

Land Development & Transportation Committee Staff Report

May 31, 2018



Case No:	18DEVPLAN1061
Project Name:	3201 Pond Station Road
Location:	3201 Pond Station Road
Owner(s):	Richard J. Robinson – Global Port United LLC.
Applicant:	Richard J. Robinson – Global Port United LLC.
Representative(s):	Kathy Linares – Mindel, Scott, and Associates Inc.
Project Area/Size:	13.97 +/- Acres
Zoning:	M - 3
Form District:	Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Ross Allen – Planner I

REQUEST(S)

- Review of a Category 3 Development Plan for a proposed three lot subdivision with each lot containing a Warehouse/Distribution Center and Accessory Office use within the proposed structures.
- Waiver from LDC 5.5.4.B.1 to not provide the six ft. screen (e.g. fence, hedge, berm, wall, etc.) and canopy trees per LDC Chapter 10 Part 2 along the eastern property line where the existing Texas Gas Easement and where existing vegetation exist.

CASE SUMMARY/BACKGROUND

The subject site is located in Southwest Jefferson County on a vacant M-3 zoned parcel within the Suburban Workplace Form District. The parcel is located off of a private road, Pond Station Road, and is approximately 13.97 acres in size. The owner intends to subdivide the property into three lots with each lot having a Warehouse/Distribution Center containing an accessory office space within each proposed structure. Each lot contains a portion of Pond Station Road and will be dedicating a 25 foot wide portion running parallel to Pond Station Road which will allow for the Louisville Loop. Lot 1 has a 100 ft. wide Texas Gas Easement and 30 ft. wide sanitary sewer and drainage easement, both easements are running in a southwest to northeast diagonal. The subject site also abuts a Neighborhood Form District with R-4 zoned parcels having single family dwelling units along the eastern property line for all three proposed lots. The current site (all three proposed lots) will maintain a 50 ft. Landscape Buffer Area along the eastern property line as adjacent to the R-4 residential dwelling units for Lot 3 and a portion of Lot 1. Lot 2 will have a six foot berm running for an approximate length of 375 feet along the eastern property line and is requesting a waiver to not provide the six ft. berm atop of the existing 100 ft. wide Texas Gas Easement nor tree plantings/canopy. All existing Tree Canopy Credit Areas (TCCA) as shown on the development plan will be retained as shown on portions of the proposed Lot 1 (5,053 s.f. of existing TCCA) and Lot 3 (30,948 s.f. of existing TCCA).

Lot 1 is approximately 3.20 +/- acres with a proposed 27,200 s.f. warehouse/distribution center with 1,400 s.f. accessory office use located within the proposed structure. Access to Lot 1 is located in the southwestern corner with a 30 foot wide ingress/egress off of Pond Station Road leading through a 14,800 s.f. Employee/Visitor parking area, containing 37 parking spaces including two ADA accessible spaces and two carpool spaces, into the rear of the proposed structure where a 29,177 s.f. loading and maneuvering area with nine loading docks; each loading dock has the required 10 ft. width by 50 foot depth as required by Land Development Code. The proposed Vehicular Use Area (VUA) total is 43,977 s.f. and the applicant is providing 7.5% of the VUA total for Interior Landscaping Area (ILA), being approximately 3,298 s.f.

Lot 2 is approximately 4.43 +/- acres with total a proposed 52,500 s.f. structure including 50,000 s.f. of warehouse/distribution center and 2,500 s.f. accessory office use located within the proposed structure. Lot 2 will have two access points. To access the Loading/Maneuvering & storage VUA having 26,224 s.f. as located in the southwestern corner with a 30 foot wide ingress/egress off of Pond Station Road leading to the Warehouse/Distribution Center with eight loading docks facing south towards Lot 1; each loading dock has the required 10 ft. width by 50 foot depth as required by Land Development Code. The second access point from Pond Station Road is in the northwestern corner and is a 24 ft. wide shared access as recorded in Deed book 8017 Page 283 between lots 2 and 3 for their Employee/Visitor Parking Areas. Lot 2 will have a 14,666 s.f. Employee/Visitor parking area, containing 43 parking spaces including two ADA accessible spaces and two carpool spaces.

Lot 3 is approximately 5.49 acres with a total proposed 40,000 s.f. structure including 38,000 s.f. of warehouse/distribution center and 2,000 s.f. of accessory office use located within the proposed structure. Lot 3 will have two access points, one access is located in the southwestern corner of the parcel and is a 24 ft. wide shared access, previously mentioned, leading to 43 parking spaces including two ADA accessible spaces and two carpool spaces in the Employee/Visitor Parking Area of approximately 14,666 s.f. The second access point is located north of the proposed structure the Loading/Maneuvering & storage VUA is approximately 30,989 s.f. with a 40 foot wide ingress/egress off of Pond Station Road leading to the Warehouse/Distribution Center with eight loading docks facing north with each loading dock having the required 10 ft. width by 50 foot depth as required by Land Development Code.

The applicant will need to submit a new landscaping plan to Planning and Design Staff to meet the requirements of Chapter 10 of the LDC.

Related Cases:

- 16MINORPLAT1166: Applicant requested a shift to a lot line, staff approved on Dec. 14, 2016.
- 14DEVPLAN1052: Proposed Category 3 Development Plan "Stonestreet Summit" with two proposed Warehouse/distribution centers and associated parking on a 7.45 acre lot. Associated waiver with the case to waive the required six ft. high berm for a portion of the 50 ft. LBA width. Plan was never constructed resulting in loss of the waiver and development rights within the two yr. window from time of approval, 8/22/14.
- 3-39-06W/8786: A category 3 Development Plan for the construction of four office/warehouse buildings and required parking. A waiver was requested from LDC 5.5.4.B.1 to eliminate the six ft. berm within a portion of the 50 ft. LBA. Category 3 Development Plan and Waiver were approved at DRC on May 30, 2007. A CUP for Legends Sports Club with associated waivers and variances were and replaced with the Category 3 Development Plan.
- 9422/11893 LSCAPE: Landscape plans associated with case no. 3-39-06W/8786. Both plans were approved on 12/01/2018.
- 03-15687-11: Amendment to a record plat to correct easement restrictions and maintenance requirements for three or more lots on a minor plat (Minor Plat docket # 221-02, DB 8017 PG 283). The minor subdivision plat incorrectly limited use of the access easement to residential, while the lots that use this access easement are industrial. The amendment to a record plat was associated with a Revised Category 3 Development Plan, the plan was approved by DRC on June 8, 2011 on condition of the Amendment to the Record Plat approval with a condition relating to the location of the Louisville Loop along the southwestern frontage of Pond Station Road.

STAFF FINDING / RECOMMENDATION

The review of a Category 3 Development Plan indicates that the applicant has meet all applicable standards, excluding the request for a waiver from LDC 5.5.4.B.1 to waive the required six ft. berm and required planting across the Texas Gas Easement. The applicant has indicated on the proposed plan that an eight ft. tall fence will be placed in close proximity to the loading/maneuvering & storage area to compensate for the required screening.

- **Condition of Approval #1:** A minor subdivision plat will need to be recorded for the three proposed lots showing the dedication of the public access easement for the Louisville Loop.
- **Condition of Approval #2:** “The Louisville Loop, a shared use path, is proposed to intersect the development site. The exact location of the path shall be determined at a later date and be coordinated with Metro Public Works. The path shall be located within the Pond Station Road access easement or within the 25 ft. building limit, so long as it does not negatively impact the proposed development shown on this plan. In addition, the developer is not responsible for any costs incurred by the Louisville Loop”.
- **Condition of Approval #3:** The applicant shall provide the interior landscaping requirement in accordance with Chapter 10 Part 2 Section 12 of the LDC or request a waiver.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	M-3	Suburban Workplace
Proposed	Industrial – Warehouse/Distribution Center and accessory offices	M-3	Suburban Workplace
Surrounding Properties			
North	Industrial	M-3	Suburban Workplace
South	Vacant / Single Family Residential	R-4	Neighborhood
East	Single Family Residential / Industrial	R-4 / M-2	Neighborhood / Suburban Workplace
West	Industrial	M-3	Suburban Workplace

TECHNICAL REVIEW

MSD and Transportation Planning have preliminarily approved 18DEVPLAN1061.

Per case no. 03-15687-11 as approved by DRC on May 25, 2011 the approval of the Category 3 Development plan had two conditions:

1. The Category 3 plan associated with the Record Plat should be amended to correspond with the minor plat or otherwise reference the source of title for any additional plats that would explain the change in tract numbering on the plan and clearly define the public access easement for the Louisville Loop.

Dept. of Public Works Division of Transportation has asked staff to include the following into the Technical Review:

2. The proposed development is located in the area of the Louisville Loop. The applicant has met with Metro Parks and agrees to the following language:

“The Louisville Loop, a shared use path, is proposed to intersect the development site. The exact location of the path shall be determined at a later date and be coordinated with Metro Parks. The path shall be located within the Pond Station Road access easement or within the 25 ft. building limit, so long as it does not negatively impact the proposed development shown on this plan. In addition, the developer is not responsible for any costs incurred by the Louisville Loop”. (Latondra Yates Staff report as provided to DRC on May 25, 2011 on Docket No. 03-15687-11, page 3 of 5).

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Land Development Code (LDC August 2017a)
Comprehensive Plan (Cornerstone 2020)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC 5.5.4.B.1: to provide the 6 ft. screen (e.g. fence, hedge, berm, wall, etc.) and canopy trees per LDC Chapter 10 Part 2 along the eastern property line where the existing Texas Gas Easement and where existing vegetation exist.

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

STAFF: the waiver will not adversely affect adjacent property owners since the property owner will maintain the existing dense vegetation that provides an existing and immediate buffer along the eastern/southern property line. The Texas Gas Easement is an existing/known condition that the applicant does not have control over. Texas Gas restricts any change of grade or plantings. Especially of trees over their pipeline or in the easement. Where existing vegetation does exist the applicant will retain to allow for a screening from the residential properties found to the south and east, where existing vegetation is not present the applicant is willing to provide a six ft. high berm, and where the Texas Gas Easement is located the applicant is providing an eight ft. tall fence to compensate for screening as found on the proposed Lot 1.

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

STAFF: The waiver will not violate the comprehensive plan since the proposed industrial use is within a Suburban Workplace Form District, the developer is willing to provide a 50 ft. landscape buffer area along the eastern/southeastern property line excluding the 100 ft. wide Texas Gas Easement where the applicant is not able to provide screening. A visual 50 ft. landscape buffer will be provided either from the preservation of existing vegetation or construction of the berm and plantings will be provided and therefore this request does not violate the Comprehensive Plan.

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

STAFF: The applicant does not have control over the Texas Gas Easement to provide a berm or screening. The applicant will preserve the existing vegetation but the existing vegetation does not stretch the entirety of the southeastern/eastern property line where the applicant will provide a six ft. high berm for approximately 376 ft. on Lot 2 and is unable to provide the berm or screening atop the Texas Gas easement with an approximate width of 175 ft., this request is the minimum necessary to afford relief to the applicant.

- (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 regulation would deprive the applicant of reasonable use of the land as it would not allow for the preservation of existing vegetation and does not provide an exception for the Texas Gas Easement. Therefore, it would create an unnecessary hardship on the applicant. It would also negatively impact the adjacent property owners where the existing vegetation could be preserved as an alternative means to screen the subject site. The impacts associated with the removal of the existing vegetation and the construction of the required six ft. high berm will provide screening from those adjacent uses. Lot 1 will have an 260 ft. long; eight ft. tall fence just east of the loading/maneuvering & storage area as shown on the development plan, this may act as a screen from the adjacent residentially zoned properties.

REQUIRED ACTIONS

- **Approve/Deny** the Category 3 Development plan proposal having 3 lots each lot containing a Warehouse/Distribution Center and accessory office use with associated loading/maneuvering & storage area and employee visitor parking.
- **Approve/Deny** the waiver from LDC 5.5.4.B.1 to not provide the six ft. screen (e.g. fence, hedge, berm, wall, etc.) and canopy trees per LDC Chapter 10 Part 2 along the eastern property line where the existing Texas Gas Easement and where existing vegetation exist on proposed lots 1, 2, and 3.
- **Condition of Approval #1:** A minor subdivision plat will need to be recorded for the three proposed lots showing the dedication of the public access easement for the Louisville Loop.
- **Condition of Approval #2:** “The Louisville Loop, a shared use path, is proposed to intersect the development site. The exact location of the path shall be determined at a later date and be coordinated with Metro Public Works. The path shall be located within the Pond Station Road access easement or within the 25 ft. building limit, so long as it does not negatively impact the proposed development shown on this plan. In addition, the developer is not responsible for any costs incurred by the Louisville Loop”.
- **Condition of Approval #3:** The applicant shall provide the interior landscaping requirement in accordance with Chapter 10 Part 2 Section 12 of the LDC or request a waiver.

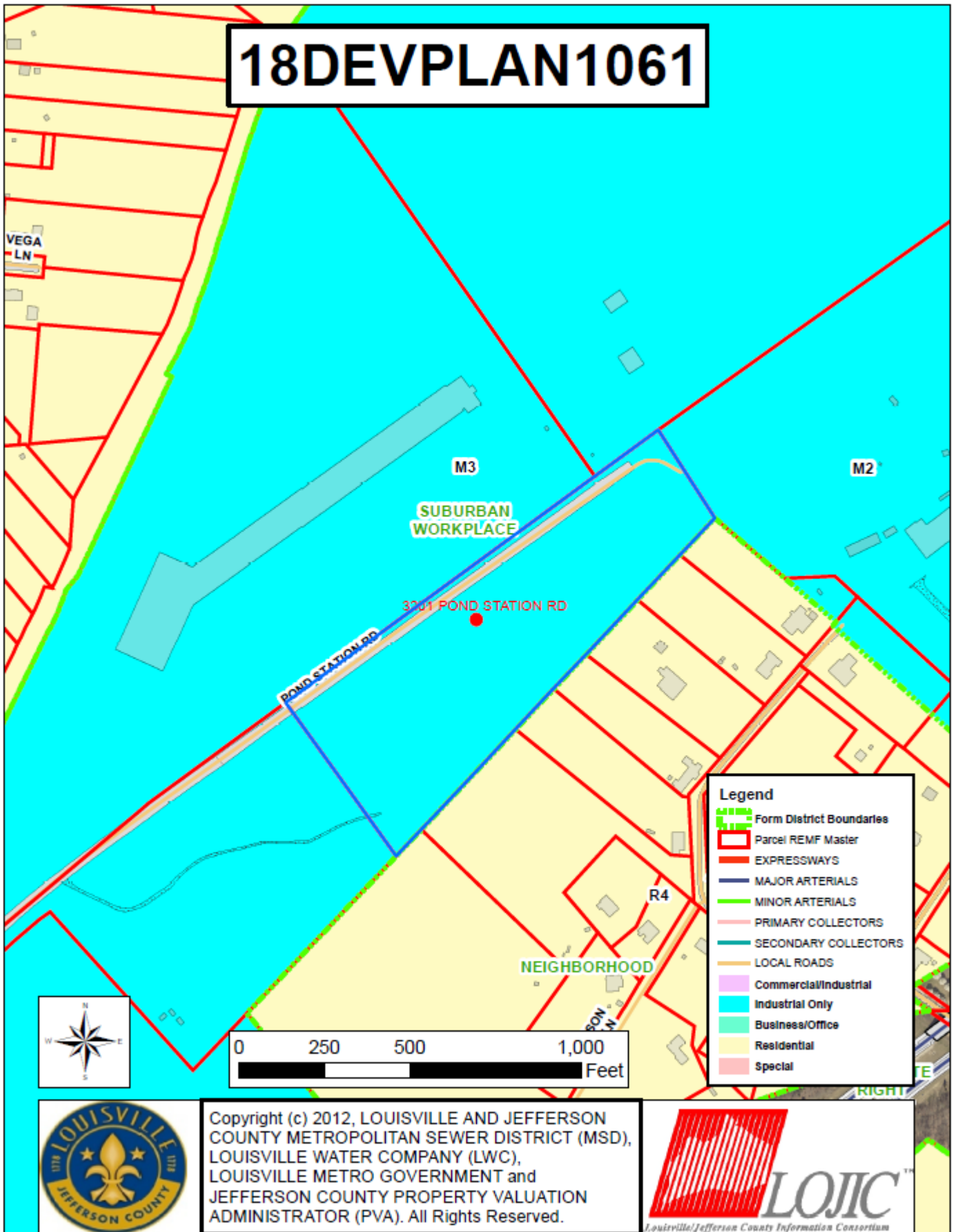
NOTIFICATION

Date	Purpose of Notice	Recipients
May 31, 2018	Hearing before LD&T May 31, 2018	1 st tier adjoining property owners Subscribers of Council District 14 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

