

Development Review Committee

Staff Report

February 4, 2015



Case No:	15Waiver1000
Project Name:	Carbide Industries Expansion
Location:	4300 Bells Lane
Owner(s):	Carbide Industries LLC
Applicant:	Brent McWhorter, Carbide Industries LLC
Representative(s):	Ashley Bartley, QK4
Existing Zoning District:	M-3
Existing Form District:	Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

- Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide sidewalks along the approximately 2,500 lineal feet of Bells Lane street frontage.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property, zoned M-3 in the Suburban Workplace Form District, is located on the south side of Bells Lane west of the I-264 and East of the Ohio River. The applicant is expanding their facilities with the addition of a new 15,088 square foot building to service as a packaging warehouse. The subject property is required to provide sidewalks along the entire street frontage of their property, approximately 2,500 lineal feet. An existing ditch and utilities are both located adjacent to the subject parcel in the street right of way. Of the approximately 1.2 miles of Bells Lane from I-264 to where it dead ends at the Ohio River, only two parcels (Zeon Chemicals at 4111 and 4100 Bells Lane) provide sidewalks fronting the street for approximately 625 lineal feet or 5% of the street frontage. However, these existing sidewalks are not located in the street right-of-way but instead are located within the two parcels along the street frontage. The existing sidewalk located along the northern Bells Lane street frontage is a small portion of a longer walking path which encircles the northern Zeon property. Nevertheless, to construct the required 2,500 lineal feet of sidewalk, the applicant would be required to locate the sidewalk pavement around and between the existing ditch and utilities.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing/ Proposed	Industrial and Manufacturing	M-3	SW
<i>Surrounding Properties</i>			
North	Industrial and Manufacturing	M-3	SW
South	Industrial and Manufacturing	M-3	SW
East	Industrial and Manufacturing	M-3	SW
West	Industrial and Manufacturing	M-3	SW

PREVIOUS CASES ON SITE

Case # 2-54-14 - Category 2B Development Plan submitted December 22, 2014 - Pending approval.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments concerning this request.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver of section 5.8.1.B. and Table 6.2.1 to not provide a sidewalk along the approximately 2,500 lineal feet of Bells Lane street frontage.

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing sidewalks are only along a small portion of the street frontage, and this small portion is a part of an existing internal walking path which encircles the Zeon property. Also, there is no likelihood for sidewalks to be constructed in the future along the remaining street frontage because this street serves only industrial uses with no residential uses in the immediate area, plus the street is a dead end. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

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

STAFF: Guideline 1, Policy 3 states that streets are designed to invite human interaction and ease of access through the use of connection and design elements such as bike/walkways to connect with other streets. The request does not meet this guideline and policy. However, there is a small portion of sidewalk along the street frontage currently and that sidewalk is a part of a walking path for the Zeon facility. Nevertheless; there is no likelihood for sidewalks to be constructed in the future along the remaining street frontage because this street serves only industrial uses with no residential uses in the immediate area, plus the street is a dead end. Therefore, it is no reasonable for sidewalks to be constructed along this applicant's street frontage.

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. The request does not meet this guideline or policy, however since there are no topographical conditions which would make the construction of the sidewalk impracticable the required sidewalk could be constructed. However, since there are no plans for sidewalks to be constructed along these streets in the future it would be impractical to construct a sidewalk only along the applicant's street frontage.

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 request does not meet this guideline or policy, however, since there are currently no 'public' sidewalks along this street and there is no future plan to

construct sidewalks; it is not appropriate to construct sidewalks along this industrial properties frontage.

(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 only a small portion of the street frontage containing existing sidewalks; there are no plans for sidewalks in the future; Bells Lane is a dead end street; and this area is an industrial area where safety is a concern this applicant should not be required to provide sidewalks.

(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 applicant has not incorporated any other design measures that exceed the minimum of the district, nor has the applicant compensated for non-compliance with the requirements. However, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant considering the length of sidewalk required to fulfill the Regulation. Also considering there is only a small portion of the street frontage which has existing sidewalks; and furthermore, there are no plans in the future for sidewalks to be constructed along Bells Lane; therefore it would be unreasonable to require this applicant to construct a section of sidewalk which is not going to be connected to any another sidewalk system.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

The proposal does not meet the requirements of the LDC or the guidelines of the Comprehensive Plan. However, considering there are only sidewalks along a small portion of the street frontage and there is no likelihood for sidewalks to be constructed in the future, it is impractical to require this applicant to provide sidewalks along the entire property frontage. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a sidewalk waiver established in the Land Development Code.

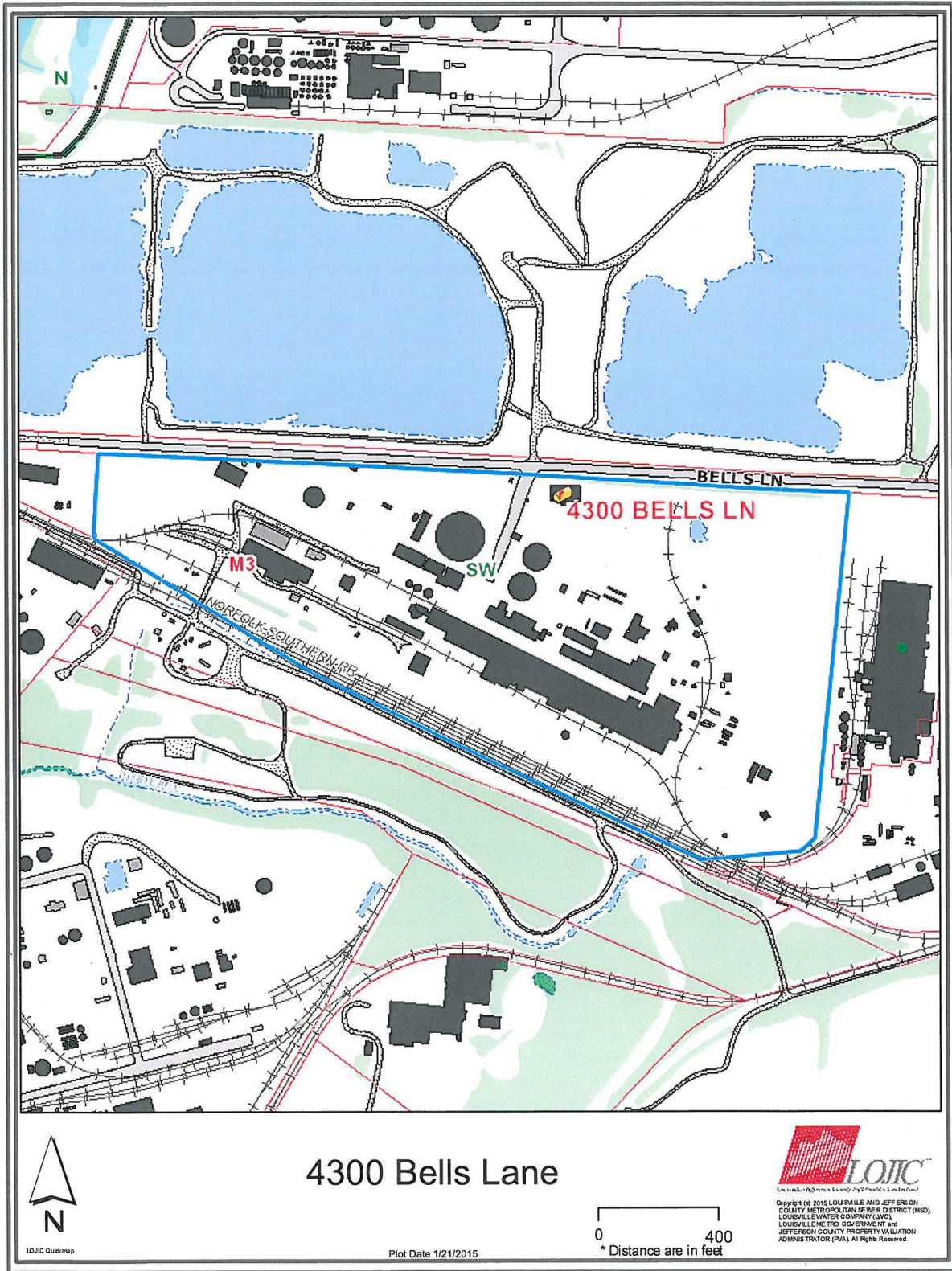
NOTIFICATION

Date	Purpose of Notice	Recipients
01/15/2015	Hearing before DRC on 02/04/2015	Subscribers of Council District 17 Notification of Development Proposals.
01/26/2015	Hearing before DRC on 02/04/2015	1 st tier adjoining property owners.

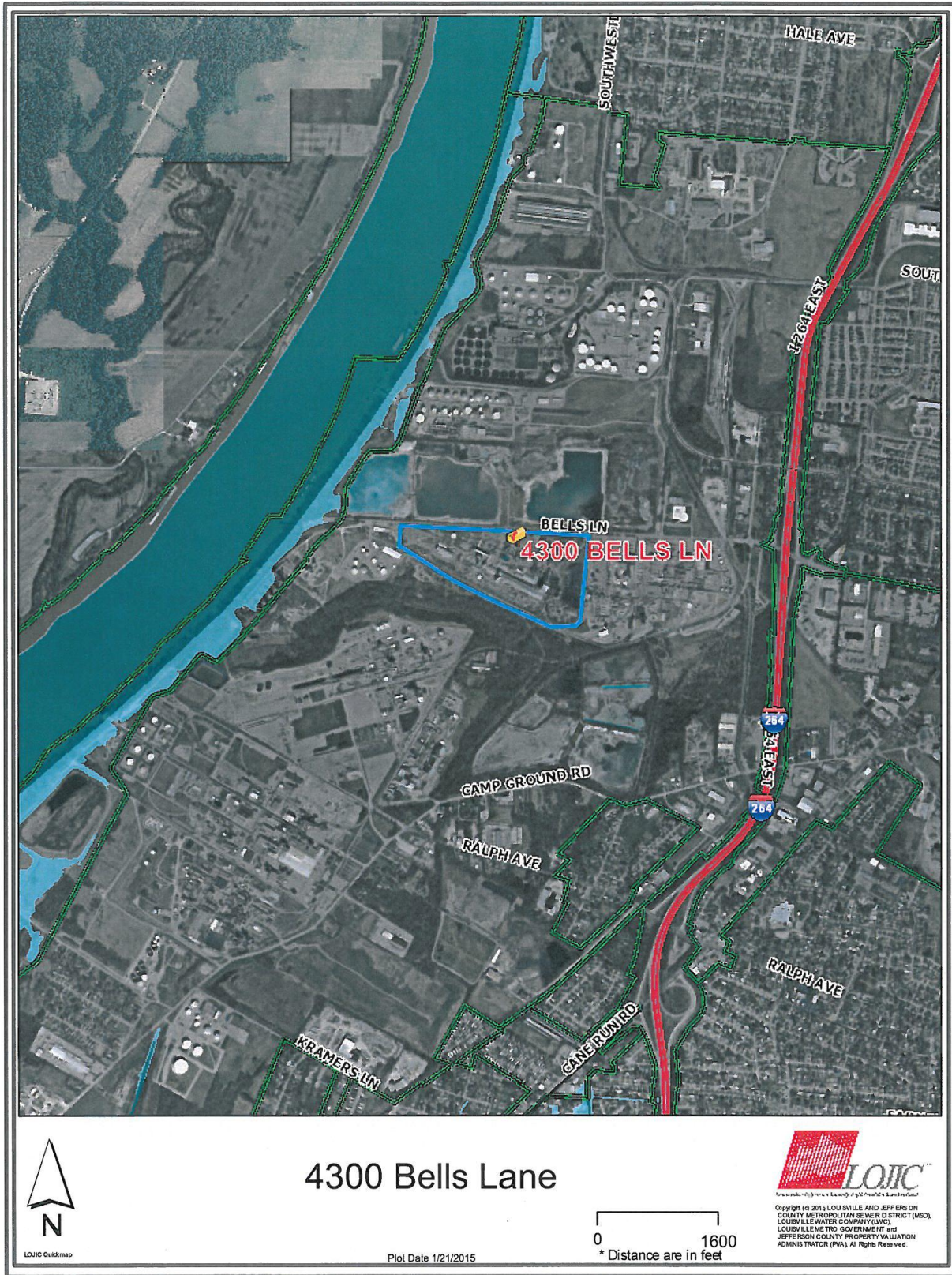
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph – Overall Area
3. Aerial Photograph - Site
4. Cornerstone 2020 Staff Checklist
5. Site Plan
6. Applicant's Justification
7. Site Photographs

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph – Overall Area



Attachment 3: Aerial Photograph - Site



Attachment 4: Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- √ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Finding	Comments
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Sidewalk Waiver

4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	-	Only a very small portion of the street frontage currently contains a sidewalk. The Louisville Loop is located east of the site with no current sidewalk connection to Bells Lane.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	-	There is no easy access by pedestrians or future transit users because there is no sidewalk connection within the development or to the surrounding properties. The small portion of existing sidewalk only serves the property on which it is contained and does not connect to a public sidewalk system.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	-	The proposal does not provide pedestrian access throughout the community. Pedestrians within the community and others walking would not have a safe way to walk into and around the neighborhood.

Attachment 5: Applicants Justification

Carbide Industries Expansion – Packaging Building

Waiver Request - 5.8.1

Additional Information

In order to justify approval of any waiver, the Planning Commission considers four (4) criteria. Please answer all of the following items. Use additional sheets, if needed. ***All questions must be answered. A response of yes, no or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

The waiver will not adversely affect adjacent property owners since sidewalks are not currently typical along Bells Lane therefor there is nothing to connect to from a pedestrian network standpoint. The area is industrial in nature, with many uses dealing in industrial and hazardous materials and very little pedestrian activity exists.

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2. Will the waiver violate the Comprehensive Plan?

The waiver will violate the Comprehensive Plan only by not providing pedestrian access. However pedestrian access is not typical in this area. Of the approximately 1.2 miles of Bells Lane from the Watterson Expressway to where it dead ends at the Ohio River, only two parcels (Zeon Chemicals at 4109 and 4100 Bells Lane) provide sidewalk frontage, which doesn't even occur within right-of-way, but is near the front of the property. The combined frontage is 375 feet on the north and 250 feet on the south or about 5% of the entire Bells Lane frontage from the Watterson to the river. So there is little connection to be had between the lack of sidewalks and lack of destination (dead end road).

There is also no transit line that comes this far down Bells Lane; the 46 line terminates at I-264.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

The proposal is for a 15,000 square foot building estimated at about \$300,000 for general construction. Approximately 2,500 linear feet of sidewalk is being requested along the property frontage, which at a standard rate would be in the ballpark cost of \$60,000 to construct. However there is a large drainage ditch that fronts the property which would need to be piped if a sidewalk were to be installed. Additionally a gas line was just installed along Bells Lane in front of the plant, parts of which could need to be relocated to accommodate the sidewalk. Overhead utilities also exist across the entire frontage that would likely also interfere with sidewalks. Considering all additional "atypical" costs – drainage infrastructure and utility relocation – the sidewalk construction would be well over \$100,000, or a quarter of the project budget. Since the building addition is so minor in relationship to the plant (a 3.6% increase in square footage), the sidewalk request is disproportionate to the project.

Carbide Industries also deals in the manufacturing of hazardous materials so it is important to maintain security to avoid acts of vandalism or terrorism. Providing sidewalks could encourage unwanted visitors to access the property more easily.

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4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

By requiring the applicant to provide sidewalks along the property frontage would create a hardship for the applicant as the high cost would be disproportionate to project/site budget. Additionally it could negatively affect the security of the plant.

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Attachment 6: Site Photographs



Existing sidewalk along Zeon property on north side of Bells Lane



Existing sidewalk along Zeon property on south side of Bells Lane



Looking east down Bells Lane (applicant's property frontage is to the right).



Looking west up Bells Lane (applicant's property frontage is to the left).



Looking east down Bells Lane (applicant's property frontage is to the right).



Looking east down Bells Lane (applicant's property frontage is to the right).



Looking east down Bells Lane (applicant's property frontage is to the right).



Looking west up Bells Lane (applicant's property frontage is to the left).



Looking East down Bells Lane (applicant's property frontage is to the right).



Looking East down Bells Lane (applicant's property frontage is to the right).



Looking East down Bells Lane from the End of the applicant's property frontage (applicant's property frontage is to the right)



Looking west at the End of Bells Lane (end of the public street access)