

Development Review Committee

Staff Report

March 20, 2019



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| Case No: | 19DEVPLAN1015 |
| Project Name: | Greenbelt Hwy Warehouse |
| Location: | 7001 Greenbelt Hwy |
| Owner(s): | Eagle Pointe CD, LLC |
| Applicant: | Jeff Robinson, Summit Construction |
| Jurisdiction: | Louisville Metro |
| Council District: | 1 – Jessica Green |
| Case Manager: | Lacey Gabbard, AICP, Planner I |

REQUESTS:

Waivers:

1. **Waiver** of Land Development Code section 10.2.4 to not provide the 50 foot LBA and screening/plantings along the southern property line and provide a 15 foot setback in its place
2. **Waiver** of Land Development Code section 10.2.4 to reduce the 35 foot buffer along the western property line to 30 feet, and to not provide screening but to follow parkway buffer requirements
3. **Waiver** of Land Development Code section 6.2.6 to not provide sidewalks along Greenbelt Hwy
4. **Waiver** of Land Development Code section 5.9.2.A.1.b.i to not provide pedestrian access from the sidewalk to the building entrance

Requests:

5. **Outdoor Amenity Area** design review per Land Development Code section 5.12.2
6. **Revised Detailed District Development Plan**

CASE SUMMARY/BACKGROUND

The subject site is zoned EZ-1 Enterprise Zone in the Suburban Workplace form district. It is located on the east side of Greenbelt Highway, between the intersections of Logistics Drive and Riverport Drive on the opposite side of the street. The applicant is proposing an office warehouse with 12,000 square foot of office space and a total footprint of 314,500 square feet.

Previous cases:

- 16ZONE1072: Change in zoning from R-4 Residential Single Family to EZ-1 Enterprise Zone and a change in form district from Neighborhood to Suburban Workplace and a waiver to not provide the 6' berm along all property lines

Land Development Code section 6.2 states that sidewalks shall be provided abutting right-of-way. The northern portion of the western perimeter of the subject site abuts Greenbelt Highway, and the remainder of the western perimeter abuts Louisville Metro owned property. The approved plan for Plan Certain case 16ZONE1072 shows sidewalks along Greenbelt Highway, as well as pedestrian connectivity from the right of way to the building entrance. The applicant is requesting a waiver to not provide sidewalks along Greenbelt Highway. Staff recommends the Development Review Committee determine whether the applicant should provide sidewalks along the entire west perimeter of the site.

16ZONE1072 shows an 18,000 square foot amenity area. The most recently submitted plan for 19DEVPLAN1015 meets the amenity area requirements of the Land Development Code.

STAFF FINDINGS

The development plan, Outdoor Amenity Area and Waiver #1 are adequately justified and meet the standard of review. Staff recommends that the Committee discuss Waivers #2, 3, and 4, and whether the applicant should provide sidewalks in conformance with parkway buffer standards along Greenbelt Highway, and as indicated in 16ZONE1072.

TECHNICAL REVIEW

Public Works' preliminary approval is pending the sidewalk waiver requests. MSD has provided preliminary approval.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4 TO NOT PROVIDE THE 50 FOOT LBA AND SCREENING/PLANTINGS ALONG THE SOUTHERN PROPERTY LINE AND PROVIDE A 15 FOOT SETBACK IN ITS PLACE

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

STAFF: The waiver will not adversely affect adjacent property owners since the property to the south is currently vacant, zoned R-1 and R-4, and owned by Louisville-Jefferson County Metro Government. Additionally, the site to the south of the subject property contains potential wetlands, hydric soils, and a protected waterway that would restrict development to the south.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 airborne and waterborne pollutants.

The property along the subject site's southern border is owned by Metro and zoned residential, and contains potential wetlands, hydric soils, and a protected waterway which would restrict development. Though it differs in intensity with the subject site, it is unlikely to be developed and acts as a buffer between the subject site and developed residential properties further to the south.

- (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 since there are barriers that will most likely prevent the adjacent property to the south from being developed, so it currently acts as a buffer between the subject property and the residentially zoned properties further to the south.

- (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 since a 50 foot buffer would restrict the size of the proposed building on the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4 TO REDUCE THE 35 FOOT BUFFER ALONG THE WESTERN PROPERTY LINE TO 30 FEET, AND TO NOT PROVIDE SCREENING BUT TO FOLLOW PARKWAY BUFFER REQUIREMENTS

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

STAFF: The waiver will not adversely affect adjacent property owners since the property to the west is also zoned EZ-1 and does not have a buffer, and the applicant is proposing to comply with the 30 foot parkway buffer requirements.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 airborne and waterborne pollutants.

The applicant is proposing to comply with the 30 foot parkway buffer requirements, which will satisfy screening and landscaping for the site and the VUA along Greenbelt Highway.

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

STAFF: The applicant is proposing to comply with the 30 foot parkway buffer requirements, which will satisfy screening and landscaping for the site and the VUA along Greenbelt Highway.

- (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 since the 30 foot parkway buffer will provide adequate screening and is not substantially smaller than the required 35 foot LBA.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 6.2.6 TO NOT PROVIDE SIDEWALKS ALONG GREENBELT HIGHWAY

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

STAFF: The waiver will not adversely affect neighboring property owners because there are no sidewalks along Greenbelt Highway in the vicinity of the subject site.

- (b) The waiver does not violate the Comprehensive Plan; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate.

There are no sidewalks along Greenbelt Highway in the vicinity of the subject site, however, the plan certain case 16ZONE1072 shows sidewalks along the length of Greenbelt Highway. Additionally, the applicant is proposing to adhere to parkway buffer requirements, which call for sidewalks.

- (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 sidewalks do not currently exist in the vicinity of the subject 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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to build sidewalks with no foreseeable future connection to other sidewalks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.9.2.A.1.b TO NOT PROVIDE PEDESTRIAN ACCESS FROM THE SIDEWALK TO THE BUILDING ENTRANCE

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

STAFF: The waiver will not adversely affect neighboring property owners because there are no sidewalks along Greenbelt Highway in the vicinity of the subject site. The applicant has requested a waiver to not provide sidewalks, so pedestrian access from adjacent public sidewalks through off-street parking areas to building entrances is not necessary if the other waiver is approved.

- (c) The waiver does not violate the Comprehensive Plan; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate.

Since the proposed development is a warehouse/distribution center, the majority of the traffic to and from the subject site will most likely be automobile traffic and not pedestrian traffic. Additionally, there are no sidewalks in the vicinity of the subject site along Greenbelt Highway.

- (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 sidewalks do not currently exist in the vicinity of the subject 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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring the applicant to build sidewalks with no foreseeable future connection to other sidewalks, unless the waiver of section 6.2.6 is denied and the applicant builds sidewalks along Greenbelt Highway.

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: 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. Public Works' preliminary approval is pending the sidewalk waiver requests. MSD has provided preliminary approval.

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

STAFF: The proposed Outdoor Amenity Area meets Land Development Code requirements.

- (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.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**
- **APPROVE** or **DENY** the **Outdoor Amenity Area**
- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

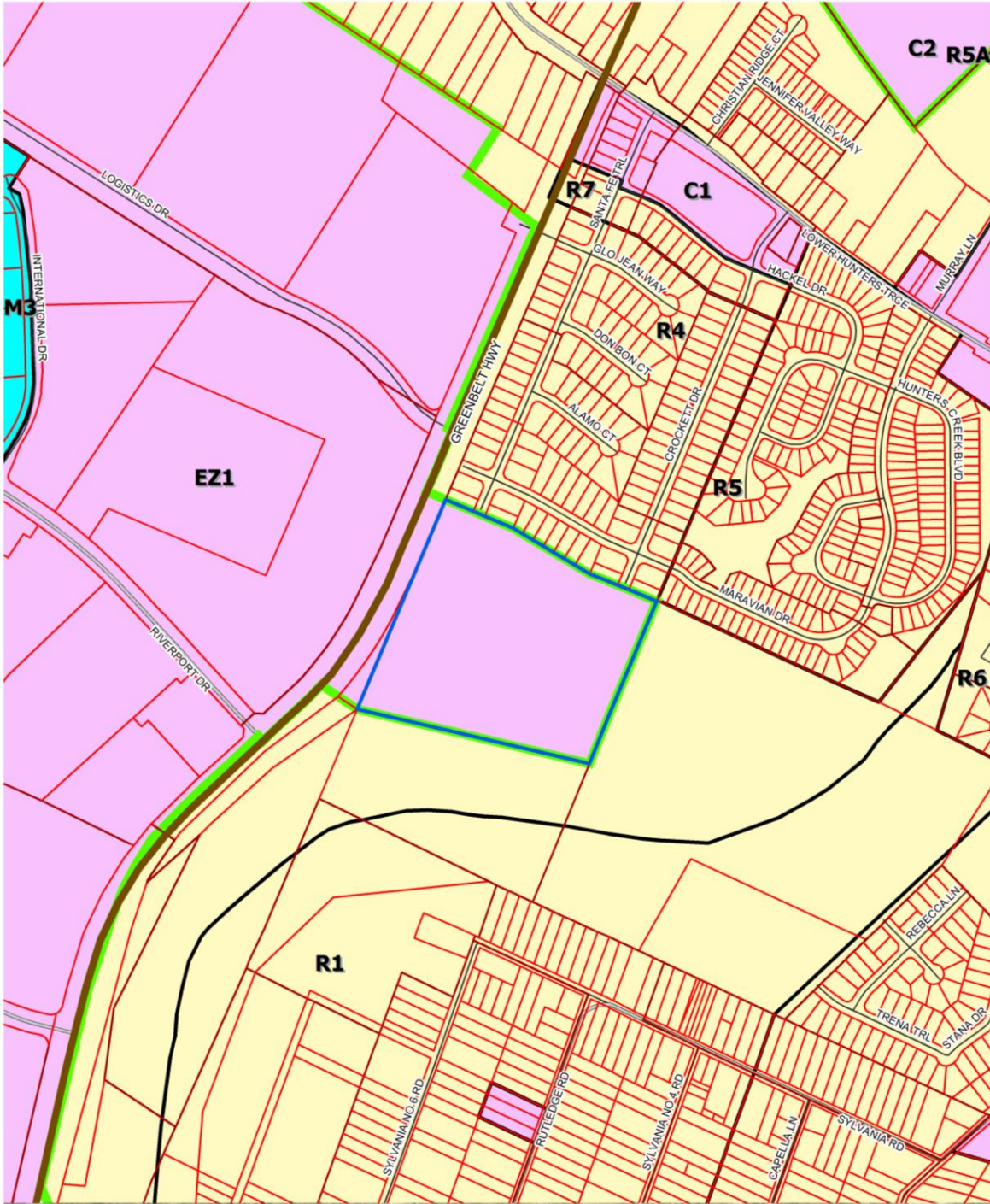
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|--------------------|--|
| 3-20-19 | Hearing before DRC | 1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 1 |

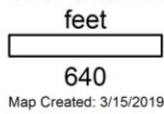
ATTACHMENTS

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

1. Zoning Map



7001 GREENBELT HWY



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2. Aerial Photograph



7001 GREENBELT HWY

feet



640

Map Created: 3/15/2019



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3. Existing Binding Elements

1. The site shall be maintained in accordance with all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Amendment of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any amendments not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted.
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 is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways for any work within the state right-of-way.
 - c. 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.
 - d. 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
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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 a copy of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development and/or use of this site and shall advise all parties of their content. 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. These binding elements shall run with the land and the owner(s) and occupant(s) of the property shall at all times be responsible for compliance with them.
7. No overnight idling within 200 ft. of residential property lines. Signs shall be posted restricting idling and establishing a slow acceleration zone along the northern drive aisle.

8. The materials and design of proposed structures shall be reviewed for Land Development Code compliance by Planning & Design Services staff prior to construction approval.
9. Northern access shall not be used for truck traffic between the hours of 10:00p.m. and 6:00a.m.