

Planning Commission

Staff Report

December 3, 2015



Case No:	15WAIVER, 1020 APPEAL
Project Name:	Ford Kentucky Truck Plant Parking Lot
Location:	3001 Chamberlain Lane
Owner(s):	Ford Motor Land Development Corp
Applicant:	Same as above
Representative:	Phil Gambrell, Luckett & Farley
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Steve Hendrix, Planning Supervisor

REQUEST

Appeal request of the Development Review Committee's decision concerning the Waiver of the Land Development Code Sections 5.8.1.B and 5.9.2.A.1.b, to not provide a sidewalk along the Collins Lane frontage.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

15Waiver1020

Waivers to not provide a sidewalk along Collins Lane and to exceed the maximum distance between Interior Landscape Areas.

On September 16, 2015, the Development Review Committee denied the sidewalk waiver and approved the waiver request concerning the Interior Landscape Areas.

Luckett & Farley appeal letter dated, September 30, 2015.

PREVIOUS CASES

Case No. 14VARIANCE1046, variance to allow an attached banner/sign to exceed the maximum size, approved by BOZA Committee June 16, 2014

Case No. 14LSCAPE1052, landscape plan for construction of new building and associated trailer docks, approved June 16, 2014.

Case No. 14WAIVER1016, landscape waiver to eliminate the 3 foot continuous screen between the parking lot and Chamberlain Lane; and landscape waiver to eliminate the 120' between interior landscape areas, approved by Planning Commission May 14, 2014.

Case No. 14DEVPLAN1097, Category 3 Development Plan for additional vehicle use area, revision the truck routes, and relocated the cyclone building, approved November 20, 2014.

Case No. 13DEVPLAN1004, Category 3 Development Plan for construction of a new 40,500sf manufacturing building, approved June 05, 2013.

Case No. 13DEVPLAN1031, Category 3 Development Plan for expansion of the facility, approved 2013.

Case No. 13 DEVPLAN1061, Category 3 Development Plan for expansion of the facility, approved 2013.

Docket No. B-17628-12, variance to allow an attached banner/sign to exceed the maximum size, approved by BOZA Committee May 7, 2012

Case No. 3-2-06, Category 3 Development Plan to relocate Gate 10, approved by Staff March 2006.

Docket No. B-182-94, variance to allow a freestanding sign to encroach into the required Westport Road street side yard, approved by BOZA Committee October 3, 1994

Docket No. 9-36-92, change in zoning from R-4 to PEC, approved by the Planning Commission August 6, 1992

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Industrial	PEC	SW
Proposed	NA		
<i>Surrounding Properties</i>			
North	Industrial & Commercial	PEC	SW
South	Residential	R-4	SW
East	Industrial & Commercial	PEC	SW
West	Industrial	PEC	SW

INTERESTED PARTY COMMENTS

Staff has received no comments.

APPLICABLE PLANS AND POLICIES

Land Development Code
Cornerstone 2020

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR WAIVER
September 16, 2015**

Waiver #1: Waiver of the Land Development Code Sections 5.8.1.B and 5.9.2.A.1.b, to not provide a sidewalk along the Collins Lane frontage.

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

STAFF: The waiver will not adversely affect adjacent property owners since there are no sidewalks on this side of the street on properties located in the vicinity. The applicant is providing internal sidewalk connection within the subject property.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver request does not violate the comprehensive plan since there are no sidewalks on this side of the street and there is no transit stop close to the subject property.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since there is pedestrian connections being provided in the interior of the parking lot to the subject site facilities.

(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: A strict application of the provision of the regulation would create a hardship due to the physical restrains of the topography because of the stream location. To construct the sidewalk would be very costly.

TECHNICAL REVIEW

No outstanding technical review items.

STAFF CONCLUSIONS

Since there is a physical restrain (Hite Creek) limiting the constructability of the sidewalk, there is no transit stops close to the subject property and all sidewalks along Collins Lane are located on the opposite side of the street, the waiver to not provide sidewalks is supported.

NOTIFICATION

Date	Purpose of Notice	Recipients
08/31/2015	Public Hearing – DRC	Neighborhood notification recipients
09/03/2015	Public Hearing – DRC	1 st tier adjoining property owners
11/19/2015	Public Hearing – DRC	1 st tier adjoining property owners, participants of 9.16.15

ATTACHMENTS

1. Lockett & Farley Letter, 9.30.15
2. DRC Minutes, 9.16.15
3. Zoning Map
4. Aerial Photograph
5. Site Plan
6. Applicant's Justification Statement
7. Site Photographs

September 30, 2015

Emily Liu
Planning Director
Louisville Metro Planning & Design Services
444 S. 5th Street Suite 300
Louisville, KY 40202

RE: Ford Kentucky Truck Plant Collins Lane
Parking Lot Sidewalk Waiver
Case Number: 15WAIVER1020
A/E Commission No: 2015.058

Dear Director Liu,

I am writing in regard to the above case number for Ford Kentucky Truck Plant's parking lot along Collins Lane. Ford Motor Company has elected to appeal the denial of the requested waiver to not provide a sidewalk along Ford's frontage to Collins Lane. There are no existing sidewalks on either side of Collins Lane in the vicinity of Ford's frontage. Therefore installation of the sidewalk on the Ford property would provide a 400 foot stretch of sidewalk that does not connect on either end. One end would terminate at Mermaid Lane and the other at the railroad track crossing of Collins Lane. On the railroad track end of the requested sidewalk, Ford is concerned that providing a sidewalk there could develop into potential safety issues for pedestrians traversing a busy crossing not currently designed for pedestrian access.

Please accept this letter as our request for an appeal. We would be happy to provide any exhibits that you feel are necessary for your review and consideration.

Sincerely,

LUCKETT & FARLEY


Jeffrey S. Moneyppenny, AIA
Director - Automotive

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DEVELOPMENT REVIEW COMMITTEE
September 16, 2015

NEW BUSINESS

CASE NO. 15WAIVER1020

Request: Waivers to not provide a sidewalk along Collins Lane and to exceed the maximum distance between Interior Landscape Areas (ILAs).

Project Name: Ford - Kentucky Truck Plant

Location: 3001 Chamberlain Lane

Owner: Ford Motor Land Development Corp.

Applicant: Owner

Representative: Phil Gambrell, Lockett & Farley

Jurisdiction: Louisville Metro

Council District: 17 – Glen Stuckel

Case Manager: Sherie' Long, Landscape Architect

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the DRC meeting. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

An audio/visual recording of the Development Review Committee meeting related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Agency Testimony:

00:08:23 Sherie' Long presented the case (see staff report and recording for detailed presentation).

The following spoke in favor of this request:

Brooks Benton, Lockett & Farley, 737 South Third Street, Louisville, KY 40202

Summary of testimony of those in favor:

00:12:34 Brooks Benton was available on behalf of the applicant to answer questions.

The following spoke in opposition to this request:

John Perkins, 3112 N. Winchester Acres Road, Louisville, KY 40245

00:14:13 John Perkins stated it was his understanding initially the sidewalk waiver was for Chamberlain Lane. Mr. Perkins expressed concerns over lack of sidewalks on Chamberlain Lane.

00:15:16 Commissioner Brown explained to Mr. Perkins that as new developments come along, they are required to provide a proportional share of the sidewalks along

DEVELOPMENT REVIEW COMMITTEE
September 16, 2015

NEW BUSINESS

CASE NO. 15WAIVER1020

their frontage. He stated that it is piecemeal, but eventually that whole frontage will be done, but it's as they meet that threshold to require the sidewalks.

00:18:03 Commissioners' deliberation

00:21:29 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that based on the proposed road work along this frontage to provide the left turn lane and the existing form district, the suburban workplace form district, and Collins provides that connection between Westport and Chamberlain which are the higher classified roads, now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **DENY** 15WAIVER1020, Waiver #1 to not provide a sidewalk along Collins Lane.

The vote was as follows:

YES: Commissioners Brown, Peterson, and Chairman Tomes.

NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

00:22:10 On a motion by Commissioner Brown, seconded by Commissioner Peterson, the following resolution was adopted:

WHEREAS, the Louisville Metro Development Review Committee finds that the waiver will not adversely affect adjacent property owners since the required square footage of ILA is being provided on the site along with the required number of interior trees, and

WHEREAS, the Committee further finds that Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The waiver does not violate the comprehensive plan since the required number of trees are being provided and located throughout the parking lot which provides distribution of the tree canopy coverage. Plus a parking lot locate adjacent to Chamberlain Lane, within this property, was granted a waiver which is similar to this request, and

DEVELOPMENT REVIEW COMMITTEE
September 16, 2015

NEW BUSINESS

CASE NO. 15WAIVER1020

WHEREAS, the Committee further finds that the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since both ILA square footage requirement and ILA tree requirements are being met, and

WHEREAS, the Committee further finds that the applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirement being waived. The applicant is exceeding the minimum ILA square footage requirement and providing additional trees beyond the minimum interior tree planting requirement. The applicant is also exceeding the required tree canopy for the site, now therefore be it

RESOLVED, the Louisville Metro Development Review Committee does hereby **APPROVE** 15WAIVER1020, Waiver #2 to exceed the maximum distance between Interior Landscape Areas (ILAs), based on the staff report and testimony heard today.

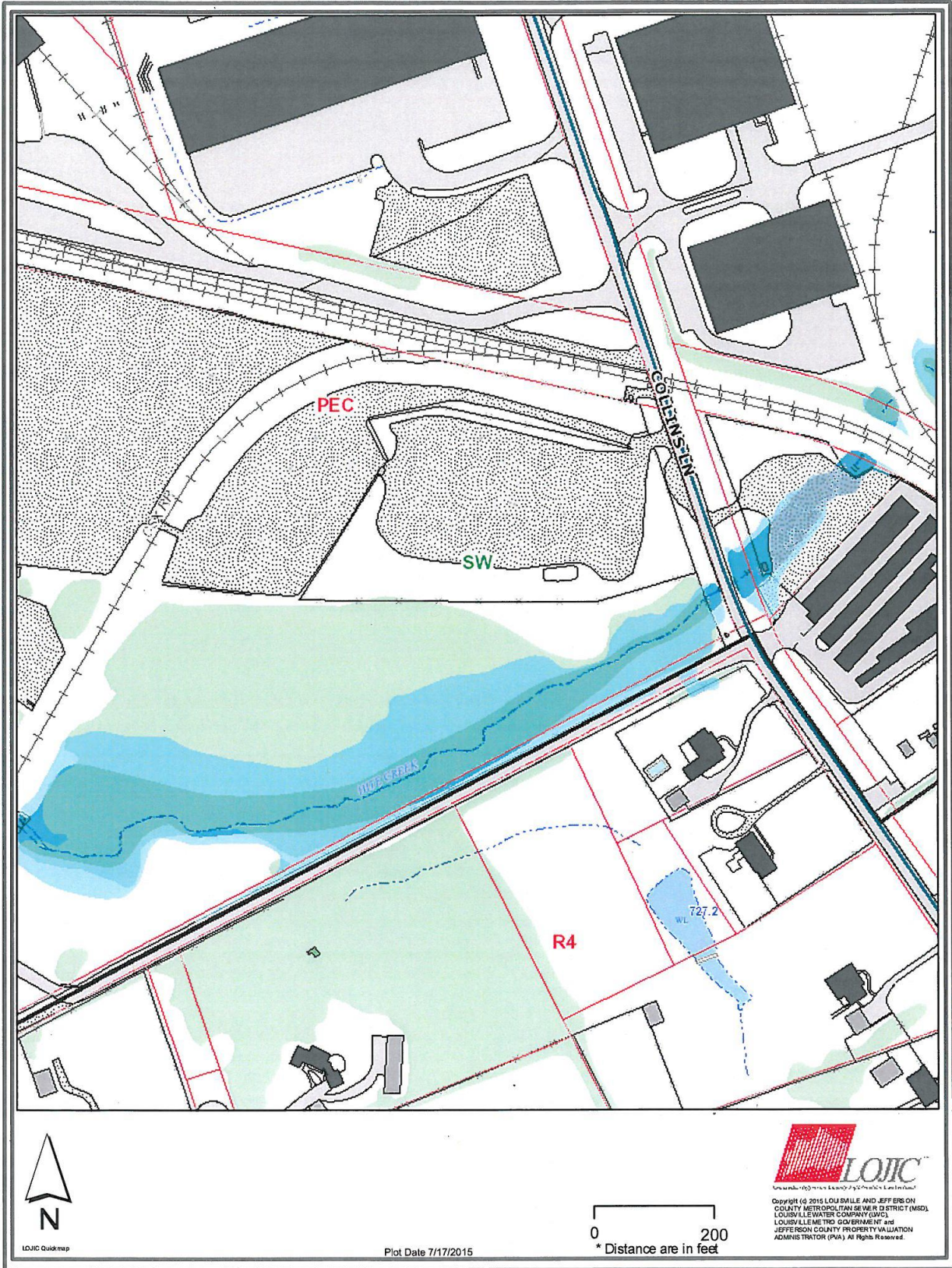
The vote was as follows:

YES: Commissioners Brown, Peterson, and Chairman Tomes.

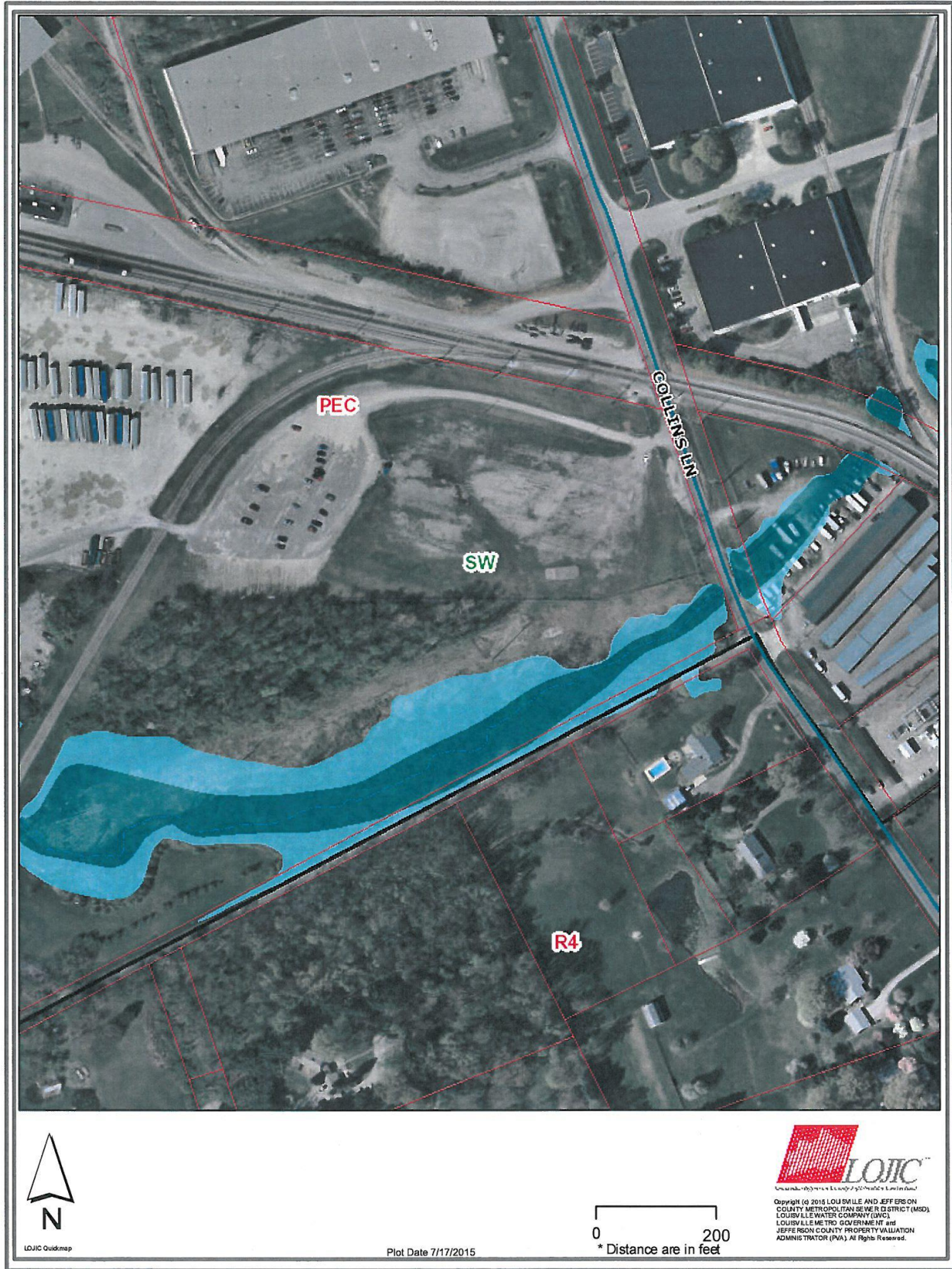
NO: No one.

NOT PRESENT AND NOT VOTING: Vice Chair White and Commissioner Kirchdorfer.

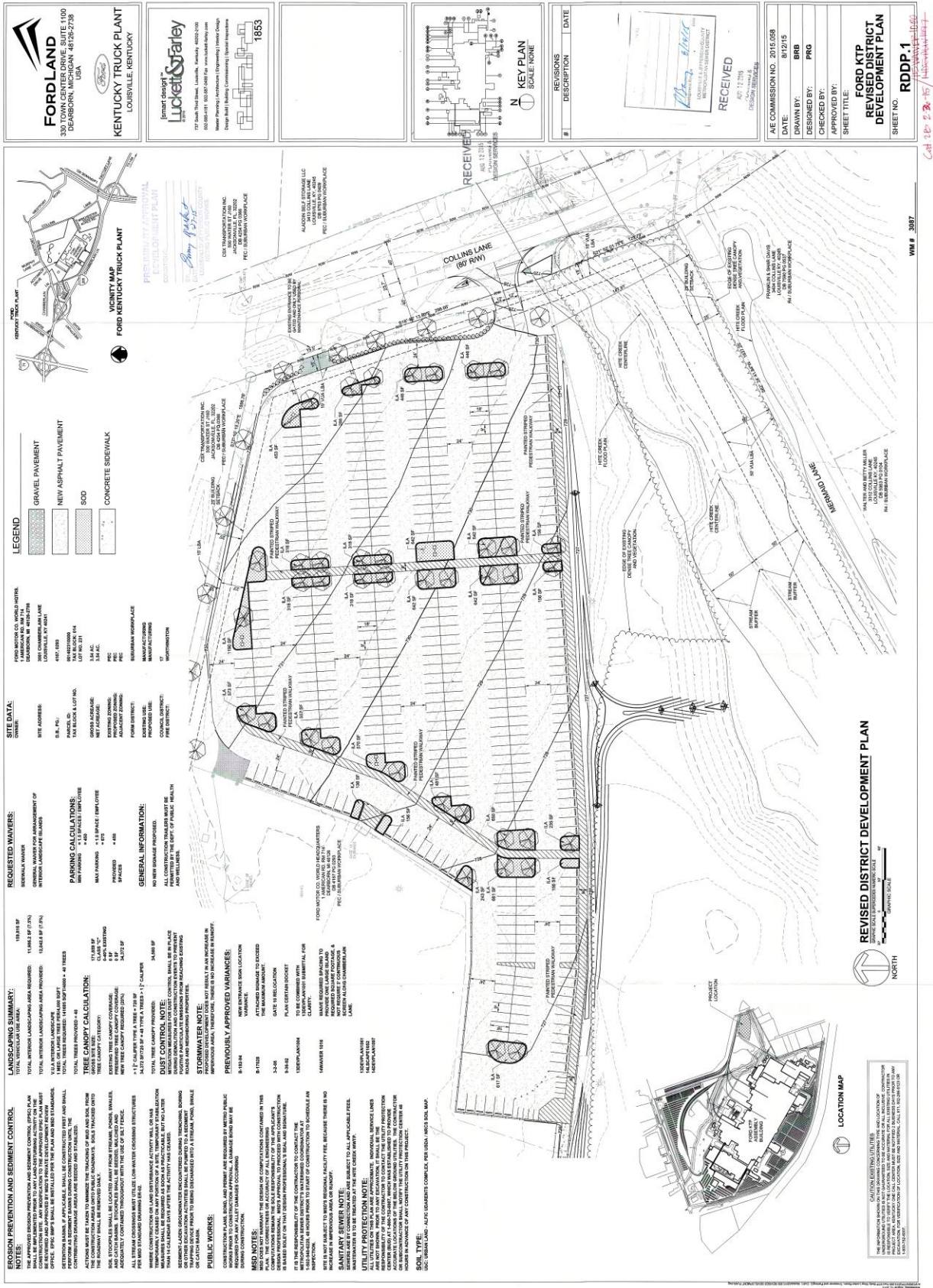
Zoning Map



Aerial Photograph



Site Plan



Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

The intent of the Land Development Code is satisfied in this regard in this area by the sidewalk on the opposite side of the street. This sidewalk provides the adequate access for employees which is one of the design goals of the form district.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

The compliance with the regulation is not appropriate because of the complexities that are associated with it. The required sidewalk would have to cross Hite Creek to reach the adjacent properties. The bridge that would be required for this crossing would be very difficult and costly to accomplish.

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3. What impacts will granting of the waiver have on adjacent property owners?

The granting of this waiver will not have any affects on the adjacent property owners. There are currently no sidewalks on this side of Collins Lane. All of the sidewalks that are provided on Collins Lane are on the opposite side of the street.

4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

The strict application of this regulation would create an unnecessary hardship because of the cost and difficulties in placing the required sidewalk. With Hite Creek running through this portion of the property, having to construct a bridge over the creek would be very costly and difficult to accomplish.

15WAIVER1020

Site Photographs



