

Development Review Committee
Staff Report
August 1, 2018



Case No:	18WAIVER1024
Project Name:	Usher Transport Landscaping
Location:	3801 Shanks Lane
Owner(s):	Usher Holding Co. Inc.
Applicant:	Ryan Usher
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Dante St. Germain, Planner I

REQUEST

- **Landscape Waiver** from zoning regulations Article 12 to not require plantings in the five-foot Vehicular Use Area Landscape Buffer Area at the front of the property.

CASE SUMMARY/BACKGROUND

The subject property located on Shanks Lane adjacent to Green Meadows Cemetery, and is currently developed as a trucking terminal with associated office. The applicant has a current landscape plan under case number 17LSCAPE1125, which requires a five-foot Vehicular Use Area Landscape Buffer Area at the front of the property, with required plantings. The applicant proposes to not install the required plantings into the LBA.

STAFF FINDING

Staff finds that the requested waiver is not adequately justified and does not meet the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a waiver established in the Land Development Code from Article 12 to not require plantings.

TECHNICAL REVIEW

- No technical review was undertaken.

INTERESTED PARTY COMMENTS

No interested party comments were received by staff

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF ARTICLE 12

- (a) The waiver may adversely affect adjacent property owners; and

STAFF: The waiver may adversely affect adjacent property owners as the adjacent property along the front of the subject property is Green Meadows Cemetery, which is a landscaped property adjacent to the subject industrial use. Visitors to the cemetery must pass an unscreened industrial property to reach the cemetery grounds.

- (b) The waiver will violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will violate specific guidelines of Cornerstone 2020 as Cornerstone 2020 defines the Suburban Workplace form district as characterized by predominately industrial and office uses where the buildings are set back from the street in a landscaped setting. Cornerstone 2020 Guideline 3: Compatibility additionally encourages buffers to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls. Guideline 3: Compatibility additionally encourages the minimization of impacts related to parking, loading and delivery. Parking and circulation areas adjacent to the street should be screened or buffered. This screening or buffering should be attained using landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots.

- (c) The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as there is no topographical or site design limitation preventing the installation of the required landscaping material.

- (d) Either:
(i) The applicant has not 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 not deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived, and the strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as there are no topographical or site design limitations preventing the installation of the landscaping material.

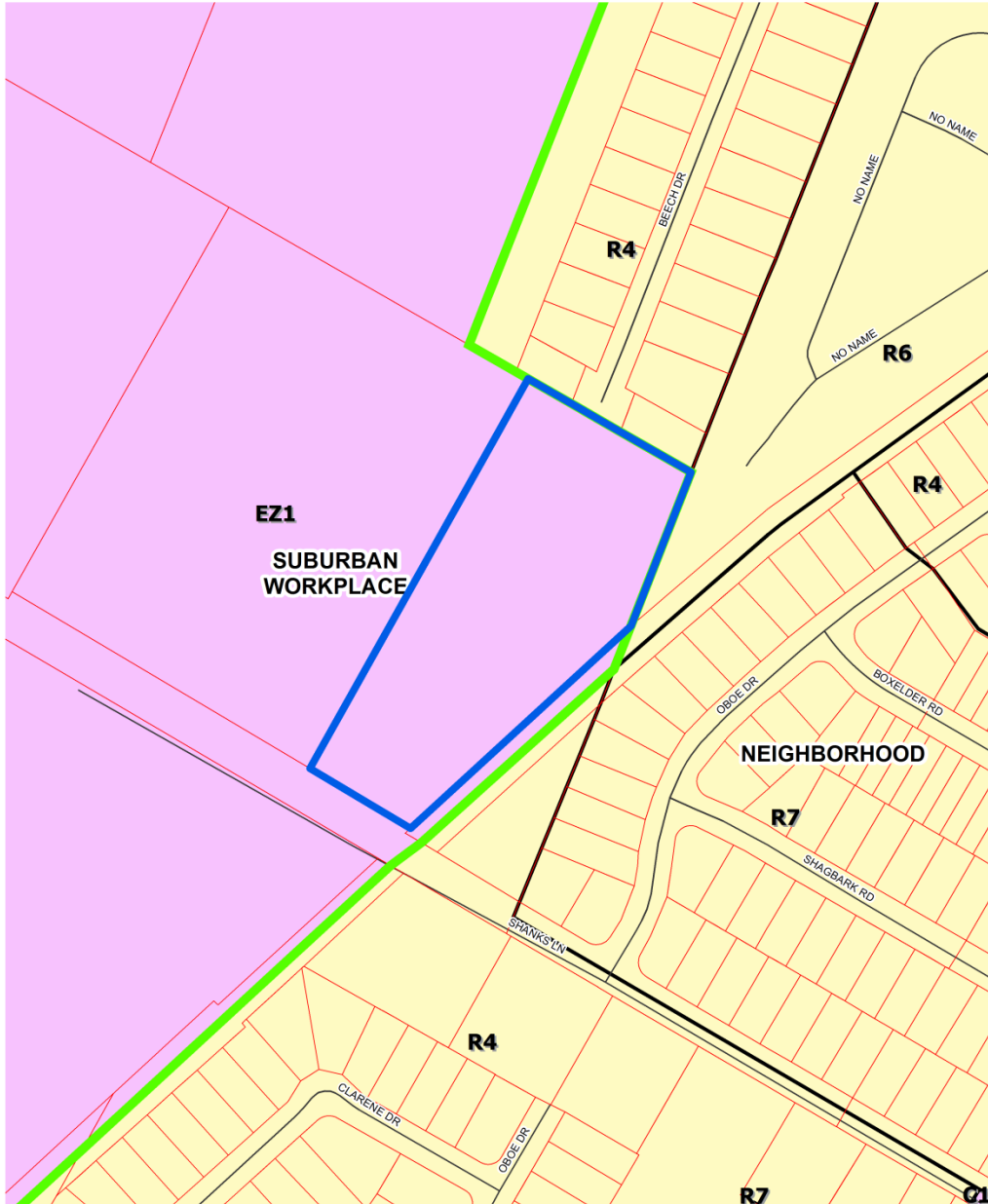
NOTIFICATION

Date	Purpose of Notice	Recipients
07/18/2018	DRC Public Meeting	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 1

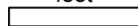
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map



3801 Shanks Lane
feet



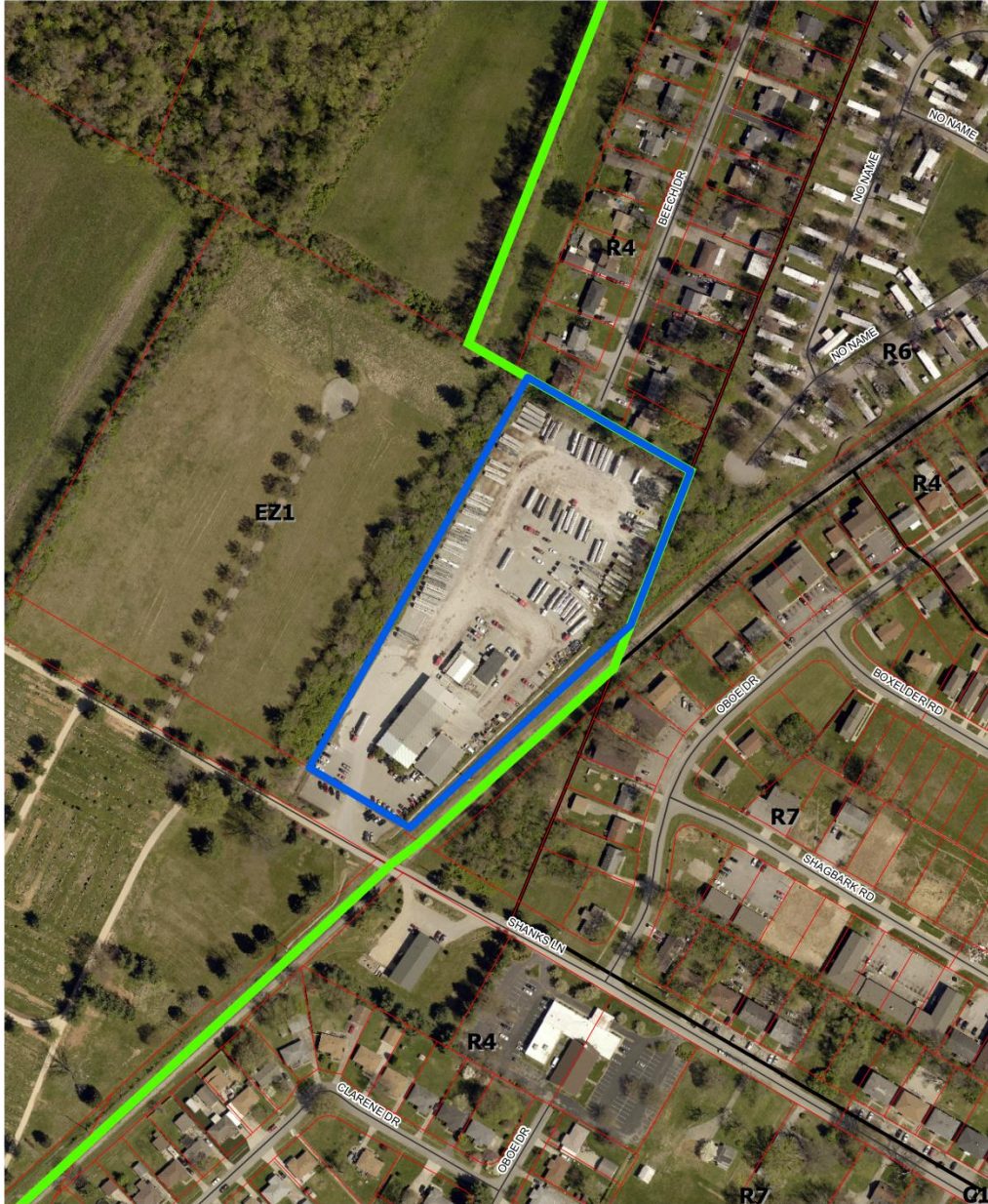
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Map Created: 7/20/2018



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2. Aerial Photograph



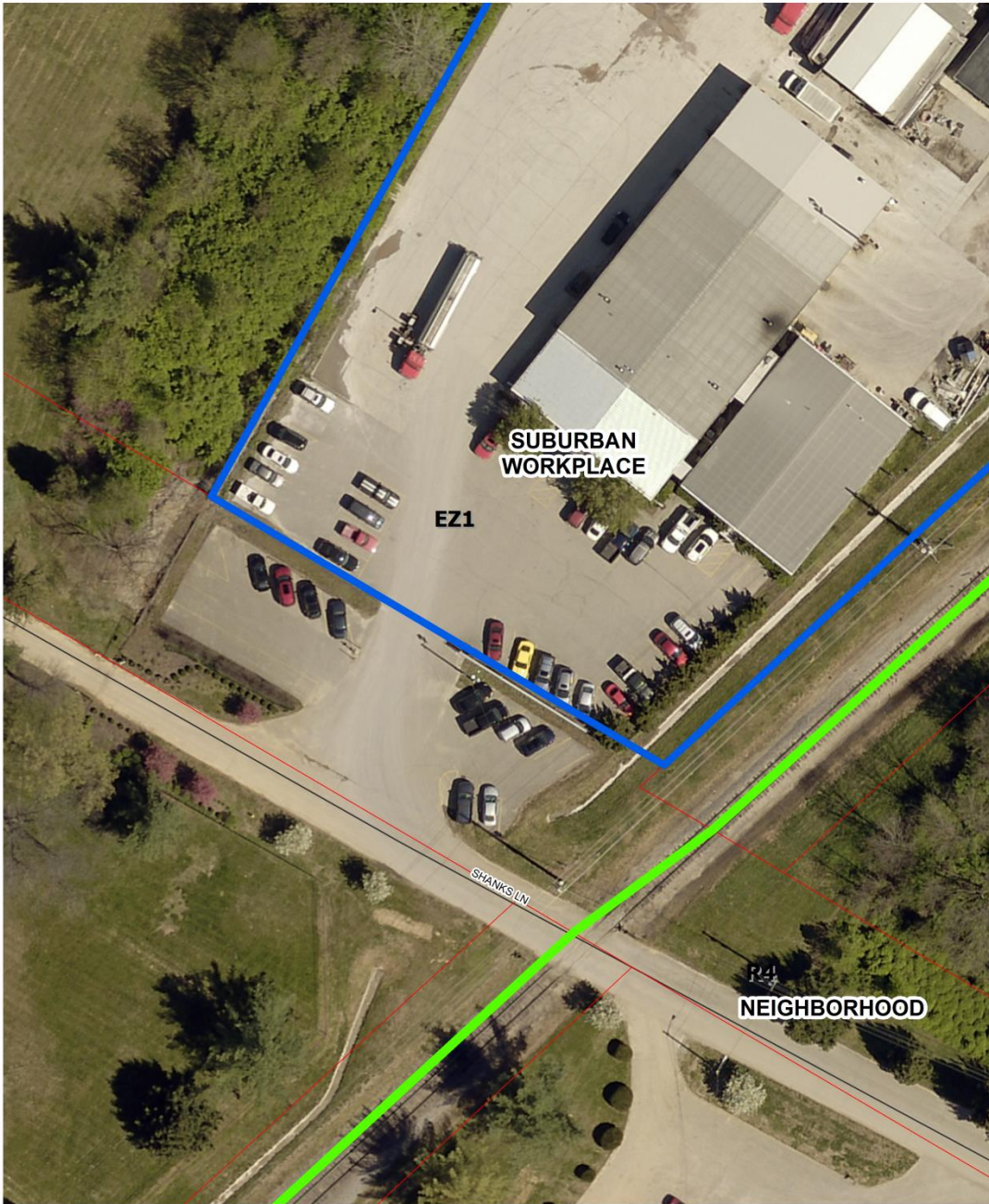
3801 Shanks Lane
feet

230

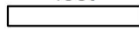
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3801 Shanks Lane
feet



50

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