

# Development Review Committee

## Staff Report

September 4, 2019



<b>Case No:</b>	19DEVPLAN1094
<b>Project Name:</b>	Mija Tortilla
<b>Location:</b>	11305 Bluegrass Pkwy
<b>Owner(s):</b>	Mija real estate, LLC.
<b>Applicant:</b>	Mija Real estate, LLC
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	11– Kevin Kramer
<b>Case Manager:</b>	Jay Luckett, AICP, Planner I

### REQUEST(S)

- **Waivers:**
  1. **Waiver** from Jeffersontown Land Development Code section 10.2.9 to allow vehicle use areas to encroach into the 10 foot Vehicle Use Area Landscape Buffer Area.
- **Revised Detailed District Development plan** with replacement of existing Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to expand an existing industrial facility in the PEC zoning district. The site is within the Suburban Workplace form district in the City of Jeffersontown. It is located within the Bluegrass Industrial Park that was originally rezoned and developed under docket 9-41-78.

### STAFF FINDING

The requests are adequately justified and meet the standards of review. The expansion of the existing use is compatible with the general land use of the area.

### TECHNICAL REVIEW

The applicant will need to work with MSD to address some concerns about plan content prior to preliminary plan approval and transmission to Jeffersontown for final review.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

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

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate the Comprehensive Plan, as adequate transitions between zoning districts and uses will be provided around the subject site.

- (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 is the minimum necessary to afford relief to the applicant as all required plantings and screening will be provided on the subject site.

- (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 create an unnecessary hardship on the applicant as the site is irregularly shaped, and it would be difficult to provide all necessary parking on the subject site without allowing some encroachments.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP and/or AMENDMENT TO BINDING ELEMENTS**

- (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: There do not appear to be any environmental constraints or historic resources on the subject site. 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 has been provided, and Metro Public Works and the Kentucky Transportation Cabinet 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: There are no open space requirements pertinent to the current proposal.

- (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 will need to approve the preliminary development plan and will ensure 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.

- (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 site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- (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 applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

## **REQUIRED ACTIONS**

- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Waiver**
- **RECOMMEND** that the City of Jeffersontown **APPROVE** or **DENY** the **Revised Detailed District Development plan** with replacement of existing Binding Elements

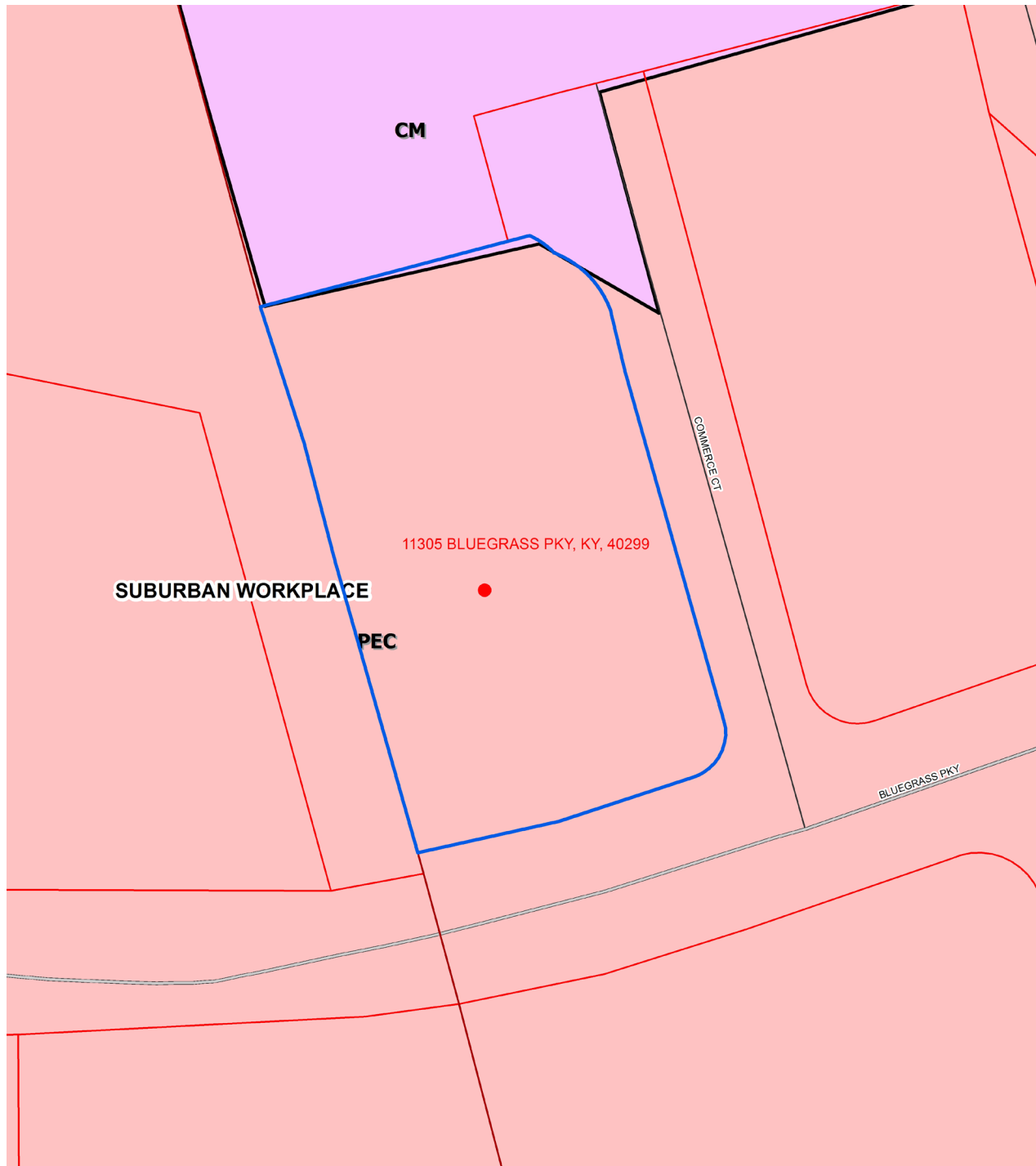
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
8-20-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

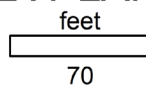
## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Detailed Plan Binding Elements with proposed changes
4. Proposed Binding Elements

1. **Zoning Map**



19DEVPLAN1094



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2. Aerial Photograph



19DEVPLAN1094

feet

70

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### **3. Existing Detailed Plan Binding Elements to be replaced**

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur.~~
- ~~2. Access will be as shown on the approved district development plan. No additional access will be permitted.~~
- ~~3. The development shall not exceed 18,500 square feet of gross floor area.~~
- ~~4. Before a building permit is issued the development plan must be reapproved by the Jefferson County Department of Public Works and Transportation.~~
- ~~5. The only permitted sign shall be located as shown on the approved district development plan.~~
- ~~6. The plan will be updated to delineate the location of the existing sign on the site.~~
- ~~7. Landscaping as shown on the approved detailed district development plan shall be implemented prior to occupancy of the expansion and maintained thereafter.~~
- ~~8. If building permits are 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.~~
- ~~9. 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.~~
- ~~10. The above binding elements may be amended as provided for in the Zoning District Regulations.~~

### **4. Proposed Binding Elements**

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 and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition is requested:
  - a. The development plan must receive full construction approval from the City of Jeffersontown, Louisville Metro Public Works 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 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance if trees are to be preserved on the subject site to meet tree canopy requirements.
5. 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.
6. 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.