

# Land Development and Transportation Committee

## Staff Report

February 9, 2017



<b>Case No:</b>	16DEVPLAN1234
<b>Project Name:</b>	Philmore, LLC
<b>Location:</b>	2349 Millers Lane
<b>Owner(s):</b>	Lacey Smith, Philmore, LLC
<b>Applicant(s):</b>	Lacey Smith, Philmore, LLC
<b>Representative(s):</b>	Gayle Croghan Sabak, Wilson & Lingo, Inc
<b>Project Area/Size:</b>	29.5 Acres
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zone
<b>Existing Form District:</b>	Traditional Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – Mary C. Woodridge
<b>Case Manager:</b>	Laura Mattingly, Planner I

### REQUEST

- Waiver of LDC Section 5.12.2 to allow the proposed amenity area to be less than 10% of the total building square footage.
- Waiver of LDC Section 10.2.4 to not provide required 50' Landscape Buffer Area adjacent to a residential use.
- Waiver of LDC Section 5.8.1.B to not provide a sidewalk along Wingfield Lane and Millers Lane
- Category 3 Development Plan review for new warehouse

### CASE SUMMARY/SITE CONTEXT

This Category 3 development is for a 250,000 square foot warehouse located in central western Louisville. The proposal includes the demolition of two existing warehouses to make room for the new construction. The site also has two other existing warehouses and office building with parking that will remain as is. The new construction includes 49 employee parking spaces and 53 truck storage spaces and an on-site detention basin.

This site fronts on two roadways and is surrounded by similar EZ-1 properties to the south & west. Single family subdivisions border the site on the north and east. There will be no access from Wingfield Lane, the local road to the north. The site will be accessed by an existing curb cut on Millers Lane, a minor arterial.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Warehouses	EZ-1	TW
<b>Proposed</b>	Warehouses	EZ-1	TW
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-5	TN
<b>South</b>	Industrial	EZ-1	TW
<b>East</b>	Industrial, Single Family Residential	EZ-1, R-4	TW, TN
<b>West</b>	Warehouse	EZ-1	TW

## PREVIOUS CASES ON SITE

None

## INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER of Section 5.12.2 to reduce the required amenity area:

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

STAFF: The waiver will not adversely affect adjacent property owners as the amenity area is a requirement that serves only the employees of the development.

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

STAFF: Guideline 4, Policy 3 encourages open space created by new development that helps meet the needs of the community and Guideline 4, Policy 7 calls for the for the continuous maintenance of that open space. These guidelines are not violated as the amenity area is still being provided and will be maintained; just at a smaller scale that the developer feels is more appropriate for this development.

- (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 as the applicant is providing an amenity area equal to 15% of the office area (1,531 square feet) while maximizing warehouse space.

- (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 or create an unnecessary hardship as the distribution center is large in relation to the number of employees on site therefore providing the amenity area based on the building size would be in excess of what is needed. It would be a hardship to accommodate such a large amenity area when much of the site is needed for the building.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC Section 10.2.4 to not provide required 50' Landscape Buffer Area adjacent to a residential use.

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

STAFF: The waiver will not adversely affect adjacent property owners as the roadway and warehouse along this property line have existed for years and the applicant is proposing an 8' screen and 22 Type A trees, which is an improvement over the existing conditions.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as the applicant is planting a screen and trees in the existing green space which meets the intent of the buffer requirement.

- (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 as they are meeting the screening and planting requirements in the existing green space.

- (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 create an unnecessary hardship on the applicant as in order to meet the 50' buffer requirement, the applicant would have to eliminate the existing road and reconfigure on-site traffic.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B  
to not provide a sidewalk along Wingfield Lane:**

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

STAFF: The waiver will not adversely affect adjacent property owners as there is an existing sidewalk on the north side of Wingfield Lane which is continuous until the road dead ends west of the site. In addition, there is no pedestrian access to any industrial property on the south side of Wingfield Lane west of this site.

- (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 for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. This proposal does not violate these guidelines of Cornerstone 2020 as this site backs up to Wingfield Lane,

does not provide access from this road and pedestrian access to this development and abutting industrial developments along Wingfield Lane is not appropriate.

- (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 as they have provided the required landscaping along Wingfield Lane which is appropriate for this frontage.

- (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 create an unnecessary hardship on the applicant as a sidewalk would be impractical and an unnecessary cost to the applicant.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B  
to not provide a sidewalk along Millers Lane:**

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

STAFF: The waiver will not adversely affect adjacent property owners as it would only be a small piece of sidewalk with no connections.

- (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 for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. This proposal does not violate these guidelines of Cornerstone 2020 as a sidewalk is not appropriate at this time at this location, due to the lack of any existing sidewalk network along Millers Lane.

- (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 not the minimum necessary to afford relief to the applicant as the sidewalks would be nearly impossible to construct as indicated by Transportation Review staff, due to the existing location of the parking and fence line.

- (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 and would create an unnecessary hardship on the applicant as the applicant would have to eliminate the existing parking along Miller and move the fence line in order to make room for adequate right-of-way and an LDC compliant sidewalk.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### TECHNICAL REVIEW

- A deed of consolidation will need to be recorded prior to building permits issued.
- Public Works has granted a Right of Way dedication waiver for Millers Lane.

### STAFF CONCLUSIONS

The Category 3 plan is in order and the waivers appear to be adequately justified.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development and Transportation Committee must determine if the proposal meets the standards for granting an LDC Waivers and Category 3 Development Plan approval established in the Land Development Code.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the waiver of Section 5.12.2
- **APPROVE** or **DENY** the waiver of Section 10.2.4
- **APPROVE** or **DENY** the waiver of Section 5.8.1.B for Wingfield Lane and Millers Lane
- **APPROVE** or **DENY** the Category 3 Development Plan

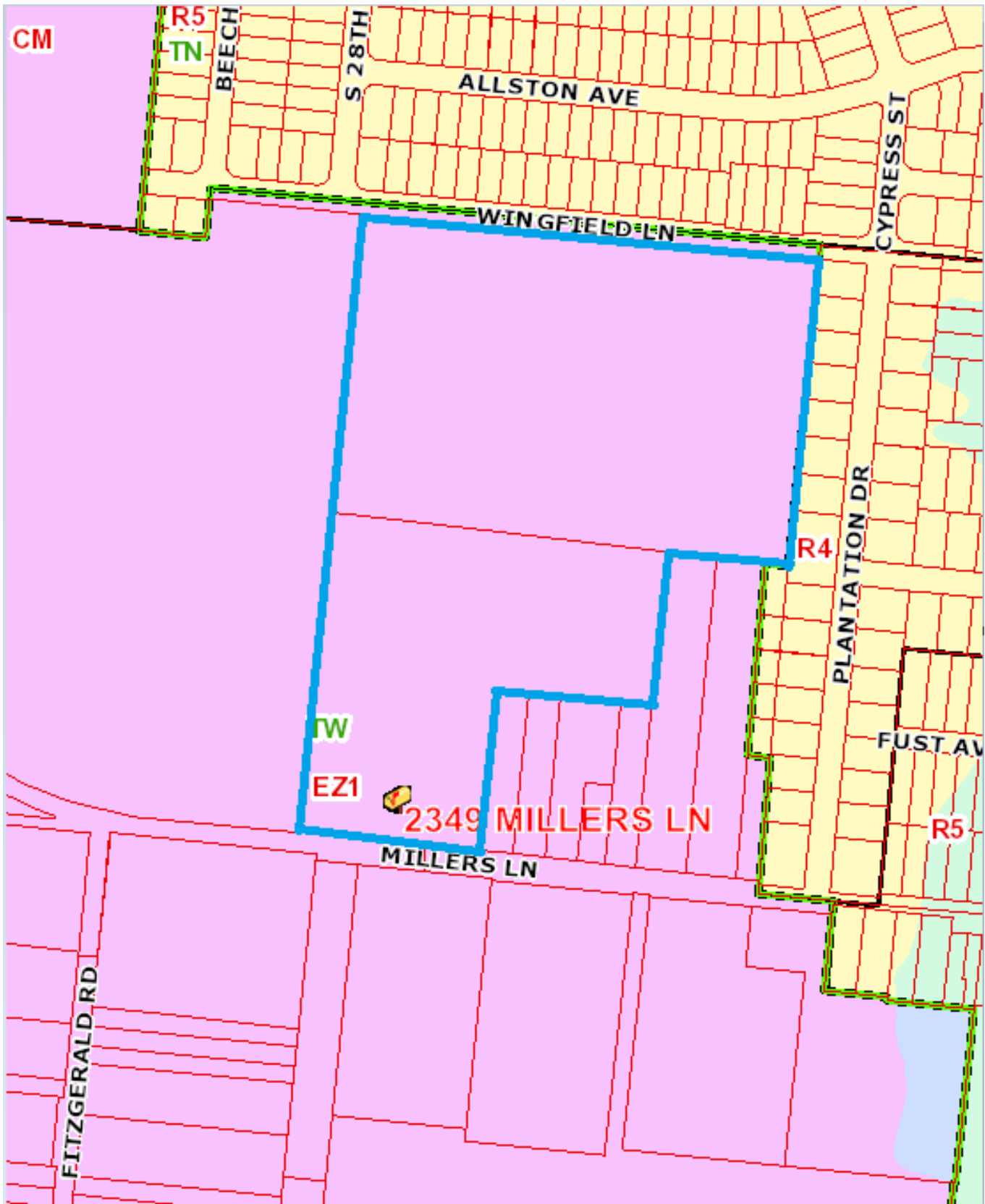
### NOTIFICATION

Date	Purpose of Notice	Recipients
January 25, 2017	APO Notice of hearing	First tier adjoining property owners
January 25, 2017	Notice of Hearing	Registered neighborhood groups

### ATTACHMENTS

1. Zoning Map
2. Aerial Map

## 1. Zoning Map



## 2. Aerial Map

