

# Development Review Committee

## Staff Report

August 28, 2019



<b>Case No:</b>	19-WAIVER-0037 & 19-WAIVER-0048
<b>Project Name:</b>	Seven Up/RC Bottling Co
<b>Location:</b>	6207 Strawberry Ln
<b>Owner(s):</b>	Seven Up/RC Bottling Co
<b>Applicant:</b>	Seven Up/RC Bottling Co
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Nicole George
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Waivers:**
  1. **Waiver** from Land Development Code section 5.8.1.B to not provide sidewalks in Strawberry Ln right-of-way.
  2. **Waiver** from Land Development Code 5.9.2.A.1.b.i

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 5,249 SF addition onto an existing 155,782 SF manufacturing and warehouse facility. The subject site zoned EZ-1 in the suburban workplace form district, and is located in South Louisville in an area with a variety of industrial uses. The applicant has requested two waivers associated with the Category 2B development plan being reviewed under docket 19-CAT2-0019.

### STAFF FINDING

The requests are adequately justified and meet the standards of review.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this development.

### INTERESTED PARTY COMMENTS

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

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1**

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

STAFF: The waiver will not adversely affect adjacent property owners, as there is unlikely to be significant pedestrian traffic generated between industrial uses like those in the general vicinity.

- (b) Granting of the waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of the Land Development Code; and

STAFF: Granting of the waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of the Land Development Code, as the proposal represents a minimal increase in the size of the existing facility. The site will continue to function as it has historically. There is no transit service in the area.

- (c) The applicant cannot reasonably comply with one of the listed methods of compliance (section 6.2.6.C); and

STAFF: The applicant cannot reasonably comply with one of the listed methods of compliance, as the scale of expansion is so small that full sidewalk construction is unreasonable, while a proportional section of sidewalk would be minimally useful.

- (d) 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; and

STAFF: Strict application of the provisions of the regulation would create an unreasonable hardship on the applicant, as the amount of sidewalk to be constructed would be unreasonable for the size of proposed expansion.

- (e) There are site constraints that make sidewalk construction impracticable or sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction

STAFF: Sidewalks do not exist in the area and are unlikely to be constructed in the future. The area is largely industrial sites with no transit service on Strawberry Ln.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2**

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

STAFF: The waiver will not adversely affect adjacent property owners, as there is unlikely to be significant pedestrian traffic generated between industrial uses like those in the general vicinity.

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

STAFF: The waiver will not violate the Comprehensive Plan as the proposed expansion is unlikely to generate additional pedestrian traffic and there is no transit service or existing sidewalks on Strawberry Ln to connect to.

- (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 Land Development Code provisions with respect to pedestrian and vehicular circulation will be met on and around 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 there are no sidewalks or transit service to connect to in the area, making such a connection unlikely to be utilized.

**REQUIRED ACTIONS**

**APPROVE or DENY the Waivers**

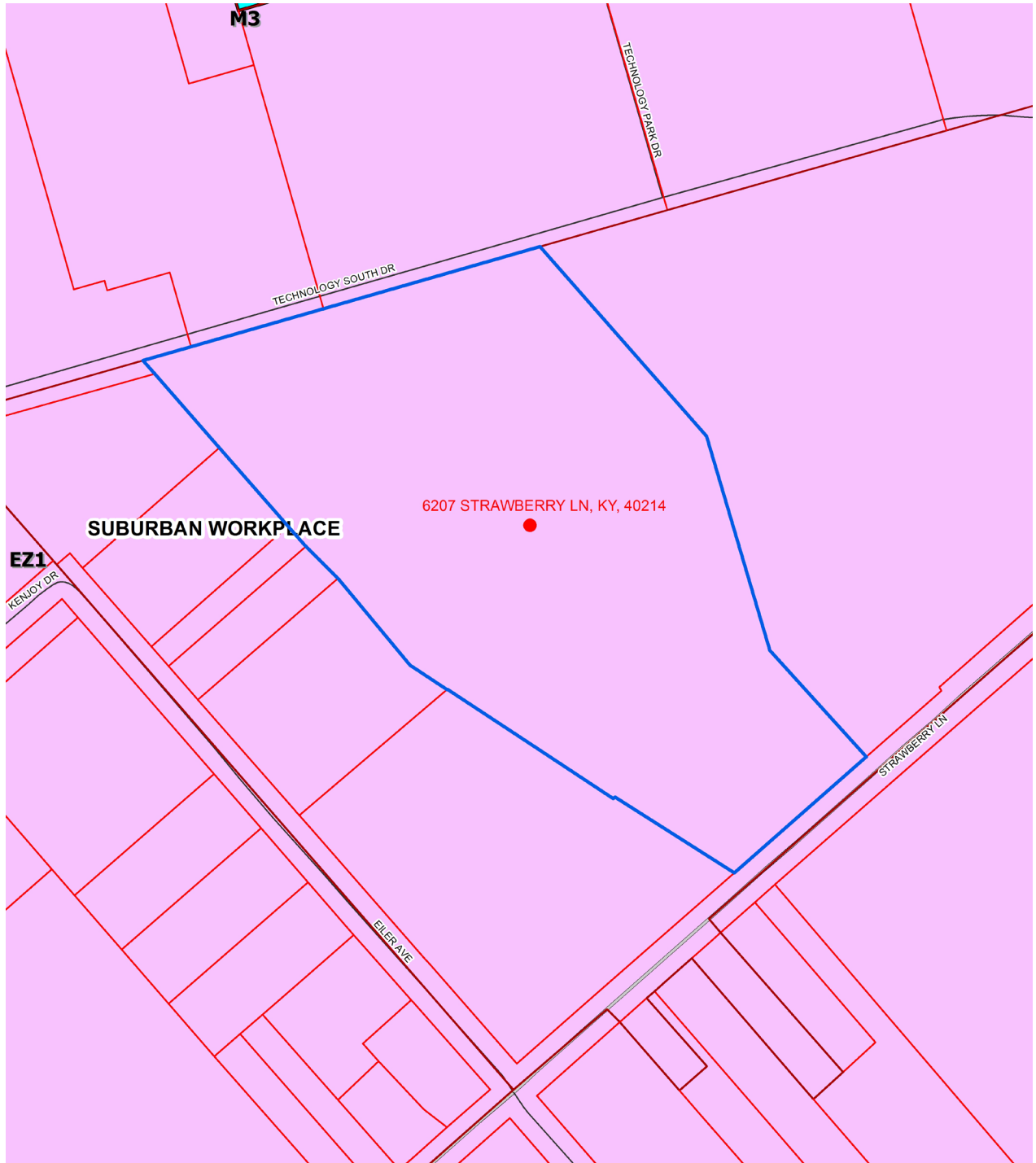
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8-16-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 21

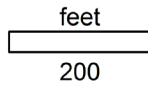
**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph

1. Zoning Map



19-WAIVER-0037/19-WAIVER-0048



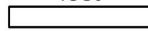
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2. Aerial Photograph



19-WAIVER-0037/19-WAIVER-0048

feet



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