

**Land Development and  
Transportation Committee**  
**Staff Report**  
June 25, 2020



<b>Case No:</b>	20-WAIVER-0041
<b>Project Name:</b>	Carlton Roofing
<b>Location:</b>	4512 Bishop Lane
<b>Owner(s):</b>	JES Commercial Properties
<b>Applicant:</b>	Curtis Mucci, Mindel Scott
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Molly Clark, Associate Planner

**REQUEST(S)**

1. **Waiver** of Land Development Code section 5.9.2.1.b.ii which requires that abutting non-residential uses shall provide vehicular and pedestrian circulation between their sites through parking lots or alley connections, hard surface walkways and similar measures.
2. **Waiver** of Land Development Code section 5.9.2.A.1.b.i which requires pedestrian connection to public right of way.

**CASE SUMMARY/BACKGROUND**

The waiver requested is associated with a category 2B case under 20-CAT2-0017. The applicant is proposing to construct a 30,000 square foot (SF) office/warehouse for Carlton Roofing, a roofing company. The applicant will be using the warehouse to store roofing material and equipment. The building will include also include a 5,000 SF office with a mezzanine as well as a proposed outdoor storage area. The site is zoned M2 and M3 within the Suburban Workplace form district. The lot will be accessed through a 40 foot private access easement that connects to Bishop Lane. The entire site will be fenced off making it a secured area. The applicant is proposing to waive the requirement regarding vehicular and pedestrian access between non-residential uses as well as pedestrian connection to the adjacent right of way, Bishop Lane.

**STAFF FINDING**

The waiver request is adequately justified and does meet the standard of review.

**TECHNICAL REVIEW**

The Category 2B under 20-CAT2-0017 is in order and has received preliminary approvals from Transportation Planning and the Metropolitan Sewer District,

## **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this case.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of 5.9.2.1.b.ii:**

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

STAFF: The adjacent property owners are all industrial related uses as well as many are secure sites not open to the public. Adjacent property owners will more than likely not want to connect to other private secure industrial sites.

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

STAFF: Guideline 1 policy 4 calls for proposals to ensure that new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The development being proposed is a secured facility that is not accessible to other surrounding industrial uses. This is compatible with surrounding developments. Guideline 19 policy 1 calls for locating activity centers in appropriate areas in all form districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure. This development will be located next to other secured industrial facilities and will not have a negative impact on adjacent industrial developments.

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

STAFF: The roofing company cannot be expected to access other secure sites that are not open to the public nor related to their company or type of industry.

- (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 land because other private industrial companies are not open to allowing traffic or access through their secure sites that are not open to the public.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of 5.9.2.A.1.b.i:**

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

STAFF: Between the fencing of existing surrounding industrial lots and the existing 40 foot access easement, there is not much room for pedestrian access. The proposed development is not open to the public. The surrounding industrial developments are also not open to the public.

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

STAFF: Guideline 4 policy 8 encourages that 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 proposed development is located in an already industrial area with an existing private access easement that is accessed by other industrial uses. Locating the proposed development at this site allows for the company to continue to operate away from residential uses. Guideline 13 policy 17 calls for the mitigation of adverse impacts of noise from proposed development on existing communities. With this proposal being in an already industrial area, that is vacant, this avoids the possibility of development having to relocate near a residential community.

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

STAFF: The waiver of the regulation to provide pedestrian access to adjacent ROW is the minimum necessary to afford relief to the applicant because the proposed development will not be open to the public as well as the site is a secure site with fencing around it.

- (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 reasonable use of the land and unnecessary hardship because the property is not open to the public and the private 40 foot access easement that connects to Bishop Lane is not wide enough to include a sidewalk. Currently the surrounding developments use the private access easement for parallel street parking.

**REQUIRED ACTIONS:**

- Recommend **APPROVAL** or **DENIAL** of the **Waivers**.

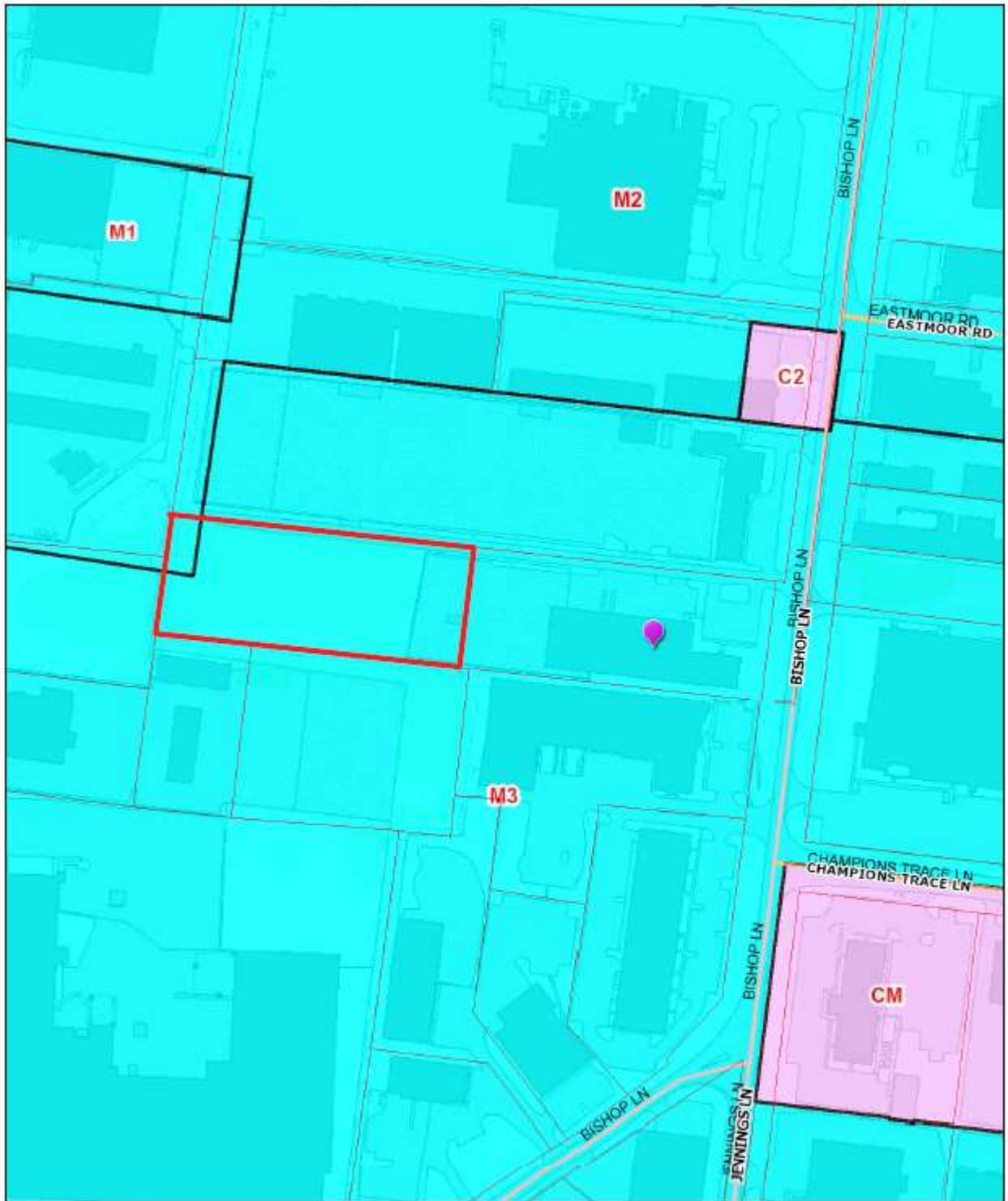
**NOTIFICATION**

Date	Purpose of Notice	Recipients
6-16-20	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



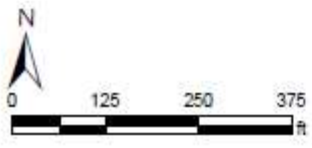
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2. Aerial Photograph



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