

Development Review Committee

Staff Report

October 19, 2016



Case No:	16WAIVER1036
Request:	Landscape Waivers associated with a warehouse expansion
Project Name:	2300 Plantside Drive
Location:	2300 Plantside Drive
Owner:	Antonio Mora, Mora Properties LLC
Applicant:	Antonio Mora, Mora Properties LLC
Representative:	Marv Blomquist, Blomquist Design Group
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Laura Mattingly, Planner I

REQUEST

- **Waiver of Section 10.2.4** to allow the building expansion to encroach into the required 50 foot LBA along rear property line
- **Waiver of Section 10.2.4.B** to allow an easement along the rear property line to overlap the required LBA by more than 50%
- **Waiver of Section 10.2.4.B** to allow the existing building and addition to encroach into the required 15 foot LBA along the north property line and for an existing drive to encroach into the required 15' LBA along the south property line.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant has filed for Category 2B approval with the city of Jeffersontown for a 3,200 square foot warehouse expansion located in the Bluegrass Research and Industrial Park, just Southeast of the I-64 and South Hurstbourne Pkwy exchange. The site is currently the location of three warehouses, fronting on Plantside Drive. The expansion will be located on the rear of the warehouse located along the Southwest property line. The applicant has not met the requirements for landscape buffer areas and therefore is in need of relief of some of these requirements.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

- 13473: Landscape waiver to allow easement to overlap LBA by more than 50%, to allow a building addition to encroach into a required LBA and sidewalk waiver. Approved by DRC December 16, 2009.
- 14774: Landscape waiver to not provide screening for existing dumpster. Approved by DRC December 8, 2010.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of Section 10.2.4 to allow the building expansion to encroach into the required 50 foot LBA along rear property line.

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

STAFF: The waiver will not adversely affect adjacent property owners as the required screening and planting requirements will still be met.

- (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 higher intensity use will still be screened from the residential use. The applicant has agreed to plant additional trees if necessary to meet the intent of the requirement.

- (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 addition still allows a 20 foot Landscape Buffer Area, maintaining the existing buffer width.

- (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 business needs the space and will have to re-locate if the addition is denied.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.2.4.B
to allow an easement along the rear property line to overlap the required LBA by more than 50%.

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

STAFF: The waiver will not adversely affect adjacent property owners as the applicant will still meet the planting and screening requirements.

- (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 more intense use will still be screened from the residential use with existing trees and new plantings as required.

- (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 addition still allows a 20 foot Landscape Buffer Area, maintaining the buffer of the existing building.

- (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 business needs the space and will have to re-locate if the addition is denied.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.2.4.B

to allow the existing building and addition to encroach into the required 15 foot LBA along the north property line and for an existing drive to encroach into the required 15' LBA along the south property line.

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

STAFF: The waiver will not adversely affect adjacent property owners the existing encroachments have been in place for 25 years and the addition holds the same setback as the existing building.

- (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 there are existing trees in place that are not to be disturbed and any required plantings and screenings will be provided.

- (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 road and building are existing, the addition is needed for the business to thrive and all planting and screening requirements will be met.

- (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 business needs the space and will have to re-locate if the addition is denied.

TECHNICAL REVIEW

- The City of Jeffersontown is currently reviewing the Category 2b plan and variance for encroachment into a transition zone setback.
- The applicant has agreed to provide additional plantings, if needed, along the rear/west property line. At the time of Landscape Review, staff will determine if additional plantings are needed for screening from the residential use.

STAFF CONCLUSIONS

The requested waivers appear to be adequately justified and meet the standard of review as proposed. This is based on the standard of review and staff analysis.

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 the Waivers established in the Land Development Code.

REQUIRED ACTIONS

Recommend to the City of Jeffersontown:

- **APPROVAL or DENIAL** of the Waiver of Section 10.2.4 to allow the building expansion to encroach into the required 50 foot LBA along rear property line.
- **APPROVAL or DENIAL** of the Waiver of Section 10.2.4.B to allow an easement along the rear property line to overlap the required LBA by more than 50%.
- **APPROVAL or DENIAL** of the Waiver of Section 10.2.4.B to allow the existing building and addition to encroach into the required 15' LBA along the north property line and for an existing drive to encroach into the required 15' LBA along the south property line.

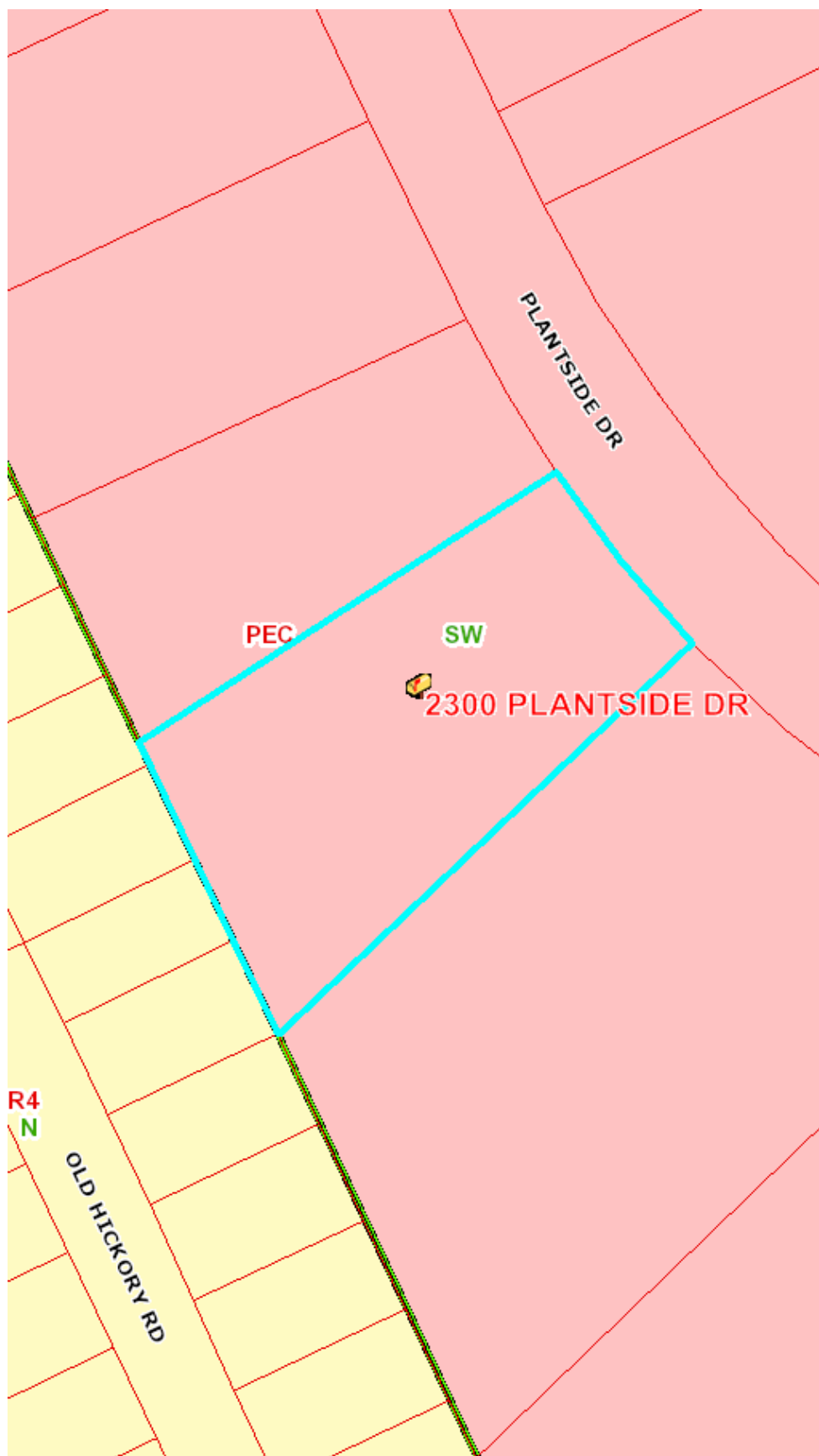
NOTIFICATION

Date	Purpose of Notice	Recipients
10/05/2016	Public Hearing - DRC	Neighborhood notification recipients
10/05/2016	Public Hearing - DRC	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

