

# Development Review Committee

## Staff Report

March 2<sup>nd</sup>, 2016



<b>Case No:</b>	15DEVPLAN1203
<b>Project Name:</b>	Fern Valley Commerce Center
<b>Location:</b>	4500 Fern Valley Rd
<b>Owner(s):</b>	Lannert Farm LLC
<b>Applicant(s):</b>	Summit Construction LLC
<b>Representative(s):</b>	Kathy Linares, Mindel Scott & Associates
<b>Project Area/Size:</b>	17.1 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>	2 – Barbara Shanklin
<b>Case Manager:</b>	Laura Mattingly-Humphrey, Planner I

### REQUEST

- Category 3 Development Plan review
- Waiver of 5.12.2.A.1 to reduce the required amenity area

### CASE SUMMARY

This Category 3 development is for a 332,500 square foot warehouse and distribution center located at the southwest corner of Fern Valley Rd and Jefferson Blvd, approximately 1.2 miles east of Preston Highway. The proposal includes 331 parking spaces, 54 loading docks and 30 trailer parking spaces.

A waiver is being requested to reduce the amenity area requirement of 10% of total building footprint and to calculate the amenity area based only on the office square footage.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	EZ-1	SW
<b>Proposed</b>	Warehouse distribution center	EZ-1	SW
<b>Surrounding Properties</b>			
<b>North</b>	Single family residential, Vacant	R-4, CN	N
<b>South</b>	Vacant	EZ-1	SW
<b>East</b>	Vacant	R-6	SW
<b>West</b>	Vacant	EZ-1	SW

## SITE CONTEXT

The site is a rectangular shape and approximately 16.8 acres in area. It is surrounded by vacant, EZ-1 properties with the exception of a single family subdivision to the north across Fern Valley Rd. It is located within the floodplain and will be accessed by a crossover access easement on the south side of the property via Jefferson Boulevard and at the northwest corner of the property via Fern Valley Rd.

## PREVIOUS CASES ON SITE

There are no previous cases on the subject site.

## INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### 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 in proportion to the number of employees.

- (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 proposed development meets or exceeds all other applicable regulations of the Land Development Code.

- (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 distribution center 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.

### TECHNICAL REVIEW

This development is located within the floodplain and the entirety of the site is comprised of hydric soils (potential wetlands). The appropriate notes have been placed on the plan, including floodplain compensation and Army Corps of Engineers approval. The plan has also received preliminary approvals from MSD and Public Works.

### STAFF CONCLUSIONS

- The waiver of 5.12.2.A.1 appears to be adequately justified and meets the standard of review
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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 an LDC Waiver established in the Land Development Code.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the Category 3 Development Plan
- **APPROVE** or **DENY** the Waiver request of 5.12.2.A.1

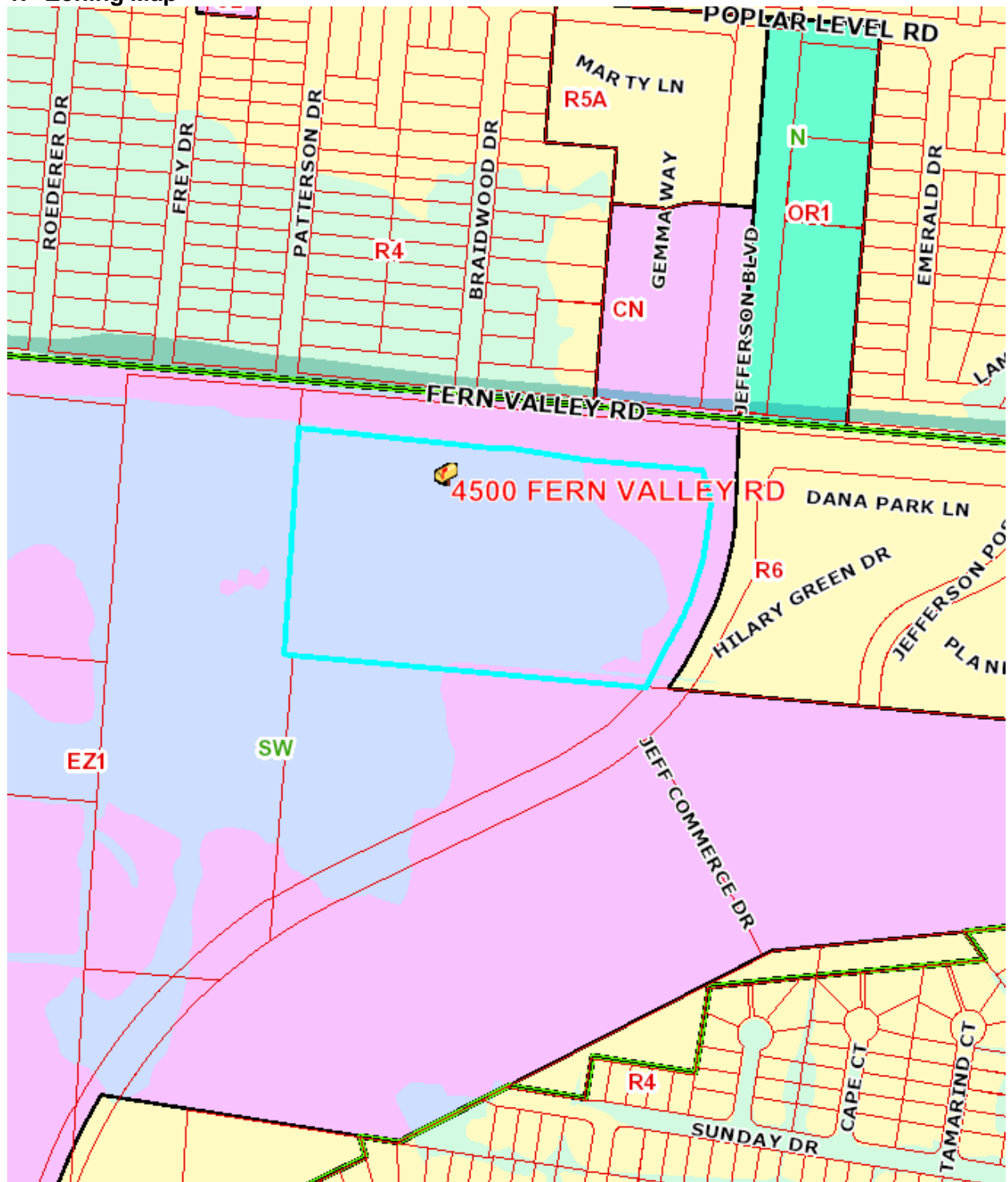
### NOTIFICATION

Date	Purpose of Notice	Recipients
2/17/16	APO Notice of hearing	First tier adjoining property owners
2/16/16	Notice of Hearing	Registered neighborhood groups

### ATTACHMENTS

1. Zoning Map
2. Aerial Map

## 1. Zoning Map



## 2. Aerial Map



