

Development Review Committee
Staff Report
August 31, 2016



Case No:	16DEVPLAN1081
Request:	Revised Detailed District Development Plan, Landscape Waiver & LDC Waiver for Amenity Area
Project Name:	Guess Distribution Center
Location:	10610 Freeport Drive
Owner:	Kevin Browne, Guess ? Inc.
Applicant:	Kevin Browne, Guess ? Inc.
Representative:	Ashley Bartley, Qk4
Jurisdiction:	Louisville Metro
Council District:	12 – Rick Blackwell
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 and 6' berm along a property line shared with a residential zone.
- Waiver of 5.12.2.A.1 to allow amenity area to be less than 10% of total building square footage.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a 232,500 square foot addition to a 504,996 square foot existing warehouse within the Riverport Industrial subdivision, located in southwest Louisville. The proposal includes the addition of 155 parking spaces, a truck docking area and an 18' fire lane that will connect the existing parking to the new parking area. The fire lane will encroach into the required 50' landscape buffer area on the west property line, for which the applicant has applied for a waiver. The applicant has also applied for a waiver to allow 7,940 square feet of amenity area, equaling approximately 1% of the total building area.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	EZ-1	SW
Proposed	Warehouse	EZ-1	SW
<i>Surrounding Properties</i>			
North	Manufacturing	EZ-1	SW
South	Warehouse	EZ-1	SW
East	Vacant	EZ-1	SW
West	Vacant	R-1	SW

PREVIOUS CASES ON SITE

9-58-96-

Rezoning from R-1 to EZ-1 for warehouse and commercial uses and detailed district development plan for 910,000 square foot warehouse.

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 68,301 square feet of tree canopy and meeting tree canopy requirements by planting another 117,872 square feet.

- 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' sidewalk connections to the existing public sidewalk along Freeport Drive, as well as safe vehicular access onto and throughout the site.

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

STAFF: The applicant has provided the amenity area for employees although it does not meet the code for size.

- 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. This area was re-zoned and subdivided in 1996 for a warehouse and commercial area. The addition is behind the existing building and won't be seen from Freeport Drive.

- 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 with the exception of the non-residential to residential Landscape Buffer Area and the amenity area waiver.

**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 R-1 property to the west is vacant and owned by Louisville Metro Government. It is also in the floodplain and therefore unlikely to be developed as a residential use.

- (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 the adjacent parcel is not currently developed and is unlikely to be developed due to it being located in a floodplain. It is also heavily wooded which fulfills the guidelines pertaining to the natural benefits of LBAs.

- (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 fulfill the requirements for all other LBAs and is constrained by the needed size of the building, width of drive aisles and the fire lane, which is the only portion of the development that encroaches into the LBA.

- (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 and 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 fire lane.

**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 and 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 proposal was initially scheduled for the June 15, 2016 DRC but an indefinite continuance was granted at that time at the request of the applicant.
- The plan was revised on June 9th to reflect the 25' LBA required along the eastern property line in Binding Element #3 of 9-58-96.
- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan Waiver requests 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.

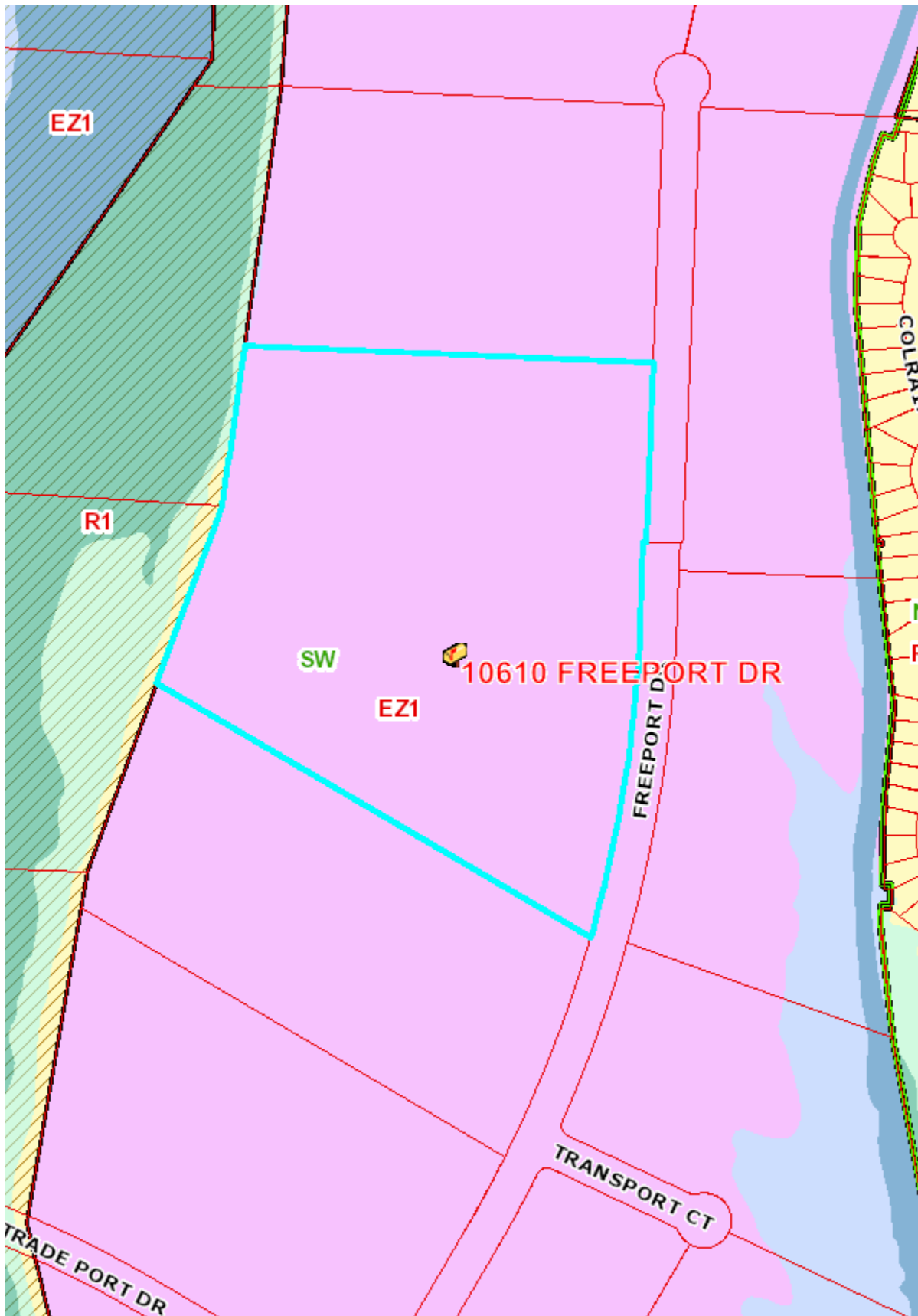
NOTIFICATION

Date	Purpose of Notice	Recipients
06/01/2016	Public Meeting - DRC	Neighborhood notification recipients
06/02/2016	Public Meeting - DRC	1 st tier adjoining property owners
06/08/2016	Public Meeting– DRC – Revised project description	Neighborhood notification recipients.
8/17/2016	Public Meeting- DRC	Neighborhood notification recipients
8/19/16	Public Meeting- DRC	1 st tier adjoining property owners

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

All binding elements from the approved General Development Plan (9-58-96) 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 Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. The development shall not exceed 910,000 square feet of gross floor area (62,500 square feet of office space and 847,500 square feet of warehouse space).
3. There shall be no freestanding sign permitted on site without prior approval by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations
4. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that o light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
7. a. Construction fencing shall be erected at the edge of the area of development prior to any grading or construction to protect he 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.

7b. The applicant shall submit a plan for approval by the Planning Commission staff landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Any modification of the tree preservation plan requested by the applicant may be approved by the Planning Commission staff landscape architect if the changes are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing 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.
8. 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 (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 of 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;
Transmittal of the approval plans to the office responsible for permit issuance will occur only after receipt of said instrument. Approval of a clearing and grading plan for the property is not contingent upon the recording of a legal instrument or minor plat.
9. If a building permit is not issued within one year of the date of approval of the plan, 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.
10. 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.
11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system permitted on the site.
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 the 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

2. The development shall not exceed ~~910,000~~ **737,496** square feet of gross floor area (~~62,500~~ **4,880** square feet of office space and ~~847,500~~ **732,616** square feet of warehouse space).