

Board of Zoning Adjustment Staff Report

May 16, 2016



Case No:	16CUP1009
Project Name:	Fort Locks
Location:	8202 & 8204 National Turnpike
Owners:	Valley Station Towne Center, LLC
Applicant:	Land Design & Development
Representative(s):	Derek Triplett, Ann Richard
Project Area/Size:	5.7 acres
Existing Zoning District:	C-2, Commercial
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Welch
Case Manager:	Jon E. Crumby, Planning & Design Coordinator

REQUESTS

- Modified Conditional Use Permit to allow additional storage units in an C-2 zoning district
- Landscape waiver to allow an easement overlap along the front property line

Location	Requirement	Request	Waiver
Front Property Line	50%	100%	50%

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct 26,260 square feet of new storage units. The new square footage will be located in three new structures. The existing storage area is 12,155 square feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Mini-Warehouses	C-2	SWC
Proposed	Mini-Warehouses	C-2	SWC
<i>Surrounding Properties</i>			
North	Commercial	C-2	SWC
South	Commercial	C-2	SWC
East	Warehouse	EZ-1	SWC
West	Storage	M-2	SWC

SITE CONTEXT

The site is irregular in shape and located on the west side of National Turnpike. The site is surrounded by commercial and industrial uses to the north, south, east, and west.

PREVIOUS AND ASSOCIATED CASES ON SITE

- B-105-89** An application for a Conditional Use Permit for mini-warehouses in a C-2 zone. The request was denied on July 24, 1989.
- B-105-89** An application for a Conditional Use Permit for mini-warehouses in a C-2 zone. The reconsideration was approved on August 7, 1989.
- B-105-89** An application for a modification of the Conditional Use Permit for mini-warehouses in a C-2 zone. The modification was approved on October 7, 1996.

Conditions of approval are as follows:

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on site without the prior review and approval by the Board.
2. The site shall be landscaped in accordance with the requirements of Article 12 of the Zoning district Regulations.
3. Loading doors and vehicle maneuvering area shall be located away from the exterior of the property.
4. No storage of toxic or hazardous materials shall be allowed on the property.
5. There shall be no retail or wholesale sales or distributing activities on site.
6. No outdoor storage shall be allowed on the property.
7. Only one free standing sign shall be allowed. Such sign may be illuminated but shall be non-flashing and stationary in all components. Such sign shall not exceed 20 feet in height nor exceed a total of 64 square feet in area per side.
8. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a mini-warehouse without further review and approval by the Board.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the area is located along the front property line adjacent to National Turnpike.

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

STAFF: Guideline 3, policy 9 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. 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.

- (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 waiver would allow landscaping along the front property line.

- (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 since landscaping would not be allowed in the easement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

Mini-warehouses may be allowed in the C-2 District where the premises abut on a roadway classified as a collector or major or minor arterial as designated in the Comprehensive Plan for all of Jefferson County, Kentucky, upon the granting of a Conditional Use Permit and compliance with the listed requirements. **Item B. will need to be modified.**

A. The property shall be landscaped so as to blend in with the surrounding area and shall be screened and buffered from adjacent uses of a non-industrial nature.

B. No building, structure or pavement shall be located closer than 30 feet to side property lines or property lines abutting residential areas. This area is reserved as a landscape buffer area. **The proposed mini-warehouse will be located along the south property line.**

C. No outside storage shall be allowed on the property.

D. No storage of toxic or hazardous materials shall be allowed on the property.

E. There shall be no retail or wholesale sales or distributing activities on site.

F. No structure on the site shall be taller than one story and shall not exceed 15 feet in height (except for one freestanding sign as allowed in G below).

G. Signs - Only one freestanding sign shall be allowed and shall conform to limits established for the form district in which the sign is located.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the waiver and modified CUP as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the landscape waiver
- **APPROVE** or **DENY** the modified Conditional Use Permit

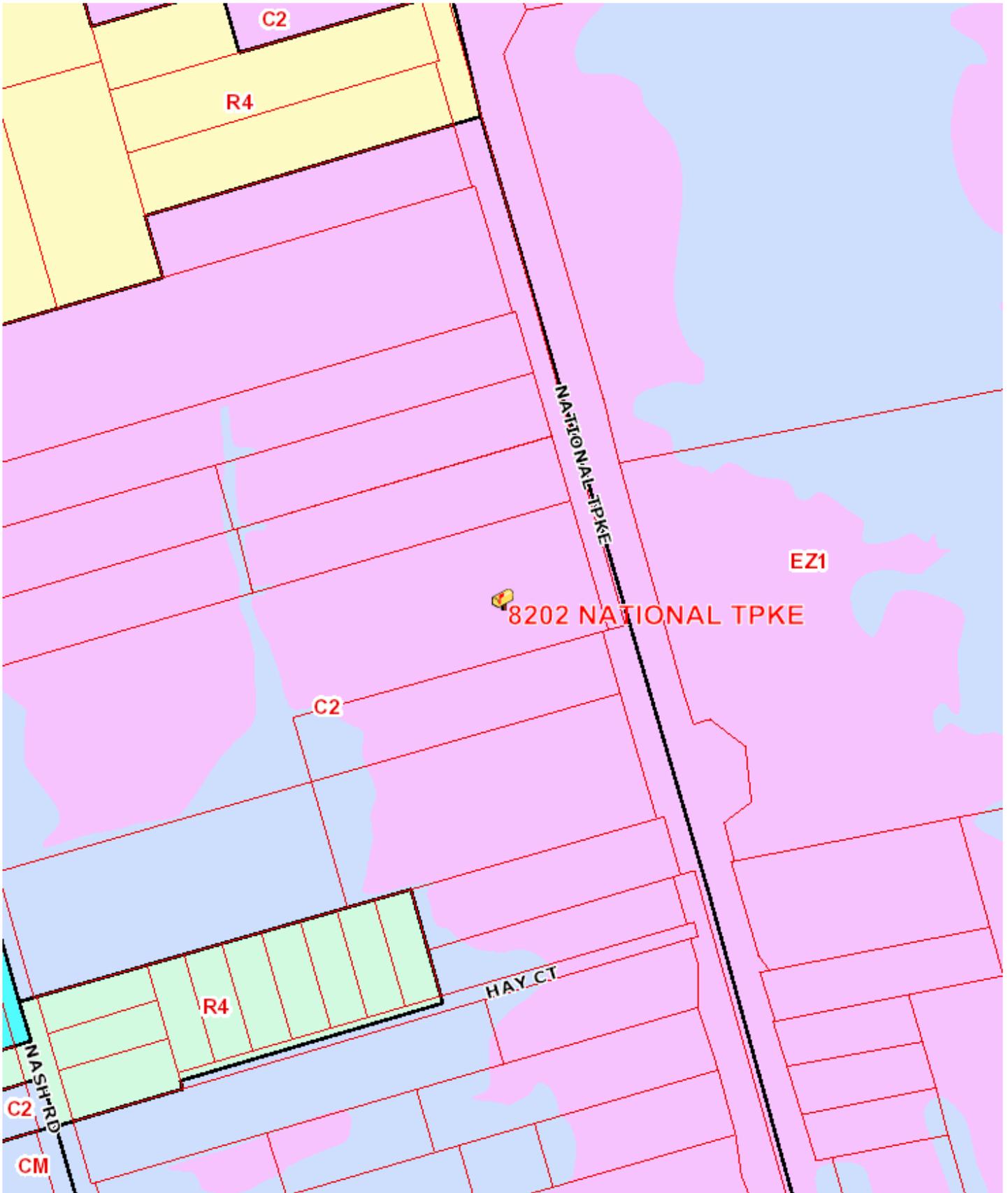
NOTIFICATION

Date	Purpose of Notice	Recipients
4/29/16	Notices	Adjoining Properties
4/29/16	Post the Sign	Site

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Justification Statement
4. Site Plan

1. **Zoning Map**



2. **Aerial Photograph**



General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

No, the required plantings will still be added. Being that there is no landscaping in the right-of-way currently, this will be an upgrade from existing conditions.

2. Will the waiver violate the Comprehensive Plan?

No, the required plantings will still be installed; providing vehicular use area screening and tree canopy.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes, the requested waiver is the minimum necessary to afford relief to the applicant.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

Strict application of the regulations would create an unnecessary hardship on the applicant. Due to numerous utility easements running across the front of the property, in order for the landscape buffer area to have less than a 50% overlap of utility easement, it would have to be 35' from the property line. This is an unreasonable distance to satisfy a 15' LBA requirement. The intent of the regulation will be met by providing the required plantings and screening, which is greater than the majority of the neighboring properties, most of which have zero screening along the right-of-way.

RECEIVED

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