

Development Review Committee
Staff Report
March 18, 2020



Case No:	19-DDP-0072
Project Name:	Intertech Mechanical Services
Location:	5836 Fern Valley Road
Owner(s):	Mark Young, Intertech Group, LLC
Applicant:	Mark Young, Intertech Group, LLC
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **Waiver** of Land Development Code 10.2.4 to allow an existing parking and loading area encroachment into the LBA on the eastern property line (20-WAIVER-0011)
2. **Waiver** of Land Development Code 10.3.5 to allow existing an existing parking encroachment into the Parkway Buffer (20-WAIVER-0011)
3. **District Development Plan**

CASE SUMMARY/BACKGROUND

The subject site is zoned PEC Planned Employment Center in the Suburban Workplace form district. It is located in the Poplar Park development.

The subject site is currently developed with 15,150 square feet of industrial structures. The applicant is proposing to construct an additional 11,200 square foot storage building and a 26,650 square foot gravel storage yard. Additionally, the applicant is requesting waivers to allow an existing parking and loading area to encroach into a portion of the LBA on the eastern property line, and to allow an existing parking encroachment into the Parkway Buffer along Fern Valley Road on the northern property line.

Previous cases:

- 9-41-75: Change in zoning from R-8A Apartment to R-7 Apartment, R-9 Apartment and M-P-2A Industrial Park; from R-10 Apartment to R-9 Apartments and M-P-2A Industrial Park; from M-2 Industrial to C-2 Commercial and M-P-2A Industrial Park; from M-P-2 Industrial Park to M-P-2A Industrial Park on the southeast corner of Poplar Level Road and Shepherdsville Road

STAFF FINDINGS

The district development plan and waiver request are adequately justified and meet the standard of review. Staff recommends that the Development Review Committee discuss with the applicant where required tree canopy will be located on the subject site. With the electric and sewer easements, and retention and detention basins at the rear of the property, the available space is limited.

TECHNICAL REVIEW

Public Works and MSD have 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 ALLOW AN EXISTING PARKING AND LOADING AREA ENCROACHMENT INTO THE LBA ON THE EASTERN PROPERTY LINE

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

STAFF: The waiver will not adversely affect adjacent property owners since the encroachment is existing, and the neighboring property to the east is also internal to the Poplar Park development and the use appears to be similar in intensity to the subject site (the applicant's justification indicates the use is semi-trailer storage, and PVA indicates the use is commercial auto sales). Additionally, the applicant proposes to provide the required landscaping within the 15 foot LBA where there is no existing encroachment.

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

STAFF: 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 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 encroachment into the LBA is existing, and the neighboring property to the east is also internal to the Poplar Park development and the use appears to be similar in intensity to the subject site. Additionally, the applicant proposes to provide the required plantings within the 15 foot LBA where there is no existing encroachment.

- (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 the encroachment is existing, and the applicant is proposing to provide the required LBA plantings in the area of the LBA where there is no existing encroachment.

- (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 encroachment is existing and the applicant proposes to provide the required LBA plantings in the area of the 15 foot LBA where there is no existing encroachment.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.3.5 TO ALLOW AN EXISTING PARKING ENCROACHMENT INTO THE PARKWAY BUFFER

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

STAFF: The waiver will not adversely affect adjacent property owners since the encroachment is existing, and the applicant proposes to provide the required landscaping in the area of the Parkway Buffer where there is no encroachment.

- (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, 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. 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 encroachment into the Parkway Buffer is requesting relief is existing, and the applicant proposes to provide the required plantings where there is no existing encroachment. Currently, there do not appear to be any plantings in the Parkway Buffer, so this would be an improvement to existing conditions.

- (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 the encroachment is existing, and the applicant is proposing to provide the required Parkway Buffer plantings in the area where there is no existing encroachment.

- (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 encroachment is existing and the applicant proposes to provide the required Parkway Buffer plantings in the area where there is no existing encroachment.

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: 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 has approved the preliminary development plan. Kentucky Transportation Cabinet has reviewed the plan, and their approval is required prior to MSD construction plan approval.

- (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. Future development proposed on the subject site will be required to meet 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 **Revised Development Plan** and **Binding Element Amendments**

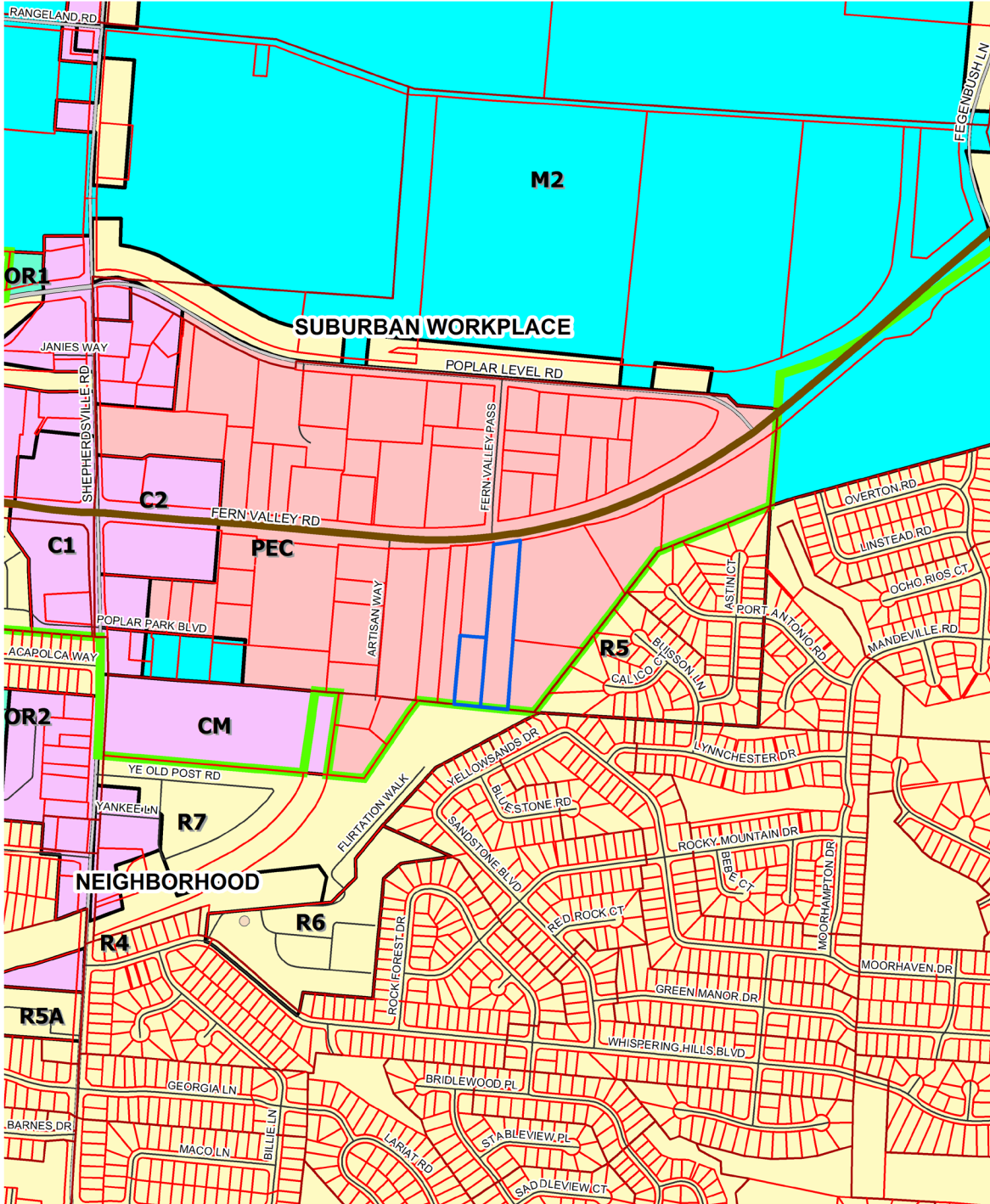
NOTIFICATION

Date	Purpose of Notice	Recipients
3-18-20	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 24

ATTACHMENTS

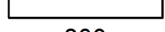
1. Zoning Map
2. Aerial Photograph
3. Proposed Site Plan Binding Elements

1. **Zoning Map**



5836 FERN VALLEY ROAD

feet



800

Map Created: 3/6/2020



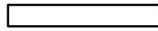
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2. **Aerial Photograph**



5836 FERN VALLEY ROAD

feet



800

Map Created: 3/6/2020



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3. Proposed Site Plan 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 (and to the City of Lyndon, St. Matthews, Hurstbourne, or Middletown etc) for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - e. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 18 DRC meeting. A copy of the approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
8. 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.