

Development Review Committee

Staff Report

Nov. 16, 2016



Case No:	16DEVPLAN1189
Request:	Waiver from LDC section 5.7.1.B.3.a to not provide a 50 foot LBA and to not provide the required 3 Large Type A trees plus an 8 foot screen.
Project Name:	One Stroke Expansion
Location:	454 Roberts Ave.
Area:	.37 acres
Owner:	OSI Property LLC.
Applicant:	Sarah B. Sammons – Land Design and Development
Representative:	Sarah B. Sammons – Land Design and Development
Jurisdiction:	Louisville Mero
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Ross Allen – Planner I

REQUEST

- **Waiver:** from LDC section 5.7.1.B.3.a to not provide a 50 foot LBA and to not provide an 8 foot screen along the northwestern property line for an approximate linear length of 172 feet (adjacent to the Vittitoe Property at 452 Roberts Ave).

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to build an addition (13,365 sf.) onto the existing 35,096 sf. one story office warehouse on an M-2 zoned parcel within Suburban Workplace. The proposed addition will match the existing building height and building materials. The building materials are colored split faced block and metal siding the building addition will have one overhead door and one standard sized door, both facing Roberts Ave. An additional 1,228 sf. of vehicular use area will also be added to the front of the proposed structure along Roberts Ave. The proposed addition will be constructed on a previously developed residential lot which is now vacant land, and is currently zoned as an M-2 zoning district. Last, the addition resides on a separate parcel directly adjacent to the north of the existing office warehouse, as shown the applicant is proposing to consolidate the parcels (with a Z line), this would require a condition of approval. The parcel on which the addition is to be located is bounded by Roberts Ave to the East, an R-4 zoned parcel in the Neighborhood Form District (transition zone) to the north, M-2 Suburban Workplace to the West and South.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Industrial	M-2	Suburban Workplace
Proposed	Industrial	M-2	Suburban Workplace
Surrounding Properties			
North	Single Family Residential/Industrial	R-4/M-2	Suburban Workplace
South	Industrial	M-2	Suburban Workplace
East	Industrial	M-2	Suburban Workplace
West	Single Family Residential	R-4	Traditional Neighborhood

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER: from LDC section 5.7.1.B.3.a to not provide a 50 foot LBA and to not provide an 8 foot screen along the northwestern property line for an approximate linear length of 172 feet (adjacent to the Vittitoe Property at 452 Roberts Ave).

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant is proposing to screen the adjacent R-4 zoned property (452 Roberts Ave.) with 6 foot tall evergreens in a five foot area along the northwestern property line.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered since the applicant is proposing to plant 6 foot tall evergreens in a five feet of space along the northwestern property line to screen the R-4 zoned property from the applicants proposed expansion.

- (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 is limited to space along the northwestern property line as a result of a proposed rain garden which reduces the area for tree plantings. However, the five feet between the property line and the rain garden allows for the planting of evergreen trees every 15 feet to act as screening between the R-4 zoned property (452 Roberts Ave.) and the applicants M-2 zoned expansion.

- (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 deprive the applicant of the reasonable use of the land since MSD is requiring a 10 foot wide by 130 foot long rain garden along the northwestern property line. The applicants proposed building would encroach into the 50 foot required LBA by approximately 35 feet leaving a five foot strip along the property line where the applicant is proposing to plant 6 foot tall evergreens to screen their expansion from the R-4 zoned parcel directly

adjacent to the northwest. The limitation of space as a result of the expansion results in an area that would not permit large type A trees planted every 100 feet as required by LDC for the screening requirement.

TECHNICAL REVIEW

The applicant has shown on the development plan the need to consolidate lots/parcels on parcel ID: 113200560034 (458 Roberts Ave.) along with dedicating right of way along Roberts Ave. and Parcel ID: 113200100035 (458 Roberts Ave.). A minor plat would need to be submitted in order to dedicate of right of way and consolidate the aforementioned parcels. There is also a rezoning case, 16ZONE1025, for the following addresses: 436-452 Roberts Ave. (excluding 440 Roberts Ave.) with a change in zoning from R-4 to C-2. The proposed rezoning is located in an area with mixed use and has residentially zoned properties nearby (northeastern side of Roberts Ave.).

STAFF CONCLUSIONS

The proposed waiver does appear to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC section 5.7.1.B.3.a to not provide a 50 foot landscape buffer area (applicant is proposing a 15 foot LBA), and to not provide an 8 foot screen along the northwestern property line adjacent to 452 Roberts Ave. The applicant is compensating by proposing a 15 foot LBA with 6 foot tall evergreen planting every 15 feet along the northwestern property line as compensation for the requirements of LDC.

REQUIRED ACTION

- **APPROVE** or **DENY** the waiver of 5.7.1.B.3.a

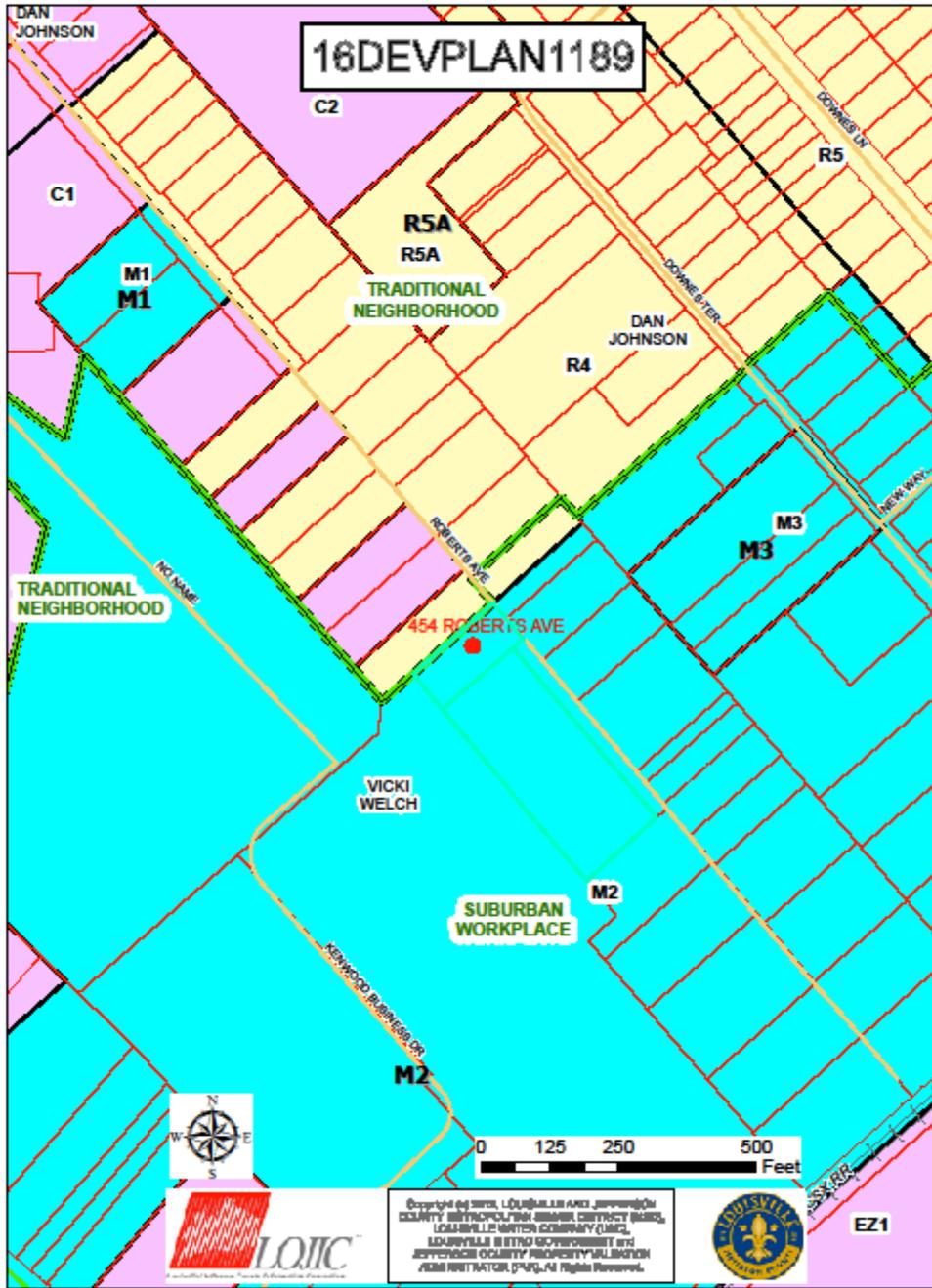
NOTIFICATION

Date	Purpose of Notice	Recipients
November 4, 2016	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 13 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

