

Development Review Committee Staff Report

Jan. 4, 2017



Case No:	16DEVPLAN1184
Request:	Waiver from LDC section 10.2.4.B and 5.9.2.A.1.b.i and approval of the RDDP.
Project Name:	11911 Carrier Court
Location:	11911 Carrier Court
Acreage:	1.49 Acres
Owner:	Matthew Miller
Applicant:	Alex Rosenberg - AL Engineering Inc.
Representative:	Alex Rosenberg - AL Engineering Inc.
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Ross Allen – Planner I

REQUEST

- **Approval of the Detailed District Development Plan (16DEVPLAN1184)**
- **Waiver #1:** from LDC section 10.2.4.B to allow an existing sewer and drainage easement to encroach more than 50% of the landscape buffer area (LBA) along the western property line.
- **Waiver #2:** from LDC section 5.9.2.A.1.b.i to not provide a pedestrian connection from the public right of way to the proposed office/warehouse.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 3,200 sf. office/warehouse towards the southwestern portion of the parcel on an area that is currently impervious surface, for the parking lot. The proposed construction would remove approximately 8 parking spaces, and require the applicant to create 10 new parking spaces found north, east, and west of the proposed structure. Additionally, the proposed office/warehouse would have 900 sf. of office and 2,300 sf of warehouse space. An existing office/Warehouse with 6,600 sf. consists of 1,800 sf. of office space and 4,800 sf. of warehouse space. The detailed binding elements allow for 6,600 sf. of **office/manufacturing** which the applicant meets for the office space, with a total of 2,700 sf. of office space as allowed by the detailed binding elements found on page 8 of the staff report. The subject site is located within the City of Jeffersontown and is located on a cul-de-sac (Carrier Court), shown on the Approved District Development Plan as lot #3. The current site has a sidewalk located along the frontage of Carrier Court and a 15 foot sewer and drainage easement located along the northwestern property line.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial Office/Warehouse	PEC	Suburban Workplace
Proposed	Commercial Office/Warehouse	PEC	Suburban Workplace
Surrounding Properties			
North	Residential Single Family	PEC	Suburban Workplace
South	Commercial	PEC	Suburban Workplace
East	Residential Single Family/Vacant	PEC	Suburban Workplace
West	Industrial	PEC	Suburban Workplace

PREVIOUS CASES ON SITE

- 16033: Expansion of Asphalt Drive to the side of the existing Office warehouse on site and relocation of the dumpster enclosure. Approved 9/21/2016. Last or most recently approved Development plan for the subject site.
- 09-07-96: Zoning Change: Change in zoning from R-4 to Planned Employment Center on the west side of Blankenbaker Rd., east side of Ampere Dr. and 2,000 feet more or less north of Electron Dr. Approved 4/18/2016.
- 10-01-96: Revised Preliminary Subdivision/General District Development Plan (Blankenbaker Commerce Center) – 29 parcels on 75.503 acres. Approved 4/10/2016.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (2004)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER #1: of LDC section 10.2.4.B to allow an existing utility easement to encroach more than 50% into the LBA along the western property line (S03°16' 38"E):

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed Office warehouse is to be located where a parking lot is currently located.

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

STAFF: Guideline 3, Policy 9 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate, the proposed location is located within a PEC zoning district and adjacent properties are screened from view by trees on the North and eastern sides of the property. 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 airborne and waterborne pollutants. The proposed office/warehouse is located on an existing site that has office warehouse, within a PEC zoning district. The subject site is surrounded by parcels that are zoned PEC in a Suburban Workplace form district.

- (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 easement was present prior to the proposed office warehouse. The waiver if not granted would require the applicant to provide the required plantings over a drainage sewer easement.

- (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 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), the applicant is proposing trees along both sides of the entrance along the entry way to the subject site. Trees will also be placed at the northeastern corner of the property, and within ILA's as shown on the development plan.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2: of LDC section
5.9.2.A.1.b.i to not provide a pedestrian connection (sidewalk) from the public
Right of Way to the proposed 3,200 sf. Office/Warehouse:**

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

STAFF: The waiver will not adversely affect adjacent property owners because the conditions currently exist for the existing building and the proposed building is abutting a retaining wall preventing views from the public right away.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 per Guidelines 7 and 8 since the subject site is found on a Cul-de-sac having disconnected sidewalks in the public right of way and being located in a Suburban Workplace Form District (SWFD) which promotes large-scale industrial and employment in suburban locations. However, of the four properties on Carrier Court one has a sidewalk in the public ROW and has pedestrian access to the entrance of the building whereas, the other three have no pedestrian access to their buildings.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because one property out of a total of four has pedestrian access from the public ROW to the entrance of the 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 because the site has a retaining wall with a drop in elevation creating a design constraint.

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: The subject site is largely impervious surface having no natural resources including steep slopes, water courses, flood plains, and hydric soils. Nor are there impacts to air quality, scenic views, and/or historic sites.

- 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, one point of access off of a cul-de-sac, within the development are provided, and Metro Public Works have approved the preliminary development plan.

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

STAFF: The proposal includes 12,960 sf. (20%) of existing tree cover which is to be preserved. However, no open space is required by the Jeffersontown Land Development Code (2004).

- 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. The final design of this project must meet all MS4 Water Quality Regulations established by MSD.

- 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. The commercial building will be similar to existing commercial and industrial development to the south and west. The land uses found to the north and east are single family. The site is compatible to land uses along Carrier Court.

- 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 conforms to requirements of the Comprehensive Plan and Land Development Code with the exception of the requested land development code waiver to allow a utility easement to overlap a Landscape Buffer Area by more than 50% and the waiver to not provide a pedestrian access from the public right of way to the proposed office/warehouse.

TECHNICAL REVIEW

- The proposed development plan has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

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 LDC Landscape Waiver from section 10.2.12.B, a General Waiver from section 5.9.2.A.1.b.i to not provide the pedestrian connection (sidewalk) from the public right of way, and the approval of the Revised District Development Plan for the proposed office/warehouse.

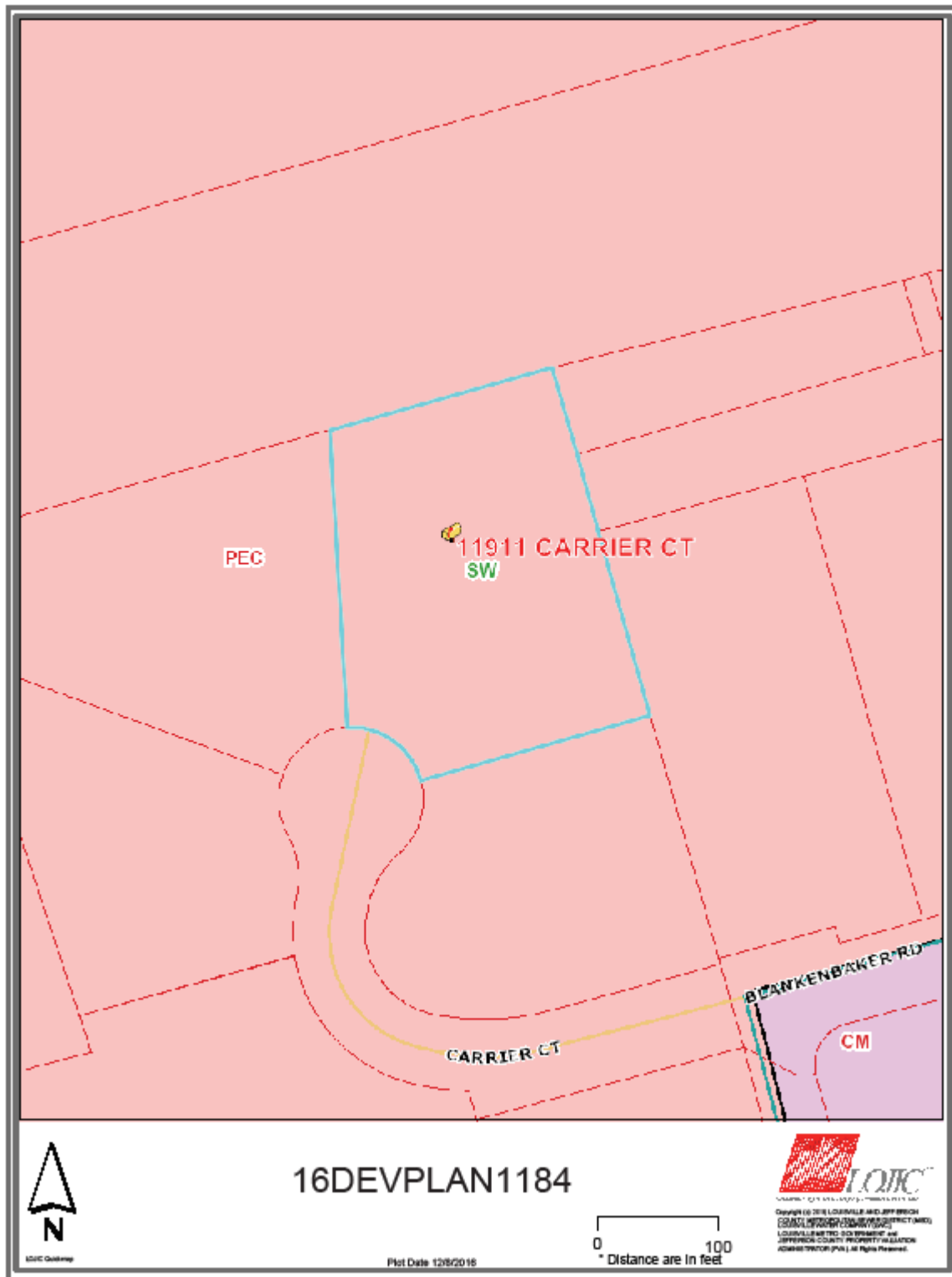
NOTIFICATION

Date	Purpose of Notice	Recipients
12/28/2016	Public Hearing - DRC	Neighborhood notification recipients
12/28/2016	Public Hearing - DRC	1 st tier adjoining property owners

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. **Detailed Binding Elements (Case No. DP-16033-11 located at 11911 Carrier Court)**

**BINDING ELEMENTS
CASE NO. 16033**

1. The development shall be in accordance with the approved district development plan, land use 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 and City of Jeffersontown.
2. The development shall not exceed 6,600 square feet of gross floor area for office/manufacturing uses.
3. Signs shall be in accordance with the Jeffersontown Ordinance in effect at this time and shown on the development plan.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District, and the City of Jeffersontown.
 - b. The property owner/developer must obtain approval of a detailed plan for evergreen screening (buffering/landscaping). Such plan shall be implemented prior to receiving certificate of occupancy and maintained thereafter.
6. 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 and City of Jeffersontown.
7. 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 and City of Jeffersontown.
8. The property owner/developer shall provide copies of these binding elements to tenants, contractors, and other parties engaged in development of this site and shall advise them of the content of these binding elements. Further, the property owner/developer shall require contractors to notify subcontractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with these binding elements.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 23, 2006 Land, Development and Transportation Committee meeting.
10. No idling of trucks shall take place within 200 feet of single-family residences. No overnight idling of trucks shall be permitted on-site.
11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
12. All binding elements from the approved general development plan are applicable to this site as established under Docket No. 10-1-96 and 9-7-96.
13. The applicant shall provide an 8' solid wooden fence along the northern and eastern property line within the 25-foot LBA.