

Land Development & Transportation Committee

Staff Report

June 23, 2016



Case No:	16DEVPLAN1103
Project Name:	UPS Centennial Hub
Location:	8100 Air Commerce Drive
Owner:	United Parcel Service, Inc. & BTOH, LLC.
Representative:	Sabak, Wilson, & Lingo, Inc. – Pat Dominik
Project Area/Size:	128.1 acres
Existing Zoning District:	EZ-1, Enterprise Zoning district
Existing Form District:	SW, Suburban Workplace
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Welch
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Category 3 Development Plan** for distribution facility
- **Waiver** of Land Development Code (LDC), section 5.12.2 to reduce outdoor amenity
- **Alternative Landscape Plan**

CASE SUMMARY

The applicant proposes a 1,016,165 SF expansion to an existing 257,385 SF distribution facility located in the Renaissance South Business Park. The distribution facility is located in an industrial park South of Outer Loop with convenient access to Interstate-65 and the Gene Snyder Freeway. Primary access to the facility is provided from Air Commerce drive, with secondary access to Universal Way which serves as customer access. Access to the distribution facility area will be secure and restricted. The proposed expansion includes 48,908 SF of office space, an automotive repair shop, trailer and tractor staging areas, wash tunnels, and security and inspection lanes.

An area-wide rezoning, major preliminary subdivision, and street closure application were approved in 2006 with waivers and variances related to environmental constraints on site. Mitigation for these requests was provided as noted and shown on the site plan. Areas of mitigation visible on the plan; include, 13.4 acres of forested wetlands and restoration of 4 acres of wooded wetlands. Further mitigation created 10 acres of emergent and forested wetland along the Northern Ditch of the Pond Creek watershed and restoration of 100 acres of forested wetland in Nelson County.

In accordance with LDC 10.1.3, this plan also serves as an alternative for compliance with the tree canopy requirements of Chapter 10 of the LDC. "The Planning Commission may condition its approval of an alternative site upon the agreement of the applicant to plant a tree or trees of a type that is deemed appropriate for the site. It should be noted that using an alternative site to meet the tree canopy requirements is an option available to developers that must be approved by the Planning Commission." The proposed development will borrow remainders of tree canopy from surrounding sites in the Business Park to meet the minimum requirements on-site as demonstrated in the Conservation Area Tree Canopy Calculations. The applicant further explains in the notes on the plan that, "Exact amount of borrowed tree canopy may fluctuate between the preliminary plan and construction plans. Exact numbers to be determined at the time of landscape plan approval."

A waiver has also been requested to reduce the required outdoor amenity area to 10% of the proposed office space or 4,891 SF. A fee-in-lieu of providing the outdoor amenity area in the amount of \$28,936.43 has been discussed with the applicant and will provide funds for the Louisville Metro Commission on Public Art's (COPA) Louisville Public Space Art Fund.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Distribution	EZ-1	SW
Proposed	Distribution	EZ-1	SW
Surrounding Properties			
North	Vacant/Industrial	EZ-1	SW
South	Vacant/Industrial	EZ-1	SW
East	Industrial	EZ-1	SW
West	Industrial	EZ-1	SW

PREVIOUS CASES ON SITE

9-52-06, 10-39-06, & 1-20-06: Area-wide Change-in-Zoning to EZ-1 with major preliminary subdivision plan, street closure, waiver, and variances. All cases have been noted on the plan with detail given to waivers/variance approvals.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (April 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as all adjacent properties are industrial facilities.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as Guideline 4, Policy 2 calls for the Conservation, restoration and protection of vital natural resource systems within a network of greenways and open space that shape the pattern of development by providing open space as a component of new development. The Business Park will provide for restoration and conservation of wetlands and forested areas that provide scenic views to employees of industrial facilities through a connected network of sidewalks along public streets.

(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 outdoor amenity would be restricted to employees only and the fee-in-lieu of providing an outdoor amenity will provide funds to the Louisville Public Space Art Fund.

- (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 incorporated other measures that compensate for non-compliance with the requirements to be waived as a fee-in-lieu of providing an outdoor amenity will provide funds to the Louisville Public Space Art Fund and land has been dedicated for the restoration and conservation of natural resources within the Business Park.

TECHNICAL REVIEW

Transportation Review staff has not finalized approval on this case due to comments related to improvements along Outer Loop. With regard to transportation comments, the Louisville Renaissance Zone Corporation (LRZC) is the developer of the Renaissance South Business Park. On June 15, 2016, the LRZC Board approved funding for the traffic study, design, bidding, and construction of widening and/or signal timing improvements to Outer Loop Road, in accordance with KTC requirements. These improvements are scheduled to be completed in CY 2017 prior to opening of the first phase of the Centennial Hub expansion. As portions of the site were rezoned through an area-wide there are no associated binding elements or conditions of approval and the applicant desires to keep this plan free from conditions which are the responsibility of the LRZC.

The Metropolitan Sewer District has preliminary approved the development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

A fee-in-lieu of providing the outdoor amenity in the amount of \$28,936.43 has been discussed with the applicant and will provide funds for the Louisville Metro Commission on Public Art's (COPA) Louisville Public Space Art Fund. The fee-in-lieu has been calculated based on 10% of the office space and 1% of the warehouse/distribution space. Though the fee-in-lieu has been discussed, a waiver is still necessary due to the language of LDC 5.12.2 which states, "Retail, Office, Industrial, and Mixed-Use developments that involve construction of a building or buildings with a total footprint greater than 60,000 square feet shall set aside an area equivalent to a minimum of 10% of the total building footprint for outdoor amenities..... The fee-in-lieu shall be calculated based on the square footage required for the outdoor amenity area." The applicant and staff have discussed calculating the fee-in-lieu using 10% of proposed office space (4,890.60 SF) and 1% of proposed warehouse/distribution space (9,692.59 SF) as the basis for granting the waiver.

STAFF CONCLUSIONS

The Category 3 Development Plan is in order.

The waiver of LDC 5.12.2 appears to be adequately justified and meets the standard of review based on staff analysis in the staff report. Staff recommends approval of the waiver to reduce the outdoor amenity area and provide a fee-in-lieu in the amount of \$28,936.43 to the Commission on Public Art's Louisville Public Space Art Fund.

The alternative landscape plan for compliance with the tree canopy requirements of Chapter 10 in accordance with LDC 10.1.3 appears to be satisfied on this plan as indicated in the Conservation Area Tree Canopy Calculations and Tree Canopy Notes.

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 approving a Category 3 Development Plan, Waiver, fee-in-lieu, and Alternative Landscape Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Category 3 Development Plan
- **APPROVE** or **DENY** the Alternative Landscape Plan
- **APPROVE** or **DENY** the waiver of LDC 5.12.2 to reduce the outdoor amenity area to 10% of the office space and 1% of the distribution/warehouse space.
- **GRANT** or **DENY** the fee-in-lieu of providing the reduced outdoor amenity area in the amount of \$28,936.43 to the Commission on Public Art's Louisville Public Space Art Fund.

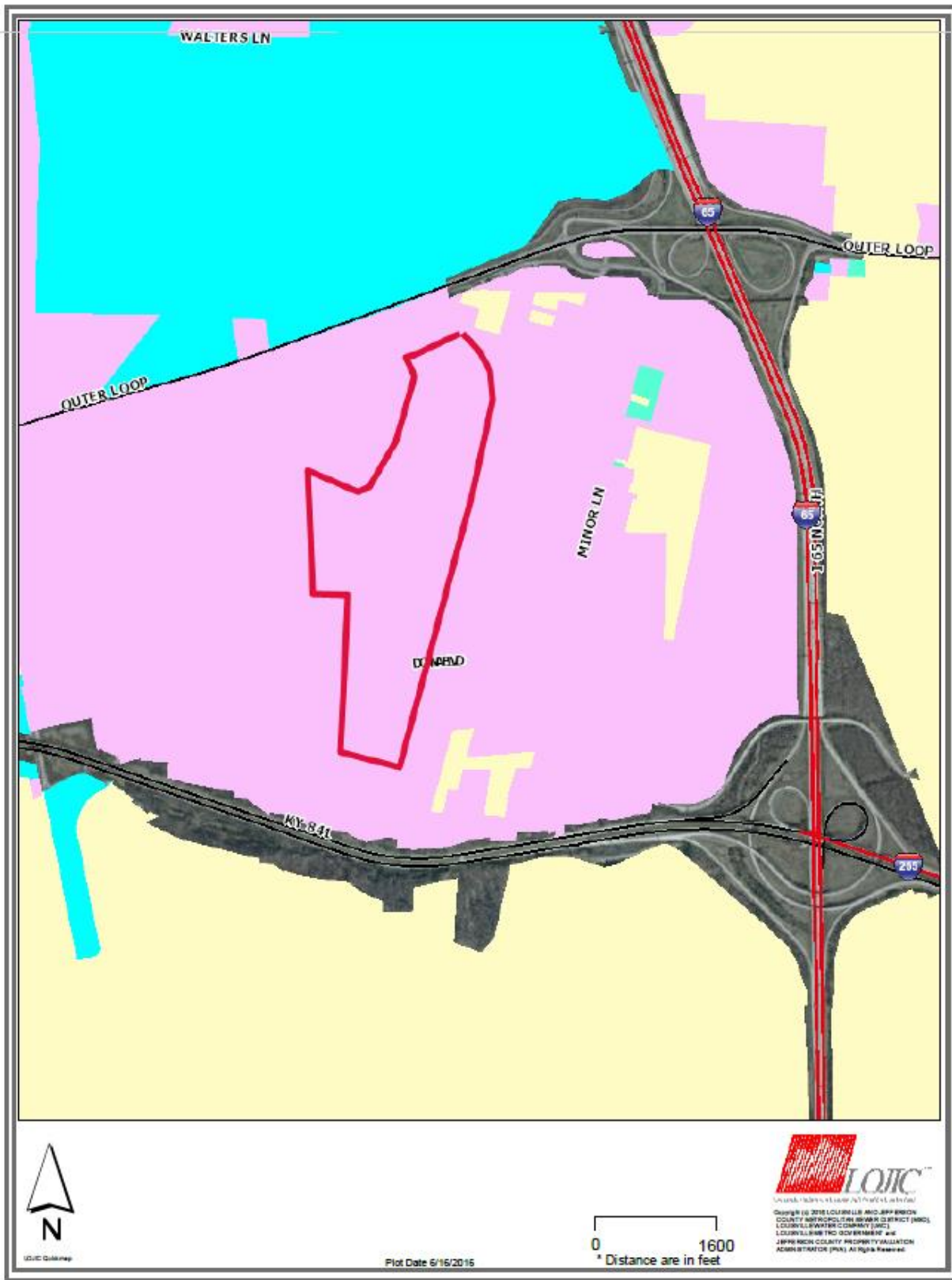
NOTIFICATION

Date	Purpose of Notice	Recipients
6/10/16	LD&T	Adjoining property owners, applicant, owner, and registered users of Council District 13.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial

