

# Development Review Committee

## Staff Report

February 1, 2017



<b>Case No:</b>	16DEVPLAN1238
<b>Project Name:</b>	Renaissance South Business Park-Tracts 6 & 7
<b>Location:</b>	8701 Minors Lane
<b>Owner(s):</b>	Donald Hansen, Red Twig, LLC
<b>Applicant(s):</b>	Donald Hansen, Red Twig, LLC
<b>Representative(s):</b>	Pat Dominik, Sabak, Wilson & Lingo, Inc
<b>Project Area/Size:</b>	109.842
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zone
<b>Existing Form District:</b>	Suburban Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	13 – Vicky Aubrey Welch
<b>Case Manager:</b>	Laura Mattingly, Planner I

### REQUEST

- Category 3 Development Plan review for warehouse/distribution center
- Waiver of LDC Section 5.12.2 to allow the proposed amenity area to be less than 10% of the total building square footage.
- Waiver of LDC Section 5.5.4.B.1 to not provide the 6' berm within the required Landscape Buffer Area adjacent to a residential use.

### CASE SUMMARY/SITE CONTEXT

This Category 3 development is for a 1,462,589 square foot warehouse and distribution center located northwest of the I-65 and KY 841 exchange, in south central Louisville Metro. The proposal, which plans to employ 620 employees, includes 646 parking spaces and 396 loading docks. A similar proposal was approved under case number 16DEVPLAN1111. While much of the proposal remains the same, the site area has expanded to the east and the proposal now includes an additional 222 trailer parking spaces on the new portion of the site. The applicant is now proposing the entire 1,462,589 square feet for construction whereas the former plan had a portion of the warehouse as "future construction". The proposal has also relocated the main employee entrance to the north.

The site is an irregular rectangular shape and is currently vacant. It is surrounded by vacant, EZ-1 properties to the south & west. A mobile home park abuts the property to the northeast and an elementary school and industrial site to the west across Minor Lane. It will be accessed on the west side of the property via Minor Lane.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	EZ-1	SW
<b>Proposed</b>	Warehouse distribution center	EZ-1	SW
<b>Surrounding Properties</b>			
<b>North</b>	Mobile Home Park	C-2, R-4	SW
<b>South</b>	Vacant/Interstate	EZ-1	SW
<b>East</b>	Mobile Home Park, Vacant	EZ-1, C-2	SW
<b>West</b>	Industrial, Institutional, Vacant	EZ-1	SW

### PREVIOUS CASES ON SITE

- 16DEVPLAN1111:** Category 3 development plan and waivers for warehouse/distribution center.
- 15DEVPLAN1069:** Category 3 development plan for warehouse/distribution center.
- 15SUBDIV1010:** Revocation of Holiday Village Subdivision.
- 15567:** Area wide rezoning of the Renaissance Zone.

### INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER of Section 5.12.2 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 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 the largest amenity area possible (7,200 square feet) while maximizing warehouse space.

- (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 or 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.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section  
5.5.4.B.1 of the Land Development Code to not provide the 6 foot 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 to replant a continuous evergreen screen and is providing the 50' Landscape Buffer Area, meeting the intent of the LDC requirement for a berm.

- (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 Landscape Buffer Area width, plantings and screening are still being provided, which will provide a transition to the more intense use, screening from lighting, noises, etc. and will decrease storm water runoff from impervious surfaces.

- (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 all other landscape requirements are being met and while the easement and stream located along the buffer pose challenges to constructing the 6' berm the applicant is still providing a continuous screen of evergreen trees.

- (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 easement and stream in the LBA pose challenges that would make the berm impossible to construct.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

## TECHNICAL REVIEW

- This development is comprised of hydric soils (potential wetlands). The appropriate notes have been placed on the plan, including Army Corps of Engineers and Kentucky Department of Water approval. The plan has also received preliminary approvals from MSD and Public Works.
- The applicant will make a fee-in-lieu contribution to the Louisville Public Space Art Fund of \$37,580.03 in addition to the 7200 square foot amenity area provided.
- A deed of consolidation will need to be recorded prior to building permits issued.

## STAFF CONCLUSIONS

The Category 3 plan is in order and the waivers appear 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 an LDC Waivers and Category 3 Development Plan approval established in the Land Development Code.

## REQUIRED ACTIONS

- **APPROVE** or **DENY** the Category 3 Development Plan
- **APPROVE** or **DENY** the waiver of Section 5.12.2
- **APPROVE** or **DENY** the waiver of Section 5.5.4.B.1

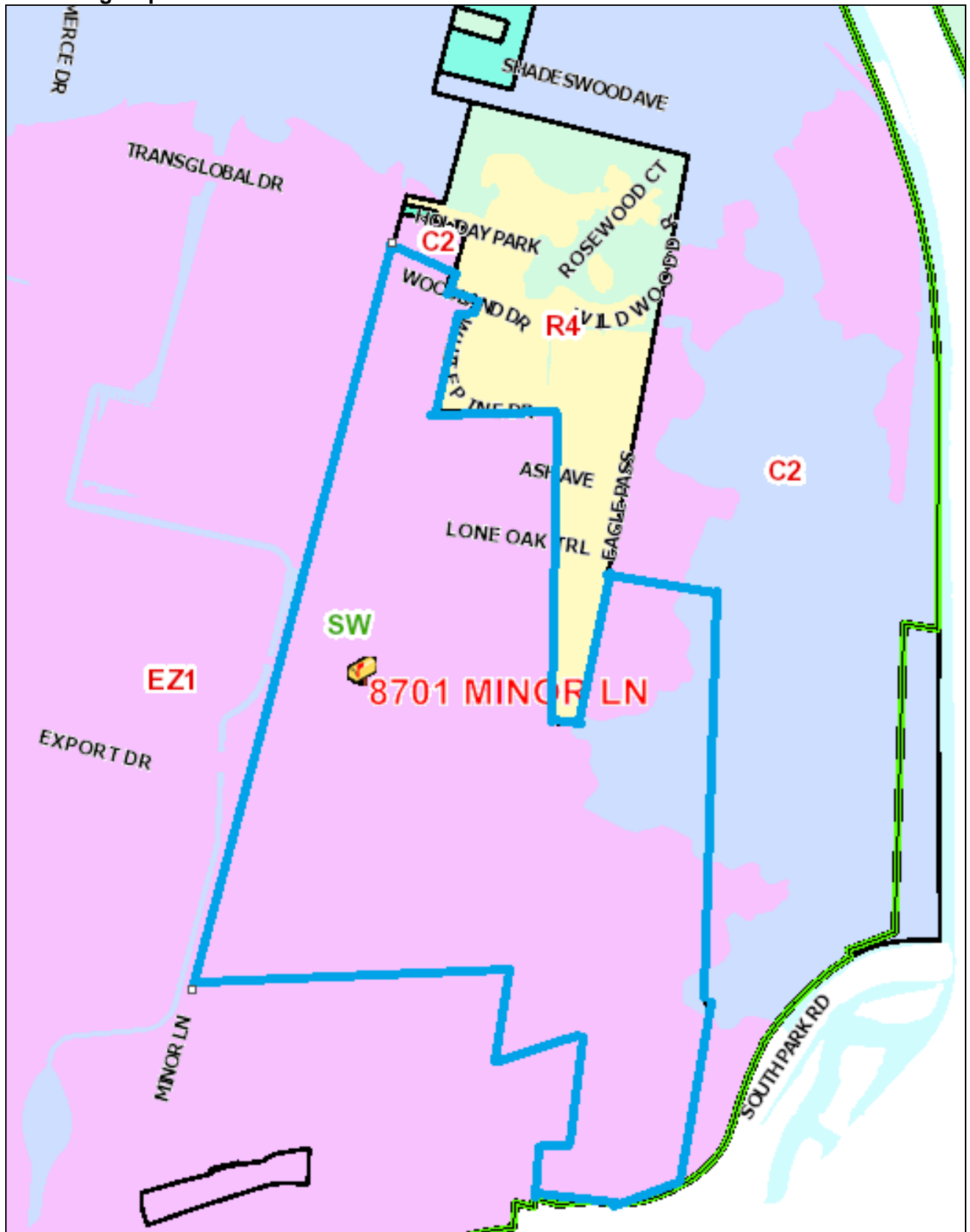
## NOTIFICATION

Date	Purpose of Notice	Recipients
January 20, 2017	APO Notice of hearing	First tier adjoining property owners
January 20, 2017	Notice of Hearing	Registered neighborhood groups

## ATTACHMENTS

1. Zoning Map
2. Aerial Map

## 1. Zoning Map



## 2. Aerial Map

