

# Development Review Committee

## Staff Report

September 14, 2022



<b>Case No:</b>	22-CAT3-0009
<b>Project Name:</b>	Proposed Office Warehouse
<b>Location:</b>	3910 Produce Road
<b>Owner(s):</b>	Exeter 3910 Produce, LLC
<b>Applicant:</b>	Mindel Scott
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Molly Clark, Planner II

### **REQUEST(S)**

- Waivers:
  1. Waiver from section 5.9.2.A.1.b.1 to not provide a pedestrian connection from the ROW to the main entrance.
- Category 3 plan with an amenity area.

### **CASE SUMMARY/BACKGROUND**

The subject site is zoned M3 & M2 within the Suburban Workplace Form District. The applicant is proposing to construct a 129,800 square foot office warehouse. The applicant is also proposing to build a 1,000 square foot amenity area as required by the code. The applicant is seeking a waiver to not provide a pedestrian connection from Produce Road ROW to the main entrance of the proposed office warehouse.

### **STAFF FINDING**

Staff finds that the Category 3 plan is in order and the waiver request is adequately justified and meet the standards of review.

### **TECHNICAL REVIEW**

Transportation Planning and MSD have preliminarily approved the proposal.

### **INTERESTED PARTY COMMENTS**

Staff did receive a call from the legislative aid for Council District 10 wanting clarification on what was being proposed. There were no concerns expressed on the call.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.9.2.A.1.b.i. to not provide a pedestrian connection from the ROW to the proposed main entrance:**

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed warehouse is going to be located behind other existing warehouses who all share ownership of the main access easement. There is also not any room to add a sidewalk in an already developed access easement.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Community Form Goal 1, Policy 12 calls to ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Community Form Goal 2, Policy 14 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Mobility Goal 2, Policy 3 calls to provide adequate street stubs for future roadway connections in new development and redevelopment that support access and contribute to appropriate development of adjacent lands. Mobility Goal 2, Policy 6 calls to ensure that the internal circulation pattern for streets within a development be designed with an appropriate functional hierarchy of streets and appropriate linkages with existing and future development. The proposed warehouse is going to be located behind other existing warehouses who all share ownership of the main access easement. There is also not any room to add a sidewalk in an already developed access easement.

- (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 applicant only owns a portion of the access easement. The proposed warehouse is going to be located behind other existing warehouses who all share ownership of the main access easement. There is also not any room to add a sidewalk in an already developed access 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 strict application of the provisions of the regulation would create an unnecessary hardship on the applicant because the applicant only owns a small portion of the access easement. The easement and land within the easement are owned by two other warehouses that use this easement for access. There is also not any room to add a sidewalk in an already developed access easement.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver** from section 5.9.2.A.1.b.i to not provide a pedestrian connection from the ROW to the main entrance.
- **APPROVED** or **DENY** the **Category 3 with a proposed amenity area**.

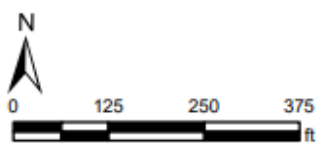
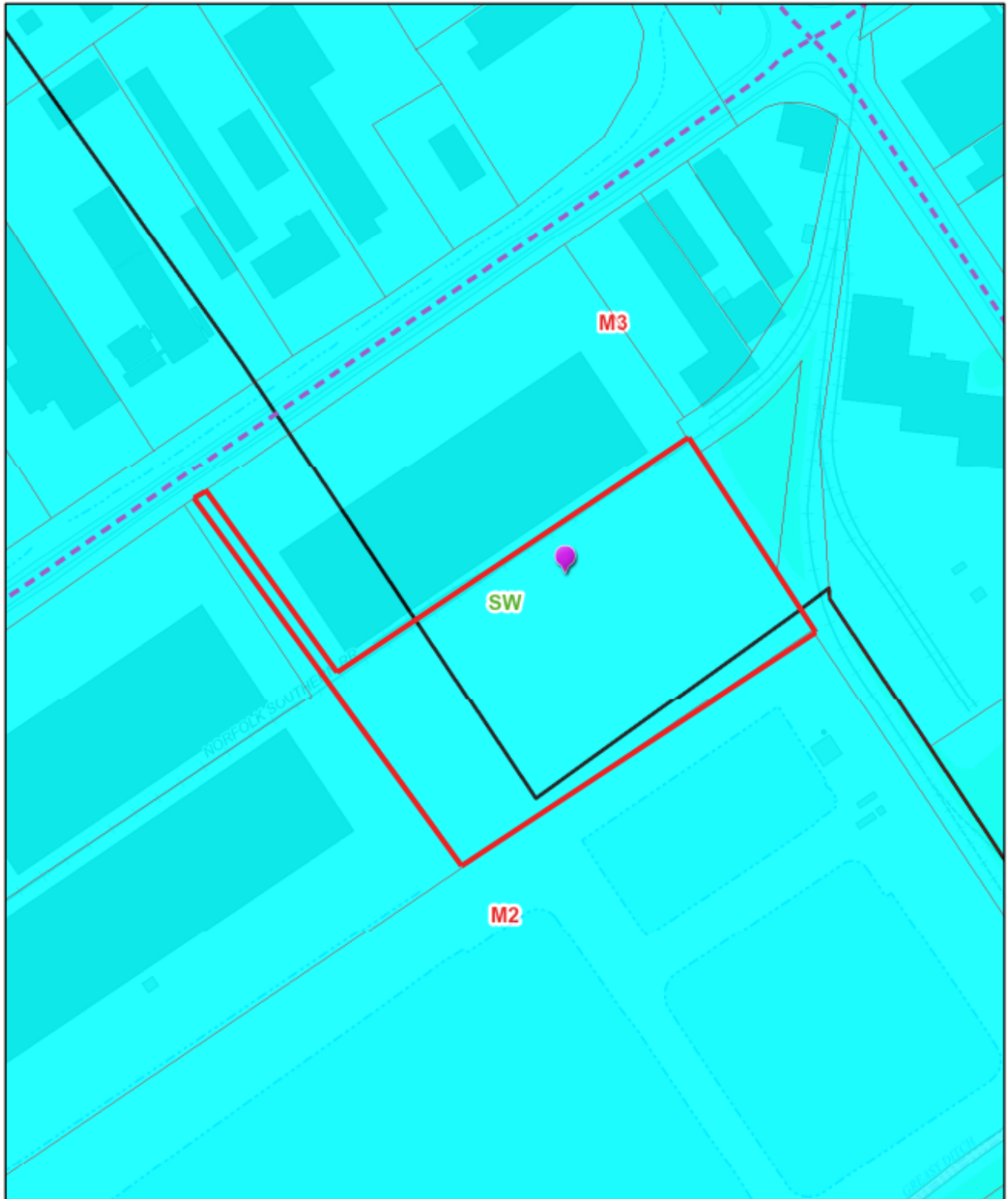
**NOTIFICATION**

Date	Purpose of Notice	Recipients
08-24-22	Hearing before 09-14-22	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 10

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



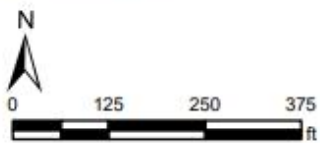
Friday, September 9, 2022 | 1:10:59 PM



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## 2. Aerial Photograph



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