

# Development Review Committee

## Staff Report

May 5th, 2021



<b>Case No:</b>	21-WAIVER-0036
<b>Project Name:</b>	Welder's Supply
<b>Location:</b>	2603 S. Floyd St.
<b>Owner(s):</b>	Welders Supply Co of Louisville, INC
<b>Applicant:</b>	Kelli Jones
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15- Kevin Triplett
<b>Case Manager:</b>	Molly Clark, Planner I

### REQUEST(S)

- Waivers:
  1. Waiver from 5.5.2.A.1 and 5.6.1.B to not provide windows affording views into the business and to allow a blank wall to face a public roadway.
  2. Waiver from 5.9.2.A.1.b.i to not provide pedestrian connections to adjacent right of ways.

### CASE SUMMARY/BACKGROUND

The applicant is proposing a 9,600 square feet (SF) building to be used as secure storage for their operations occurring on adjacent and nearby properties. The site is currently vacant, it is zoned EZ-1 and is in the Suburban Workplace form district.

### STAFF FINDING / RECOMMENDATION

The requests are adequately justified and meet the standards of review. This site is adjacent to other industrial uses, several of which also belong to Welders Supply Co of Louisville. The proposed use for this site is secured storage with no dedicated employees and it is intended to be accessory to the main operations on Boxley Ave and Byrne Ave. The applicant plans to build a solid wall surrounding the property that will block visibility from street level and they plan to provide connectivity to their adjacent properties.

### TECHNICAL REVIEW

The proposal has received preliminary approvals from MSD, Transportation Planning, MetroSafe and TARC.

### INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.2.A.1 and 5.6.1.B to allow a proposed building facing public right of way to not provide clear windows or doors affording into the business.**

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

STAFF: The requested waiver will not adversely affect adjacent property owners as this site is adjacent to other industrial uses, including several properties owned by Welders Supply. It is proposed to be accessory storage for the Welders Supply operations.

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

STAFF: Guideline 1, Policy 4 calls for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than 60% of their length. This proposed use is storage for welders supplies and is accessory to the principal use on the adjoining properties. The proposed building is not meant to provide visual interest as it's intended to be a secured facility. Guideline 4, Policy 8. Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. This site is adjacent to other industrial uses, including several properties owned by Welders Supply.

Guideline 5, Policy 9. Ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The proposed development meets infill for building height and meets all setbacks. Additionally, the applicant plans to build a solid wall surrounding the property for security, that will block visibility from street level.

Guideline 83, Policy 1. Limit land uses in workplace Form Districts to compatible uses that meet the needs of the industrial subdivision or workplace district and their employees. The proposed development is accessory to the main operation on adjacent properties. It is intended to be secure storage with no dedicated employees or public access.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed development is intended for secure storage of welding supplies and will not provide access to the public. The applicant is planning on providing landscaping and surrounding the development with a solid wall that will block visibility from the street.

- (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: Providing windows affording views into the business would decrease the safety of the materials stored on site. The proposed use of this property is secure storage, there will be no public access or dedicated employees.

The applicant is planning on providing landscaping and surrounding the development with a solid wall that will block visibility from the street.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 2. Waiver from 5.9.2.A.1.b.i to not provide pedestrian connections to adjacent right of ways.**

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

STAFF: The proposed use of this property is secure storage, there will be no public access or dedicated employees. The proposed development is accessory to the main operation on adjacent properties. And the applicant plans to provide sidewalks along Byrne Ave.

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

STAFF: Guideline 4 Policy 8, Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites. The applicant plans to provide internal connectivity to their adjacent sites which do have pedestrian access to public right of way.

Guideline 72, Policy 11, Provide street improvements and/or transit solutions to mitigate the impacts of development and re-development. Improvements may include, but not be limited to, the following: 11.7. addition and/or widening of on-site or off-site sidewalks; The applicant plans to provide sidewalks along Byrne Ave. Pedestrian connections are provided to the main building on Boxley Ave. and is planned for the proposed fill plant on the adjacent property on Byrne Ave.

Guideline: 69, Policy 7. All new and substantially improved development should be consistent with applicable standards for rights-of-way and designed to reserve these rights-of-way for further dedication and/or acquisition. The applicant plans to provide sidewalks along Byrne Ave.

Guideline 50, Policy To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate, by including: 1.4. sidewalks along the streets of all developments;

This development is not open to the public and will not have dedicated employees. The applicant plans to provide connectivity to their neighboring operations on Byrne Ave and Boxley Ave. Both of which will have pedestrian connections to the public right of way. Additionally, preventing public access complies with section 4.4.8.C.2.a of the LDC.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: This development is not open to the public and will not have dedicated employees. The applicant plans to provide connectivity to their neighboring operations on Byrne Ave and Boxley Ave. Both of which will have pedestrian connections to the public right of way.

(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: This development is not open to the public and will not have dedicated employees. The applicant plans to provide internal connectivity to their neighboring operations on Byrne Ave and Boxley Ave. Both of which will have pedestrian connections to the public right of way.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** waiver from section from 5.5.2.A.1 and 5.6.1.B to not provide windows affording views into the business and to allow a blank wall to face a public roadway
- **APPROVE** or **DENY** waiver from section 5.9.2.A.1.b.i to not provide pedestrian connections to adjacent right of ways.

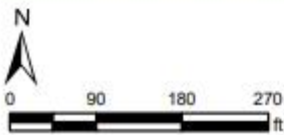
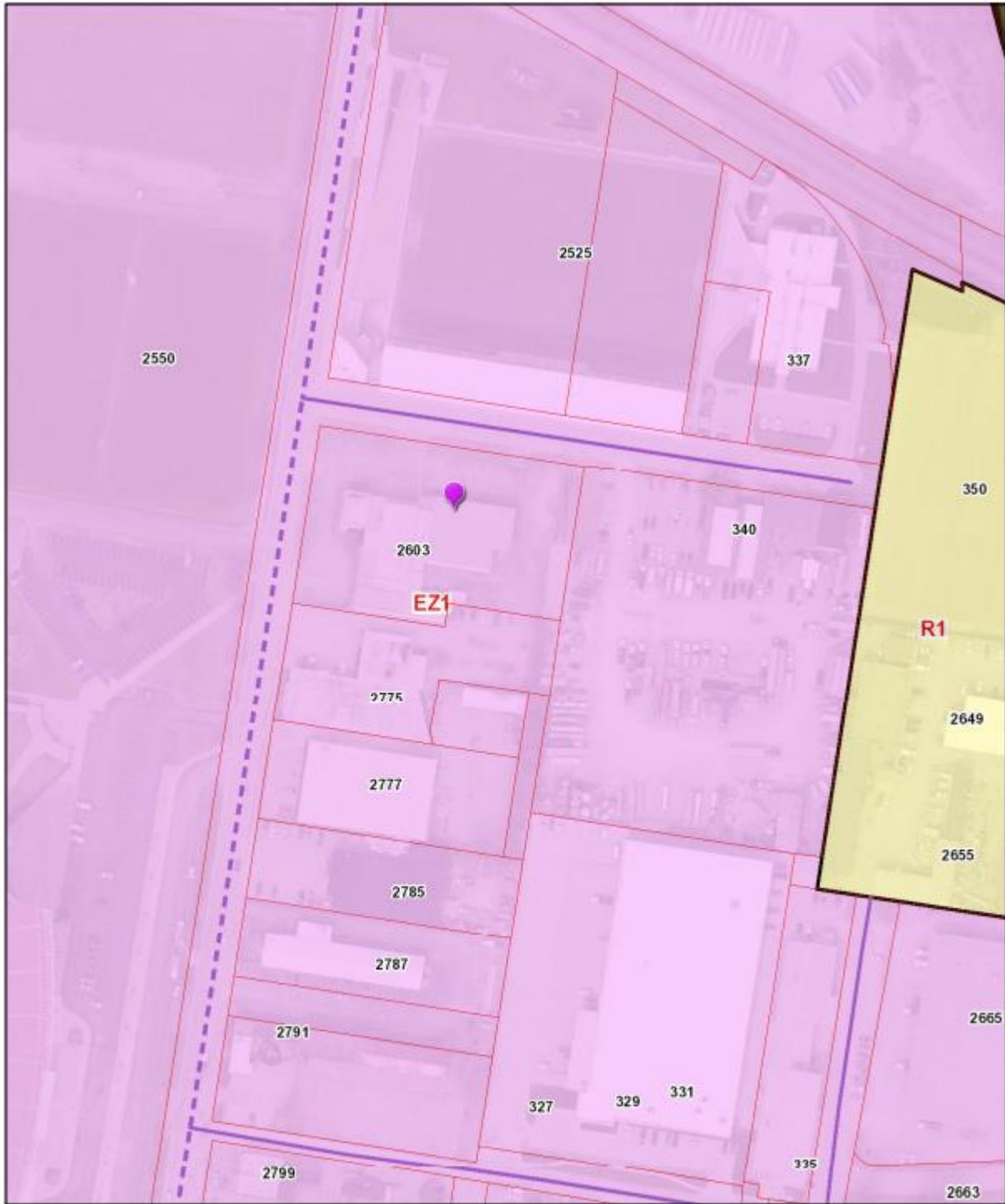
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
4/23/21	Hearing before Development Review Committee	1 <sup>st</sup> tier adjoining property owners And Registered Neighborhood Groups in Council District

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



**2603 S. Floyd Street**

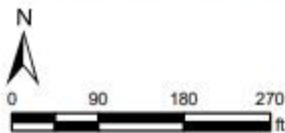
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2. Aerial Photograph



**2603 S. Floyd Street**

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