appropriate for the development.

- 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 land uses are compatible with the existing and future development of the area, as warehouse uses are prevalent in the area.

- 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: This development conforms to the Land Development Code and the Comprehensive Plan with the exception of the Landscape Buffer Area and amenity area requirements for which relief is being sought.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER of  
Section 5.12.2.A.1 to reduce the required amenity area:**

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

STAFF: The waiver will not adversely affect adjacent property owners as the amenity area is a requirement that serves only the employees of the development.

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

STAFF: Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more appropriate for this development.

- (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 is providing an amenity area that is 11% of the office area and is more appropriate considering the needed size of the warehouse.

- (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 land or create an unnecessary hardship as the warehouse is large in relation to the number of employees on site therefore providing the amenity area based on the building size would be

in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.5.4.B.1 to allow drive lanes and parking to encroach into required 50 foot Landscape Buffer Area and to not provide the 6' berm and continuous screening.**

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

STAFF: The waiver will not adversely affect adjacent property owners as the R-1 zoned property surrounding the subject site is owned by Louisville Metro for flood mitigation purposes and it is highly unlikely that it would ever be developed as it has significant environmental constraints.

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

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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 property surrounding the subject site is highly unlikely to ever be developed and is heavily wooded, serving as a buffer to nearby residences.

- (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 required 6' berm and continuous screen would be unnecessary and redundant given the context of the abutting property; as the parking and maneuvering encroachments into the 50' LBA will be minimal; and, as the proposal will nevertheless meet the intent of this particular regulation.

- (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 Landscape Buffer Area and screening would be redundant and the space is needed to accommodate the size of the warehouse and associated Vehicle Use Area.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### TECHNICAL REVIEW

This proposal has received preliminary approvals from both MSD and Transportation.

Binding Element #13 should be eliminated, as the road improvements have been completed at this time.

### STAFF CONCLUSIONS

The Revised Detailed District Development plan is in order and the waivers appear to be adequately justified.

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 LDC Waivers and Detailed District Development Plan approval established in the Land Development Code.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan
- **APPROVE** or **DENY** the waiver of Section 5.12.2.A.1
- **APPROVE** or **DENY** the waiver of Section 5.5.4.B.1

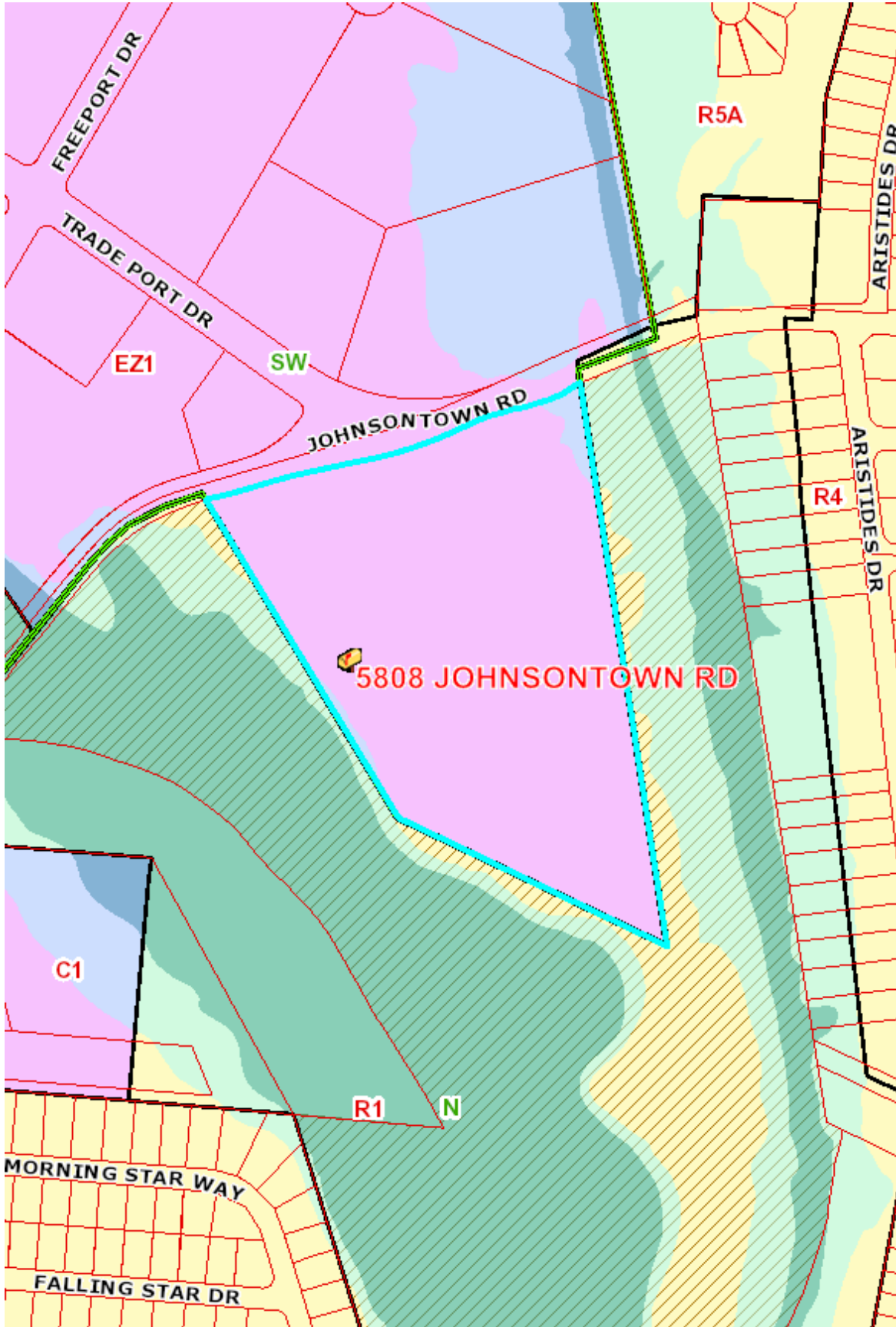
### NOTIFICATION

Date	Purpose of Notice	Recipients
July 20, 2016	APO Notice of Public Meeting	First tier adjoining property owners
July 20, 2016	Notice of Public Meeting	Registered neighborhood groups

### ATTACHMENTS

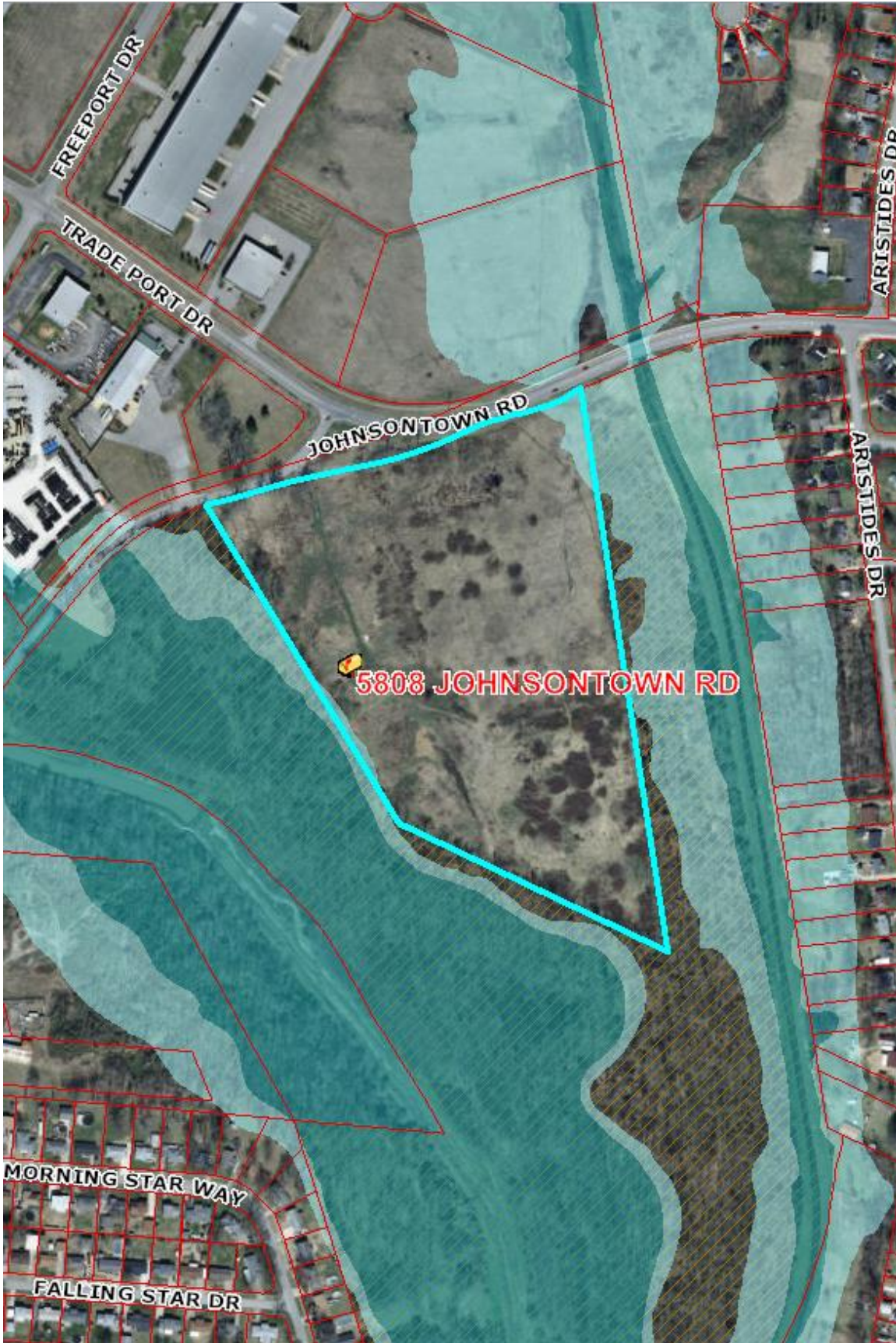
1. Zoning Map
2. Aerial Map
3. Existing Binding Elements
4. Proposed Binding Elements.

# 1. Zoning Map





## 2. Aerial Map



### 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 378,000 square feet of gross floor area.
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, site disturbance, alteration permit or demolition 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. A minor plat or legal instrument shall be recorded creating the lot lines as shown/dedicating right-of-way. 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.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
9. 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.



10. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the July 5, 2007 Planning Commission meeting.
11. 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.
12. There shall be no direct access to Johnsontown Road until roadway improvements are completed by Metro Public Works to provide a three-lane section along the property frontage.
13. The Applicant shall contribute \$12,600.00 to Metro Public Works for roadway improvements, and said payment shall be made prior to construction plan approval.
14. The Applicant shall submit a landscape plan for staff review and approval which shall include enhanced landscaping along Johnstontown Road to mitigate the waivers granted to eliminate the required berm, six foot continuous fence or hedge and encroachment into the perimeter LBA. Landscaping along the Johnsontown Road frontage shall be irrigated.

#### **4. Proposed Binding Elements**

2. The development shall not exceed ~~378,000~~ **370,788** square feet of gross floor area.
- ~~13. The Applicant shall contribute \$12,600.00 to Metro Public Works for roadway improvements, and said payment shall be made prior to construction plan approval.~~