

Land Development and Transportation Committee

Staff Report

August 13th, 2015



Case No:	15DEVPLAN1100
Request:	Category 3 Plan with Land Development Code waivers to eliminate one of the required pedestrian connections and reduce the amount of outdoor amenity area; alternative tree canopy compliance plan on 44.9 acres
Project Name:	Renaissance South Business Park Tract 5B
Location:	2500 Export Dr.
Owner:	Air Commerce LLC
Applicant:	Air Commerce LLC
Representative:	Sabak Wilson and Lingo Inc
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Christopher Brown, Planner II

REQUEST

- Waiver #1: Waiver from Chapter 5.9.2.A.1.b.i of the Land Development Code to not provide the required pedestrian connection from Minors Lane ROW
- Waiver #2: Waiver from Chapter 5.12.2 of the Land Development Code to provide only a portion of the required amenity area
- Design of Outdoor Amenity Areas
- Alternative Tree Canopy Compliance
- Category 3 Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: EZ-1, Enterprise Zone
Existing Form District: SW, Suburban Workplace
Existing Use: Vacant
Proposed Use: Warehouse
Minimum Parking Spaces Required: 301
Maximum Parking Spaces Allowed: 676
Parking Spaces Proposed: 451
Plan Certain Docket #: None

The applicant is proposing to construct a 645,840 SF warehouse and office use on the subject property. The office use will occupy 12,917 SF of the proposed building. Outdoor amenity areas will be provided as a percentage of the office use only around the building. The Committee is required to approve the design of outdoor amenity areas in accordance with Chapter 5.12.2 of the LDC. There is an alternative option that exists for industrial projects that require outdoor amenity areas. The Public Art Initiative advises consideration of a fee-in-lieu of the required outdoor amenity. The fee-in-lieu option is a one-time fee that should be considered by the Owner/Developer as alternative to the expense of outdoor amenity design and continued annual maintenance. When the fee-in-lieu option is activated and funds transferred to the Public Space Art Fund, the Fund provides grants to nonprofit agencies in support of public art projects. This grant process is managed by

the Commission on Public Art and the Public Art Administrator. Owner/Developer entities will receive public recognition upon fee-in-lieu contributions to the Public Space Art Fund, and related to grant-funded projects realized through the Fund. In addition, the applicant is requesting to eliminate the required pedestrian connection from the Minors Lane ROW due to the location of a large ditch between the building and the roadway. Pedestrian connections will be provided from Air Commerce Drive and Export Drive. Landscaping will be provided in accordance with the Land Development Code with the exception of the tree canopy which will follow the alternative tree canopy compliance guidelines. Tree canopy requirements will be met through a mix of onsite and offsite tree plantings. The off-site trees will be planted on property along Aganza Drive within a conservation easement as demonstrated in the applicant’s alternative tree canopy compliance plan. All other Land Development Code requirements are being met with the proposal.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1	SW
Proposed	Warehouse	EZ-1	SW
Surrounding Properties			
North	Proposed Warehouse	EZ-1	SW
South	Vacant Warehouse	EZ-1 R-4	SW
East	Proposed Warehouse	EZ-1	SW
West	UPS	EZ-1	SW

PREVIOUS CASES ON SITE

9-52-06: Area wide rezoning and subdivision plan for the Renaissance South Business Park.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
(Pedestrian Connection from Minor Lane)**

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

STAFF: The waiver will not adversely affect adjacent property owners since complete pedestrian connections will be provided along all surrounding street frontages beside Minor Lane allowing extensive pedestrian connectivity to the site.

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

STAFF: Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. The waiver will not violate specific guidelines of Cornerstone 2020 since connections will be provided on the site to accommodate access where appropriate. Minor Lane has a large ditch that would create an unsafe pedestrian connection and difficulty with constructing the access.

(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 the minimum necessary to afford relief to the applicant since there is a large ditch located between the road and the building on the site that would create constructability issues with a pedestrian connection.

(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 or would create an unnecessary hardship on the applicant by requiring a pedestrian connection being provided along the area of a large ditch adjacent to the Minor Lane roadway.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (Outdoor Amenity Area)

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

STAFF: The waiver will not adversely affect adjacent property owners since the amenity area will only serve the subject site.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since amenity areas will be provided on the site to accommodate the office use portions of the property.

(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 since the site could utilize the fee-in-lieu option to cover the portion of the required outdoor amenity area that cannot be provided on site through the process established within the Land Development Code.

(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 or would create an unnecessary hardship on the applicant by requiring additional amenity area beyond the amount requested as part of the development plan that would not be able to fit on site. The applicant may be able to negotiate with the Commission on Public Art as an alternative method to compensate for the amount of outdoor amenity area that is unable to be provided on the site.

TECHNICAL REVIEW

Comments were received from the Public Art Initiative for Develop Louisville from the Public Art Administrator. A copy of the comments sent to the applicant is attached for the Committee to review.

STAFF CONCLUSIONS

The applicant is providing 10% of the office space as outdoor amenity areas on the development plan. The Committee has to contemplate whether this is a sufficient amount for the proposal and how the fee-in-lieu option should be treated since it is an alternative method to meet the Land Development Code regulations. Appropriate pedestrian connections are being provided on the site where they can be safely made for access to the building from the surrounding roadways. A portion of the required tree canopy will be provided on a site within the larger business park in a conservation easement. All other Land Development Code requirements are being met. 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 Land Development Code Waivers, Alternative Tree Canopy Compliance and a Category 3 Development Plan as established in the Land Development Code.

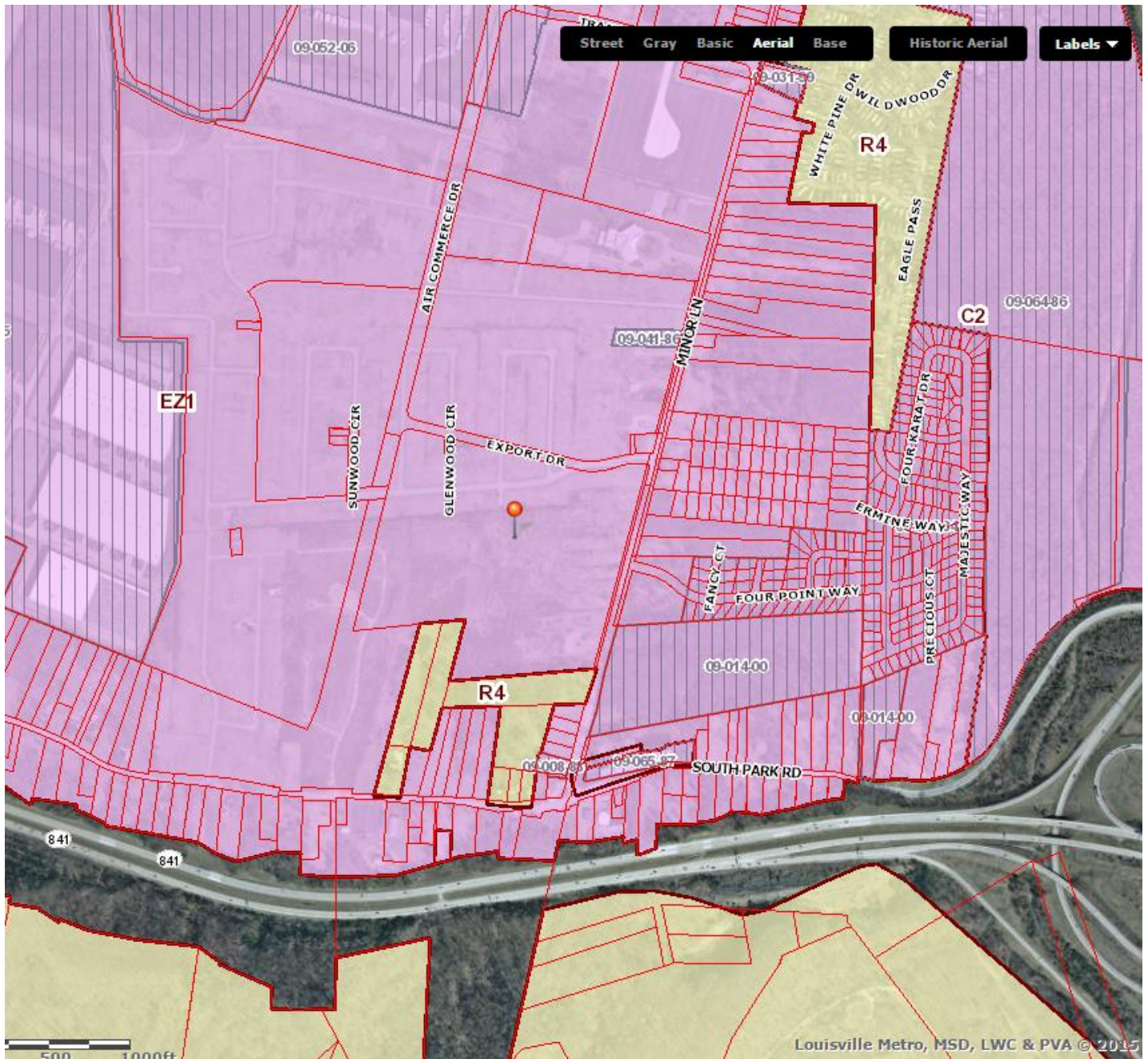
NOTIFICATION

Date	Purpose of Notice	Recipients
7/30/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 13 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Letter from Commission on Public Art

1. **Zoning Map**



2. Aerial Photograph



3. Letter from Commission on Public Art



**COMMISSION ON
PUBLIC ART**

To: Case Manager, Christopher Brown

From: Public Art Initiative, Develop Louisville

Sarah Lindgren, Public Art Administrator

Re: Air Commerce LLC

As the Air Commerce LLC development plan exceeds 60,000 SF, an outdoor amenity is required according to the Land Development Code 5.12.2.

The Owner/Developer requests waiver of LDC 5.12.2 "to provide only a portion of the required amenity area for the project. The amenity area provided on this plan is equal to 10% of the office area square footage, rather than 10% of the entire building area as follows:"

Proposed office area:	12,917 SF
Proposed amenity area:	1,286 SF (10%)

The Public Art Initiative advises consideration of a fee-in-lieu of the required outdoor amenity. The fee-in-lieu option is a one-time fee that should be considered by the Owner/Developer as alternative to the expense of outdoor amenity design and continued annual maintenance.

When the fee-in-lieu option is activated and funds transferred to the Public Space Art Fund, the Fund provides grants to nonprofit agencies in support of public art projects. This grant process is managed by the Commission on Public Art and the Public Art Administrator. Owner/Developer entities will receive public recognition upon fee-in-lieu contributions to the Public Space Art Fund, and related to grant-funded projects realized through the Fund.

The Public Art Initiative within Develop Louisville prioritizes public art as an important element of a city's vitality, energizing public spaces, encouraging a heightened sense of place, and transforming the places where citizens work and live.

REFER TO LDC 5.12.2, A.3.:

As an applicant option to the requirements as set forth above, a fee-in-lieu of the Outdoor Amenity/Focal Point requirements may be provided with approval of the Planning Commission or designee. The fee-in-lieu shall be calculated based on the square footage required for the outdoor amenity area multiplied by the per-square-foot value of the parcel of land, as determined by its actual documented value at the time of development. This fee-in-lieu shall be calculated as

part of the development review and payable at the time of building permitting. The fee shall be directed to the Louisville Public Space Art Fund.

REFER TO ORDINANCE NO. 68, SERIES 2010, SECTION 6.B, ESTABLISHING THE LOUISVILLE PUBLIC SPACE ART FUND:

The Louisville Public Space Art Fund shall be used to provide grants to 501(c)(3) organizations to undertake public art projects as determined by the Commission on Public Art.

REFER TO ORDINANCE NO. 183, SERIES 2010, AN ORDINANCE AMENDING CHAPTER 5 OF THE LAND DEVELOPMENT CODE PERTAINING TO THE PROVISION OF OUTDOOR AMENITIES THROUGH A VOLUNTARY FEE-IN-LIEU USED TO FUND A PUBLIC ART PROGRAM:

Whereas the Planning Commission held a public hearing on May 20, 2010, to consider amendments to Chapter 5 of the Land Development Code, pertaining to the provision of outdoor amenities through **a voluntary fee-in-lieu that will be used to fund the installment of public art throughout the community; and whereas the proposed amendments promote the development of distinctive cultural amenities for the benefit of all members of the community and provides an alternative for developers to providing these amenities as part of a new development**, and whereas the Metro Council concurs in and adopts the findings and recommendations of the Planning Commission.