

# Development Review Committee

## Staff Report

April 6, 2016



<b>Case No:</b>	<b>16DEVPLAN1014</b>
<b>Request:</b>	<b>Revised Detailed District Development Plan and Waivers</b>
<b>Project Name:</b>	<b>2621 Technology Drive</b>
<b>Location:</b>	<b>2621 Technology Drive</b>
<b>Owner:</b>	<b>Dixie Properties Blankenbaker LLC</b>
<b>Applicant:</b>	<b>Land Design &amp; Development, Inc</b>
<b>Representative:</b>	<b>Ann Richard</b>
<b>Jurisdiction:</b>	<b>Louisville Metro/Jeffersontown</b>
<b>Council District:</b>	<b>11 – Kevin Kramer</b>
<b>Case Manager:</b>	<b>Laura Mattingly-Humphrey, Planner I</b>

### REQUEST

- Waivers
  1. Section 5.5.4.B.1 of the Jeffersontown Land Development Code to not provide the 50' Landscape Buffer Area and 6 foot berm along the property line shared with a residentially zoned property.
  2. Section 10.2.4.B of the Jeffersontown LDC to allow a retaining wall to be higher than 4 feet within the Landscape Buffer Area at the south side of the property
  3. Section 6.2.6 for the Louisville Metro LDC to waive the sidewalk requirement along the Louisville Metro portion of Blankenbaker Rd.
- Revised Detailed District Development Plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 214,250 square foot office/warehouse on an undeveloped 16.5 acre lot in the Blankenbaker Commerce Centre within central eastern Jefferson County. The development is proposed on five lots that will be consolidated prior to development and is located along the Louisville Metro/Jeffersontown border and has portions within both jurisdictions. This proposal includes 120,798 square feet of vehicle use area with 248 parking spaces and will have access from both Blankenbaker Road as well as Technology Drive. Three waivers are being requested with the revised plan.

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

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	PEC/M-2	SW
<b>Proposed</b>	Office/Warehouse	PEC/M-2	SW
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Vacant	R-4	SW
<b>South</b>	Vacant	M-1, M-2	SW
<b>East</b>	Single & Multi Family Residential	R-4, R-6	SW
<b>West</b>	Warehouse	PEC	SW

## PREVIOUS CASES ON SITE

- 9-7-96: Rezoning from R-4 to PEC for the Blankenbaker Commerce Center.
- 9-73-98: Rezoning from R-4 to PEC on property located at 2600 Old Blankenbaker Rd
- 9-49-95: Rezoning from R-4 to M-2 on property located at 2608 Blankenbaker Rd.

## INTERESTED PARTY COMMENTS

None received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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: This proposal is preserving 0% of the nearly 100% existing tree canopy on site, although the applicant states that they will preserve what they can at the construction phase. The applicant is proposing to plant new trees in accordance with the Land Development Code.

- 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 with access from Technology Drive and Blankenbaker Road, as well as pedestrian access from Technology Drive. Metro Public Works have approved the preliminary development plan.

- 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 with the current proposal.

- 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 use and building design are compatible with the existing and future development of 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: The development plan does not conform to the Land Development Code and has applied for the appropriate waivers in order to provide relief for the deficiencies.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.5.4.B.1 of the Jeffersontown Land Development Code to not provide the 50' Landscape Buffer Area and 6 foot berm along the property line shared with a residentially zoned property.**

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

STAFF: The waiver will not adversely affect adjacent property owners as the lot is currently vacant and the applicant is still proposing a 15' LBA with plantings and screening.

- (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. This proposal does not violate these guidelines of Cornerstone 2020 due to the residential lot being undeveloped and the provision by the applicant of a 15' LBA with required plantings.

- (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 plan does provide all other LBAs and is constrained by the needed size of the building, width of drive aisles and required parking.

- (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 as the proposed warehouse would not be able to be built to the needed size while also providing the needed parking, drive aisles and other landscape buffer areas.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4.B. of the Jeffersontown LDC to allow a retaining wall to be higher than 4 feet within the Landscape Buffer Area at the south side of the property:**

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

STAFF: The waiver will not adversely affect adjacent property owners as the wall is located just along the parking area and will not impede plantings and screenings.

- (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. This waiver does not violate these guidelines as the LBA is still being provided with all the required plantings and screenings.

- (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 all other requirements of the LBA will be provided, including the 5 required trees.

- (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 as the retaining wall is a necessary structure for the integrity of the site at that area.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 6.2.6 for the Louisville Metro LDC to waive the sidewalk requirement along the Louisville Metro portion of Blankenbaker Rd:**

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

STAFF: The waiver will not adversely affect adjacent property owners as currently there is no sidewalk network along Blankenbaker Road in this area.

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

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, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated, as the Jeffersontown LDC does not require a sidewalk along their part of the development and there is no existing sidewalk network.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as the sidewalk is not required by Jefferson town and sidewalks and the development is connecting to the sidewalk network on Technology Drive.

- (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 as building a sidewalk that does not connect to others and where there is no intent to complete sidewalks would be an unnecessary cost to the owner.

## TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- A geotechnical report, as required under the binding elements for 9-7-96, as well as a traffic impact study has been submitted and reviewed by Transportation staff.
- This property is in the process of being annexed by Jeffersontown.

## STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Waiver requests appear to be adequately justified and meet the standard of review based on staff analysis in the staff report. This development site encompasses three different plan certain sites, therefore this revised plan will apply to those existing plan certain developments.

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 a RDDDP established in the Land Development Code.

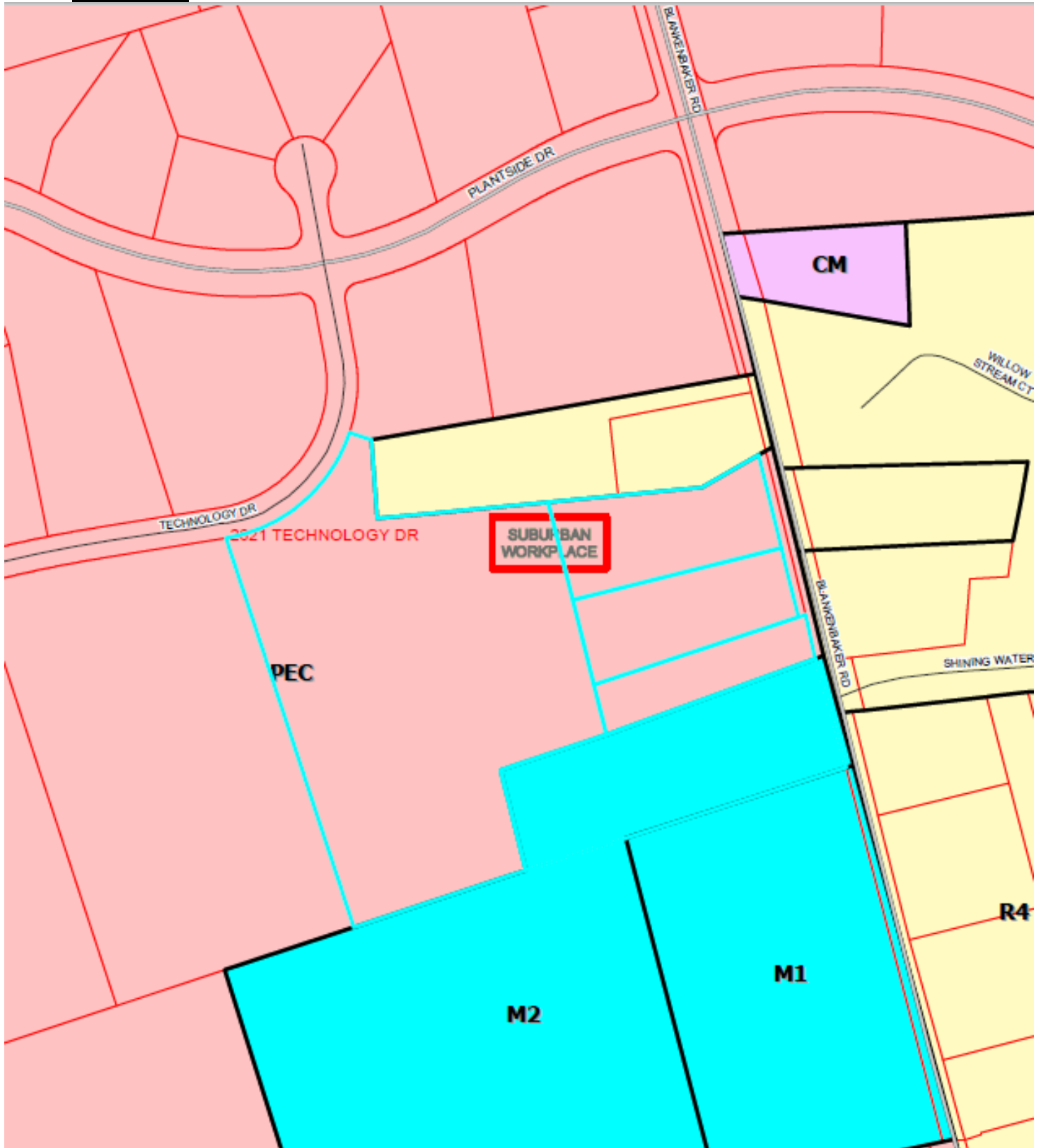
#### NOTIFICATION

Date	Purpose of Notice	Recipients
3/23/2016	Public Hearing - DRC	Neighborhood notification recipients
3/24/2016	Public Hearing - DRC	1 <sup>st</sup> tier adjoining property owners

#### ATTACHMENTS

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

1. **Zoning Map**





2. Aerial Photograph





### **3. Existing Binding Elements**

**All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:**

Docket 9-73-98

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission and the City of Jeffersontown.
2. The development shall not exceed 204,000 square feet of gross floor area.
3. The only permitted freestanding signs shall be located as shown on the approved development plan. The signs shall not exceed 140 square feet in area per side and 10 feet in height. No sign shall have more than two sides.
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banner shall be permitted on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 9 degree cutoff so that no light source is visible off-site.
6. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect the existing tree stands and their 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.
7. Before any permits (including but not limited to building, parking lot, change of use or alteration permit) is requested;
  - a. The development plan must receive full construction approval from the Jefferson County Department of Public works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 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 consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Development Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
8. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.

9. A certificate of occupancy must be received from the appropriate code enforcement office 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.
10. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

Docket 9-79-95

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for permitted land uses for the established zoning district.
2. The development shall not exceed 7,200 square feet of gross floor area for the warehouse/ shop and 2,400 square feet for the office.
3. There shall be no freestanding sign permitted on site.
4. Outdoor lighting shall be directed down and away from surrounding residential properties.
5. The storage yard shall be surfaced with dense grade aggregate.
6. There shall be no storage of materials used for paving or asphaltting on the site except for a piece of equipment known as a roller.
7. The applicant agrees to widen Blankenbaker Road along the Blankenbaker Road frontage adjoining the subject site and to reconstruct a drainage pipe underneath Blankenbaker Road, as approved by the Jefferson County Department of Public Works and Transportation.
8. The applicant shall submit a plan for approval by the Planning Commission staffs landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staffs landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
  - a. Proposed site plan showing existing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
  - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
  - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.

- d. Location of construction fencing for each tree/tree mass designated to be preserved.
9. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
- a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (400 S. Sixth Street).
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. [Note: if no new construction, timeframe for compliance to be negotiated with applicant and inserted here]
  - c. The property owner/developer shall submit to the Planning Commission written procedures for tire/oil disposal that comply with applicable state and federal regulations and have been approved by the appropriate Works Director. Said procedures shall be submitted prior to requesting a building permit and shall be followed for the duration of the use unless otherwise approved by the Planning Commission.
10. If a certificate of occupancy (building permit) is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
11. A certificate of occupancy must be received from the appropriate code enforcement office 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.
12. The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.

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

- 1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, ~~except for permitted land uses for the established zoning district.~~ **and the City of Jeffersontown.**
- 2. The development shall not exceed ~~7,200~~ **194,250** square feet of gross floor area for the warehouse/~~shop~~ and ~~2,400~~ **20,000** square feet for the office.

~~3. There shall be no freestanding sign permitted on site.~~

~~3. The only permitted freestanding signs shall be located as shown on the approved development plan. The signs shall not exceed 140 square feet in area per side and 10 feet in height. No sign shall have more than two sides.~~ **3. Signs shall be in accordance with Land Development Code Chapter 8.**

~~5. The storage yard shall be surfaced with dense grade aggregate.~~

~~7. The applicant agrees to widen Blankenbaker Road along the Blankenbaker Road frontage adjoining the subject site and to reconstruct a drainage pipe underneath Blankenbaker Road, as approved by the Jefferson County Department of Public Works and Transportation.~~