

Development Review Committee
Staff Report
May 18th, 2016



Case No:	16DEVPLAN1023
Request:	Revised Detailed District Development Plan and Landscape Waiver
Project Name:	Minor Lane Warehouse
Location:	9101 Minor Lane
Owner:	JAM Development II, LLC
Applicant:	Joe Kelley, JAM Development II, LLC
Representative:	John Campbell, Heritage Engineering, LLC
Jurisdiction:	Louisville Metro
Council District:	13 – Vicky Aubrey Welch
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan
- Waiver of Section 5.5.4.B.1 to not provide a 50' Landscape Buffer Area along a property line shared with a residential use.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 324,400 square foot office/warehouse on an undeveloped 21.8 acre lot in south central Jefferson County within the Louisville Renaissance Zone. This proposal includes 283,436 square feet of vehicle use area with 270 parking spaces and will have access from Minor Lane. The applicant is proposing the warehouse and parking be built in two phases, both of which are included on the development plan. The proposal is also dedicating right of way along Minor Lane.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	EZ-1	SW
Proposed	Office/Warehouse	EZ-1	SW
<i>Surrounding Properties</i>			
North	Vacant	EZ-1	SW
South	Single Family Residential	EZ-1, C-1	SW
East	Vacant	EZ-1	SW
West	Vacant	EZ-1, R-4	SW

PREVIOUS CASES ON SITE

9-14-00 - Rezoning from R-4 to EZ-1 for proposed office/warehouse development.

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 4' sidewalks proposed along Minor Lane as well as pedestrian walkways from the public sidewalk to and around the development. Public Works has reviewed the plan and given preliminary approvals for both the vehicular and pedestrian transportation that is proposed.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The applicant has provided the outdoor amenity area as well as all setbacks and landscape buffer areas as required in the Land Development Code.

- 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. Much of the area is vacant but zoned for industrial and commercial uses and with the area-wide rezoning of the Louisville Renaissance Zone; this area is soon to be primed for similar, compatible uses such as industrial, commercial or warehouses.

- 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 is in conformance with the Land Development Code as well as the policies and guidelines of the non-residential intent of the Comprehensive Plan.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.5.4.B.1 of the Land Development Code to not provide the 50' Landscape Buffer Area and 6' 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 applicant is proposing a 25' landscape buffer area with all required plantings.

- (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 as this area is primarily industrial in character and is currently under review for another area-wide rezoning that aims to change the remaining residential and commercial zones to EZ-1. The waiver does not affect the visual impact that the development has from the roadway, is still providing a landscape buffer that will help transition to the industrial use from the commercial and residential uses to the south, and will still provide adequate screening to mitigate the negative impacts of the development on the abutting residential use.

- (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 exceed the requirements for 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.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- The plan will require Corps of Engineers Approval prior to construction due to the presence of hydric soils/potential wetlands.
- 16AREA1000 is currently under review and proposes changes to the nearby R-4 and C-1 zones to EZ-1.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Landscape Waiver request appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

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 approval of the RDDDP established in the Land Development Code.

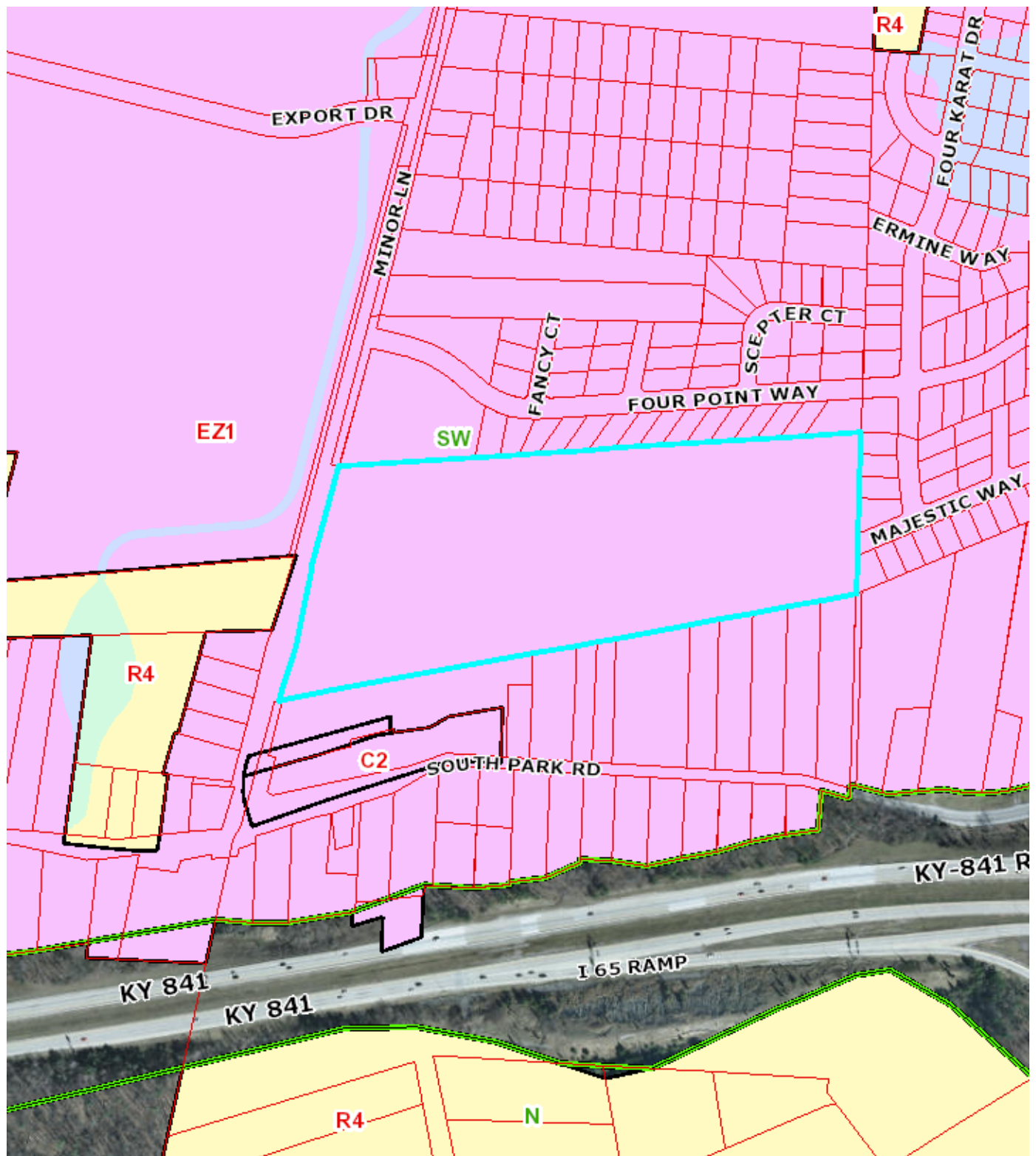
NOTIFICATION

Date	Purpose of Notice	Recipients
05/06/2016	Public Hearing - DRC	Neighborhood notification recipients
05/04/2016	Public Hearing - DRC	1 st tier adjoining property owners
5/12/16	Revised Notice for Public Hearing-DRC	Neighborhood notification recipients, Dianna & Joseph Sievert

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

All binding elements from the approved General Development Plan (9-14-00) are applicable to this site, in addition to the following:

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 324,400 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8 of the Land Development Code.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - c. Right of way will be dedicated along Minor Lane as shown on the development plan.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
7. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
8. If a building permit is not issued within two years 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 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.
10. 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.

11. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.