

Development Review Committee Staff Report

November 30, 2016



Case No:	16DEVPLAN1147
Project Name:	Eastpoint Business Park
Location:	2501 Stanley Gault Pkwy
Owner(s):	Oakland LTD. Partnership
Applicant(s):	Oakland LTD. Partnership
Representative(s):	Kelli Jones, Sabak Wilson & Lingo
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Detailed District Development Plan review for two office/warehouses
- Waiver of Land Development Code Section 5.12.2 to allow the proposed amenity area to be less than 10% of the total building square footage.

CASE SUMMARY/SITE CONTEXT

The proposed development is for two office/warehouses with a total square footage of 324,940 square feet, located within the Eastpoint Business Park in northeast Jefferson County. The proposal includes 573 parking spaces and 149,195 square feet of loading dock vehicle use area. This site has two access points from Stanley Gault Parkway.

The site is an irregular square shape and is currently vacant. The business park is fully developed around this property with warehouses and office space. The applicant is providing amenity areas equaling 10% of the office area and 1% of the warehouse area in lieu of the total building area and has applied for a waiver of 5.12.2.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	PEC	SW
Proposed	Office/Warehouse	PEC	SW
Surrounding Properties			
North	Commercial Warehouse	PEC	SW
South	Vacant	PEC	SW
East	Manufacturing/Commercial Warehouse	PEC	SW
West	Commercial Warehouse	PEC	SW

PREVIOUS CASES ON SITE

9-5-89 & 10-5-89: Zoning change from R-4 to PEC for Business Park and major preliminary subdivision plan.
Approved by Planning Commission on March 16, 1989

9-94-97: Zoning change from R-4 to PEC on three remaining portions of R-4 land. Approved by Planning Commission on February 19, 1998.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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: LOJIC indicated an intermittent stream on site, as well as karst terrain. The applicant has noted on the plan the Karst survey that was performed and has proposed drainage diversion around building pads. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- 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 have been provided through the proposed vehicular access and the addition of sidewalks proposed along Stanley Gault Pkwy, as well as pedestrian connections throughout the development. Transportation has given their preliminary approvals.

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

STAFF: While the proposed amenity area does not meet the Land Development Code requirement, the applicant is providing 3,723 square feet of amenity area, equaling 10% of the office area plus 1% of the warehouse area, which appears to be appropriate for the development.

- 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 uses are compatible with the existing and future development of the area, as warehouse/office uses are the prevalent use in 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: This development conforms to the Land Development Code and the Comprehensive Plan with the exception of the amenity area requirements for which relief is being sought.

**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 believes is more appropriate for this development.

- (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 applicant is providing an amenity area that is 10% of the office area and 1% of the warehouse area and is more appropriate considering the needed size of the warehouse.

- (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 warehouse 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.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

This proposal has received preliminary approvals from both MSD and Transportation.

STAFF CONCLUSIONS

The Detailed District Development plan is in order and the waiver appears to be adequately justified.

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 Detailed District Development Plan approval established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Detailed District Development Plan
- **APPROVE** or **DENY** the waiver of Section 5.12.2

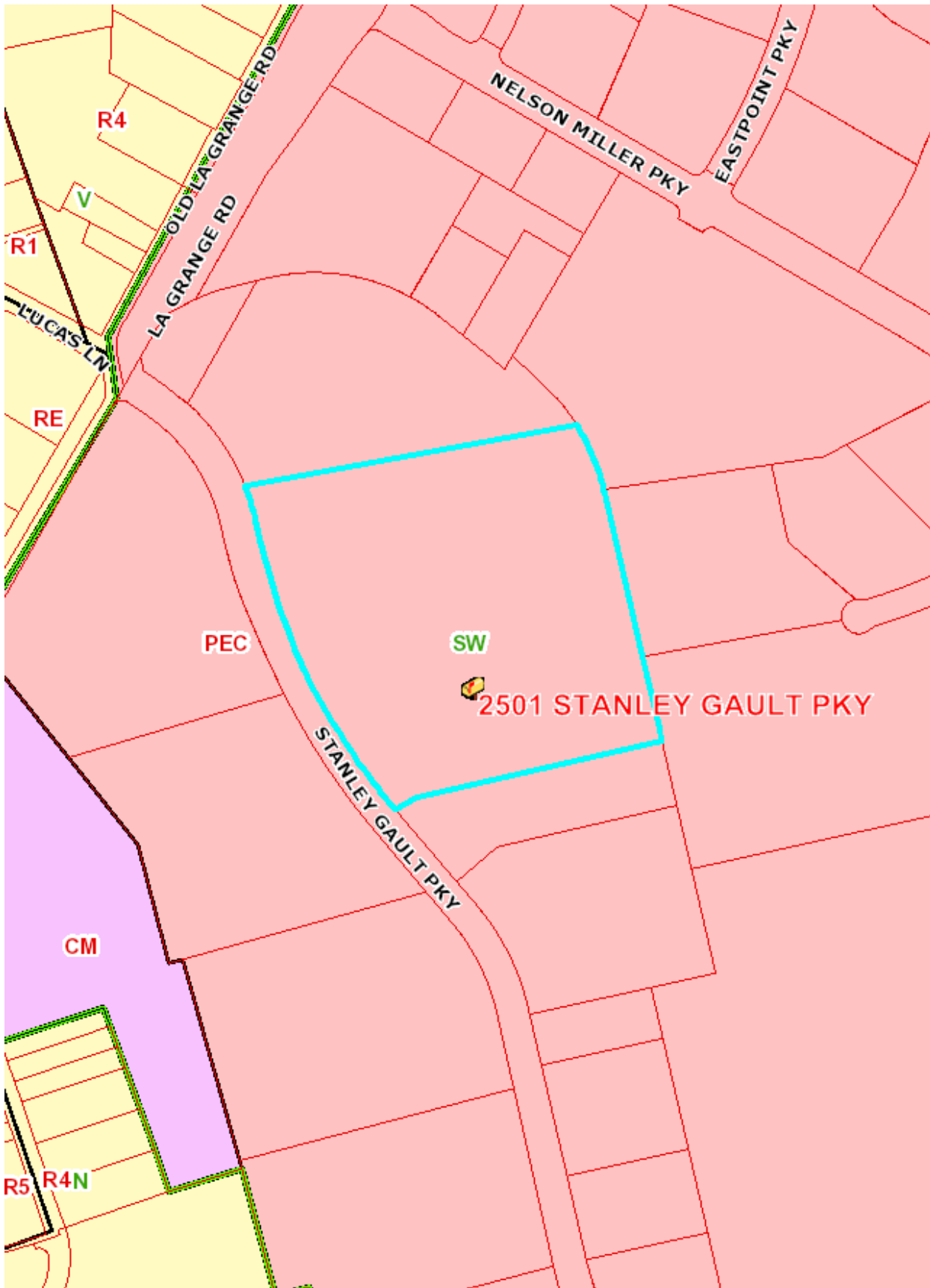
NOTIFICATION

Date	Purpose of Notice	Recipients
November 17, 2016	APO Notice of Public Meeting	First tier adjoining property owners
November 15, 2016	Notice of Public Meeting	Registered neighborhood groups

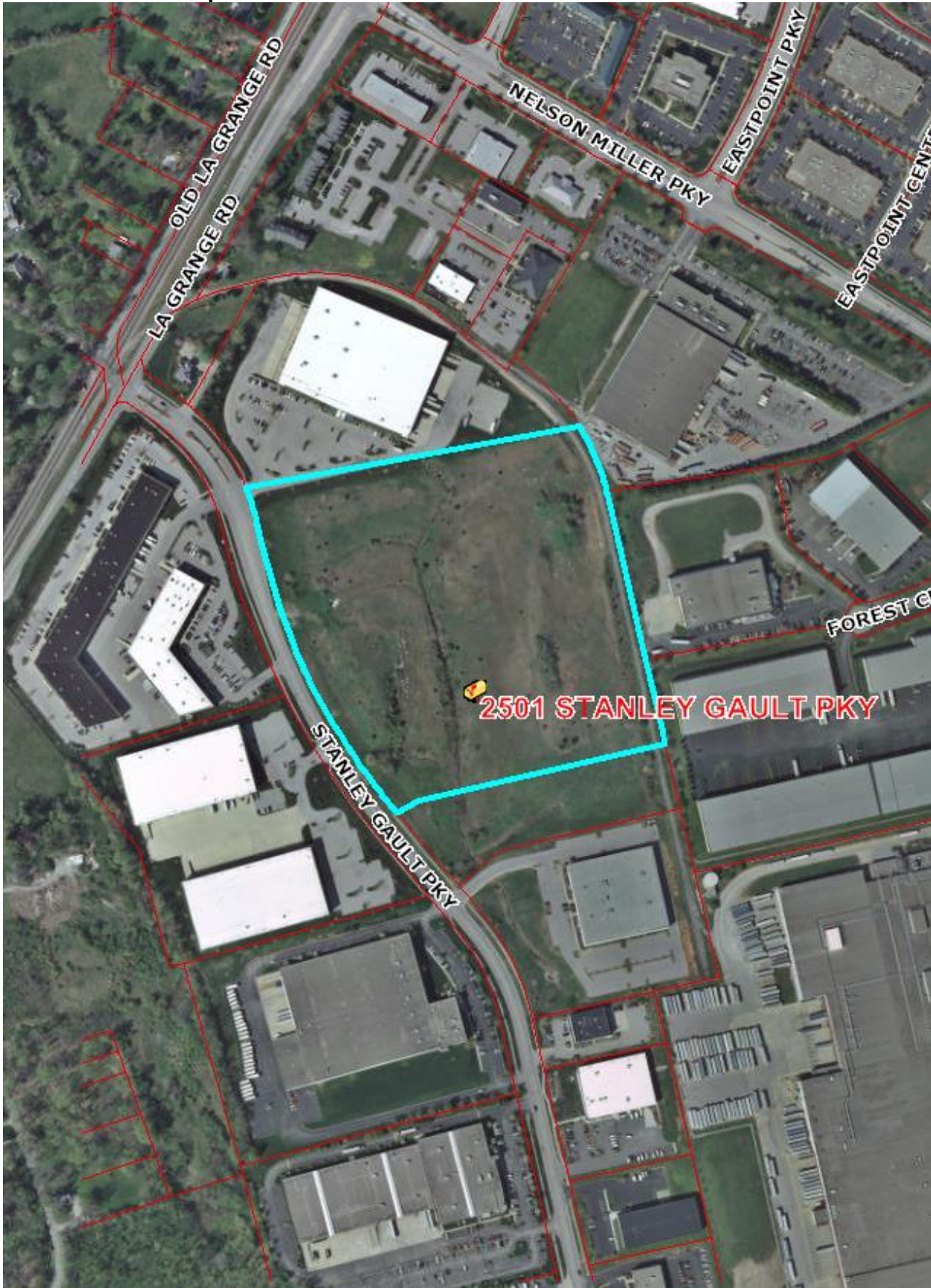
ATTACHMENTS

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

1. Zoning Map



2. Aerial Map



3. Proposed Binding Elements

General Binding Elements from Dockets 9-94-97 & 9-5-89 apply 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 174,900 square feet of gross floor area for building "A" and 150,040 for building "B".
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage 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 or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 of the Land Development Code, prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
7. 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.
8. 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.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system (audible beyond the property line or permitted on the site).
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. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 30, 2016 Development Review Committee meeting.