

# Development Review Committee

## Staff Report

January 6, 2021



<b>Case No:</b>	20-DDP-0058/20-WAIVER-0126
<b>Project Name:</b>	M & M Interiors
<b>Location:</b>	11513 Commonwealth Dr
<b>Owner(s):</b>	Thomas Mitchell Properties
<b>Applicant:</b>	M & M Interiors
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Waivers:**
  1. **Waiver** from Jeffersontown Land Development Code section 10.2.4.B to allow a PEC property perimeter buffer to overlap with a utility easement by more than 50 percent.
- **Detailed District Development Plan** with Binding Elements.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a warehouse addition to an existing commercial interior design business. The subject site is zoned PEC in the Suburban Workplace form district. It is located within the Bluegrass Industrial Park area of the City of Jeffersontown. The waiver is to allow required buffers triggered by this development to overlap with existing easements around the perimeter of the subject site.

### STAFF FINDING

The proposed development compatible with the development pattern of the area, and consistent with the General Development Plan. It will allow for the expansion and continuation of an existing use within an established activity center. The waiver and the Detailed District Development Plan are adequately justified and meet the standards of review.

### TECHNICAL REVIEW

The subject site is Lot 24 as shown on the recorded plat for Bluegrass Industrial Park Deed Book 34 Page 39. The site was developed prior to the creation of the Bluegrass Industrial Park and is now subject to the General Plan and Binding Elements approved under docket 9-41-78.

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

Staff has not received any correspondence 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 will not adversely affect adjacent property owners, as all required landscaping and screening will still be provided on the subject site.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for expansion of an existing commercial site within an established activity center. All required screening and planting will be provided on the subject site.

- c. The extent of 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. The utility easements are existing and all required screening and planting will be provided.

- d. Either: 1. 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 2. 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: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land, as the site is already developed and in use with the existing utility easements around it.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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 Jeffersontown 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 has 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 has approved 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 Jeffersontown 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 **Detailed District Development Plan** with Binding Elements.

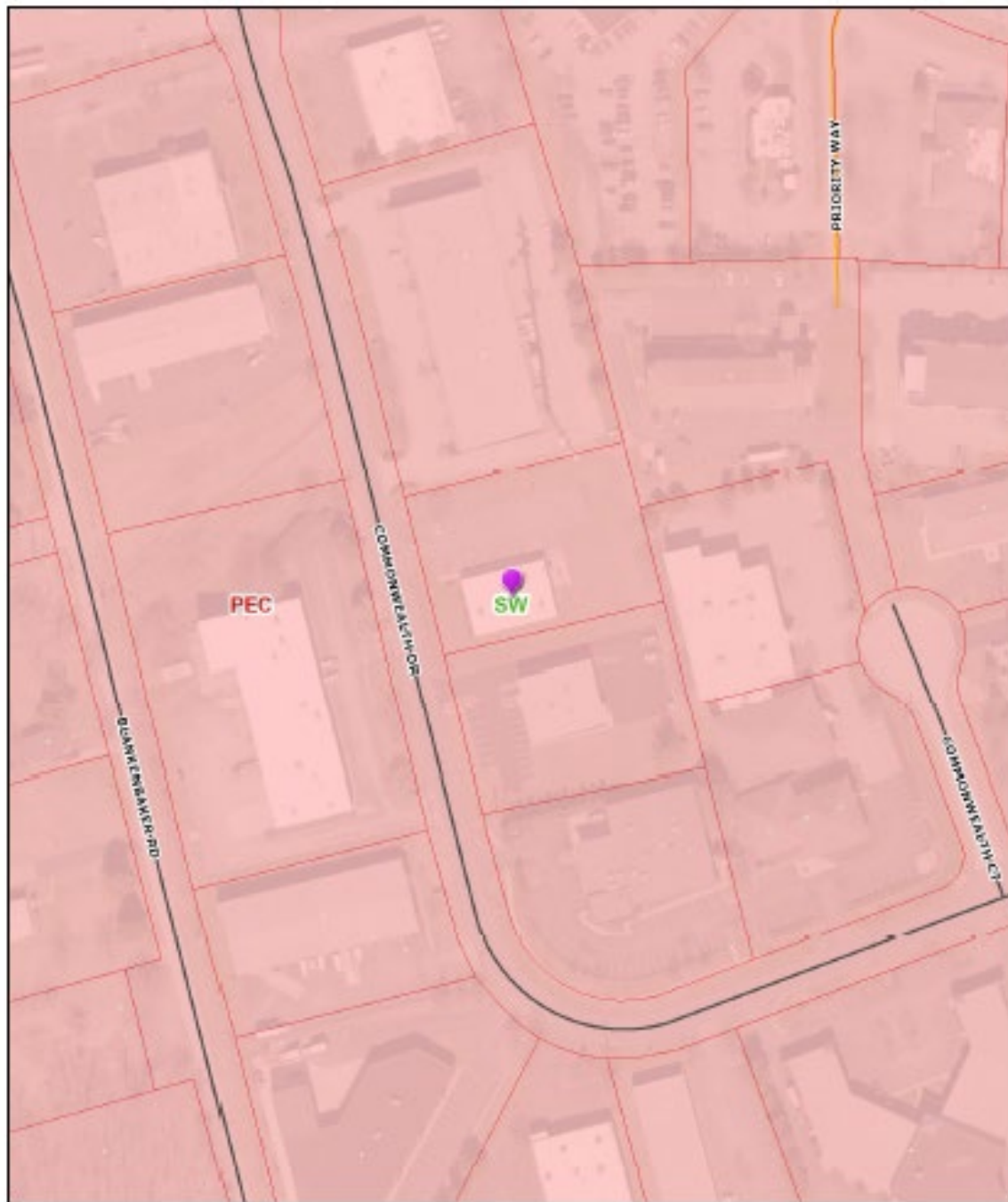
### **NOTIFICATION**

Date	Purpose of Notice	Recipients
12-24-20	Hearing before PC	1 <sup>st</sup> tier adjoining property owners, speakers at the Planning Commission public hearing. Registered Neighborhood Groups in Council District 20

### **ATTACHMENTS**

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

1. Zoning Map



**20-DDP-0058**

Tuesday, December 29, 2020 | 2:13:44 PM



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This map is not a legal document and should only be used for general reference and identification.

## 2. Aerial Photograph



**20-DDP-0058**

Tuesday, December 29, 2020 | 2:12:30 PM



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### **3. Proposed Binding Elements**

**All General Plan Binding Elements are applicable to the subject site, in addition to the following:**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
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 the City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
7. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a building permit is not issued within two years 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 and the City of Jeffersontown.
9. 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.
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. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.