

Development Review Committee Staff Report

December 6, 2017



Case No:	17DEVPLAN1181
Project Name:	UPS Flight Simulator
Location:	819 and 825 Lotus Ave. AND 4556 Orange Dr.
Owner(s):	Michael Campbell–BT Property LLC.
Applicant:	Michael Campbell–United Parcel Service (UPS)
Representative(s):	Robert Candler – Citizen Engineering
Project Area/Size:	16.24 acres
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Ross Allen – Planner I

REQUEST(S)

- **WAIVER #1:** A waiver from LDC Section 5.8.1.B/5.9.2.A.b.i to not provide a sidewalk along the western side of Lotus Ave. for an approximate length of 994 feet and intersecting along the southern side of Orange Drive for an approximate length of 822 feet East for a total 1,816 feet AND to not provide a clearly defined, safe pedestrian access from the adjacent public right of way along Lotus Ave. to the proposed Flight Simulator building.
- **WAIVER #2:** A general waiver from LDC Section 5.9.2.A.1.b.v to not provide pedestrian walkways traversing a parking lot with more than 100 spaces found directly north of the proposed flight simulator building and having 116 spaces.
- **WAIVER #3:** A waiver from LDC Section 10.2.10, Table 10.2.6 to not provide the required 15 foot VUA LBA along Lotus Ave. beginning at the western side of Lotus Ave. at the northern point of the proposed VUA at Latitude 38° 9' 49.09" North and Longitude -85° 43' 2.79" West and continuing due south for approximately 391 feet to Latitude 38° 9' 45.22" and Longitude -85° 43' 2.84" West.

CASE SUMMARY/BACKGROUND

The subject site/s is/are located in South Central Louisville Metro East of the Louisville International Airport and Interstate – 65 North, North of Fern Valley Road, South and West of Preston Highway (running in a northwest to southeast direction). The subject site is contains two parcels (southern Parcel ID: 087L-0001-0000 and the northern Parcel ID: 0834-0001-0000) with a combined total of 1,106,560 sf. The northern parcel will contain the proposed parking lot with 116 parking spaces while on the southern parcel the proposed 17, 625 sf. Flight Simulator Building will reside. The flight simulator building will be three levels with a 40 foot tall roof and having a parapet wall with screened air conditioning unit on top.

8982 – UPS Edgewood – Category 3 (as shown in Hansen) but shown in the DRC Minutes from July 11, 2007 indicates that this is a Category 2B Development Plan as found on the current northern Parcel ID: 0834-0001-0000. The waivers as shown on the approved development plan (7/11/2007) indicate that a sidewalk waiver, a landscape waiver, and ILA waiver were granted. The parking as shown on Case no. 8982 indicates that the existing Northern parcel of our subject site had three parking lots and an existing office building with 90,000 sf. +/- prior to 8982 being approved as included in the UPS Global Operations Center which was not a part of Case no. 8982 at the time.

9338 – A landscaping plan (Landscape for UPS WorldPort) as associated with approved Cat 3/Cat 2b Development Plan 8982 approved on 8/9/2007 by Julia Williams indicating that landscaping was required on adjacent parcels across Lotus Ave. to the east and to the north of the subject site, Case no. 17DEVPLAN1181.

9018 – Ordinance No. 147, Series 2007 changing the zoning from R-5 single family residential to EZ-1 Enterprise Zone and the form district from Neighborhood to Suburban Workplace on property bounded generally by I-65, Preston Highway, Norton Avenue and Orange Drive, generally referred to as the Edgewood Area, containing approximately 260 acres and being in Louisville Metro (case no. 9018).

The southern parcel with the proposed Edgewood Flight Simulator Building has three related cases:

9018 – Ordinance No. 147, Series 2007 changing the zoning from R-5 single family residential to EZ-1 Enterprise Zone and the form district from Neighborhood to Suburban Workplace on property bounded generally by I-65, Preston Highway, Norton Avenue and Orange Drive, generally referred to as the Edgewood Area, containing approximately 260 acres and being in Louisville Metro (case no. 9018).

13STREETS1007 – Ordinance No. 179, Series 2015 an ordinance closing portions of Woodlawn Ave., Nevada Ave., Park Boulevard, Crittenden Dr., Hiawatha Ave., Orange Dr., and Rose Dr. and being in Louisville Metro (Case No. 13STREETS1007) as of Nov. 10, 2015. Specifically, Exhibit A of the case states the closing of Orange Drive from the western right of way line of Rose Dr. easterly to the western right of way of Lotus Ave. AND Rose Dr. from the southern lot line of 843 Rose Dr. southerly to its terminus.

18523: Street closure case as found in the Edgewood Neighborhood, case was withdrawn similar to Case no. 13Streets1007.

STAFF FINDING / RECOMMENDATION

Waiver #1: Staff finds the sidewalk waiver from LDC Section 5.8.1.B/5.9.2.A.1.b.i to not provide a 1,816 feet sidewalk along Lotus Ave. and south side of Orange Dr. The closest sidewalks are approximately 800 feet northeast of the subject site located along the corner of Marigold Ave. and Lotus Ave. However, the sidewalks as located along the corner of Marigold Ave. and Lotus Ave. were part of the previous Edgewood Area which is now defunct, as a result of the Louisville Regional Airport Authority (“Airport Authority”) purchasing and relocating 762 of the 817 residents in the Edgewood Area as of July 30, 2007 for the Airport Expansion. The area is zoned EZ-1 and is within a Suburban Workplace Form District which is reserved for large-scale industrial and employment uses.

Waiver #2: A waiver from LDC Section 5.9.2.A.1.b.v to not provide pedestrian walkways traversing a parking lot with more than 100 spaces found directly north of the proposed flight simulator building and having 116 spaces is not justifiable given that parking located directly north of the proposed parking lot has stripping which allows for the movement of pedestrians within the interior and lead to a sidewalk which provides access to the front entrance of the existing 90,000 sf. 2 story office building found on the western side of the northern parcel.

Waiver #3: A waiver from LDC Section 10.2.10, Table 10.2.6 to not provide the required 15 foot VUA LBA along Lotus Ave. beginning at the western side of Lotus Ave. at the northern point of the proposed VUA at Latitude 38° 9' 49.09" North and Longitude -85° 43' 2.79" West and continuing due south for approximately 391 feet to Latitude 38° 9' 45.22" and Longitude -85° 43' 2.84" West is not justifiable since an existing landscaping plan is present and although it does not specifically include these parcels found south of the approved landscaping plan area the intent is to provide a continuous screen and allow for adequate access and amenities for employees.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<u>Subject Property</u>			
Existing	Vacant	EZ-1	Suburban Workplace
Proposed	Public and Semi-Public (Church/School)	EZ-1	Suburban Workplace
<u>Surrounding Properties</u>			
North	Commercial (Parking Lot)	EZ-1	Suburban Workplace
South	Multi-Family Residential	R-7	Neighborhood
East	Vacant/Commercial (Parking Lot)	EZ-1	Suburban Workplace
West	Right of Way (ROW) I-65 North	ROW	ROW

TECHNICAL REVIEW

No comments were received from Transportation Planning concerning this site or associated sidewalk or parking interior mobility waivers.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Land Development Code (LDC August 2017a)
Comprehensive Plan (Cornerstone 2020)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER #1: A waiver from LDC Section 5.8.1.B/5.9.2.A.b.i to not provide a sidewalk along the western side of Lotus Ave. for an approximate length of 994 feet and for 822 ft. of length on the south side of Orange Drive moving east AND to not provide a clearly defined, safe pedestrian access from the adjacent public right of way along Lotus Ave. to the proposed Flight Simulator building.

- (a.) How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

STAFF: The requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development of the subject property will be consistent and compatible with the industrial character of the area. The subject property is appropriately located in the Suburban Workplace, adequate transportation infrastructure exists to accommodate the proposed use. The proposal will encourage redevelopment, rehabilitation and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development.

- (b.) Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

STAFF: The requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development of the subject property will be consistent and compatible with the industrial character of the area. The subject property is appropriately located in the Suburban

Workplace, adequate transportation infrastructure exists to accommodate the proposed use, and sidewalks will be constructed from the proposed parking area to the proposed building to facilitate pedestrian connectivity. The proposal will encourage redevelopment, rehabilitation and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development.

(c.) What impacts will granting of the waiver have on adjacent property owners?

STAFF: The requested waiver will not adversely affect adjacent property owners because the Applicant also owns 6 of the 7 adjacent properties. In accordance with the industrial character of the area and the Suburban Workplace neighborhood, there are no other existing sidewalks in the area in which to connect. Therefore, to provide a sidewalk for the portions of the area adjacent to this project would create an unsafe condition for pedestrians.

(d.) Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

STAFF: The requested waiver is the minimum necessary to afford relief to the applicant because there are no existing sidewalks in which to connect within this industrial area. Therefore, the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2: A general waiver from LDC Section 5.9.2.A.1.b.v to not provide pedestrian walkways traversing a parking lot with more than 100 spaces found directly north of the proposed flight simulator building and having 116 spaces.

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

STAFF: The requested waiver will not adversely affect adjacent property owners because the applicant also owns 6 of the 7 adjacent properties. In accordance with the industrial character of the area and the Suburban Workplace Form District the applicant is not willing to provide pedestrian walkways across the 116 space parking lot found south of existing parking where clearly defined pedestrian walkways that either goes towards the existing 90,000 sf. 2 story office building or dead end in the parking lot to the north abutting the proposed parking lot. The applicant is providing a stripped pedestrian access from the southern portion of the proposed parking lot to the proposed Edgewood Flight Simulator Building, pedestrian walkways within the parking lot are not provided.

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

STAFF: The requested waiver complies with the Cornerstone 2020 Comprehensive Plan because the proposed development of the subject property will be consistent and compatible with the industrial character of the area. The subject property is appropriately located in the Suburban Workplace, adequate transportation infrastructure exists to accommodate the proposed use. The proposal will encourage redevelopment, rehabilitation and reinvestment opportunities in an older industrial area consistent with the Suburban Workplace pattern of development.

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

STAFF: This waiver is to waive the requirement for internal pedestrian connection to sidewalks on the right of way that are also being requested to be waived by another waiver application. As such, the extent of this waiver is the minimum necessary to afford relief to the applicant.

- (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 requested waiver is the minimum necessary to afford relief to the applicant because there are no existing sidewalks in which to connect within this industrial area. Therefore, the strict application of the regulations would deprive the applicant of the reasonable use of the land and create an unnecessary hardship.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3: A waiver from LDC Section 10.2.10, Table 10.2.6 to not provide the required 15 foot VUA LBA with a three foot continuous screen and along Lotus Ave. beginning at the western side of Lotus Ave. at the northern point of the proposed VUA at Latitude 38° 9' 49.09" North and Longitude -85° 43' 2.79" West and continuing due south for approximately 391 feet to Latitude 38° 9' 45.22" and Longitude -85° 43' 2.84" West and required plantings of 1 Type A tree per 50 linear feet of property frontage along Lotus Ave.

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

STAFF: The waiver from LDC Section 10.2.4 requirement to provide the 15 foot Vehicular Use Area (VUA) Landscape Buffer Area (LBA) will not adversely affect adjacent property owners because the applicant owns both properties adjacent to the subject properties, thereby making the area subject of the waiver request internal to the applicant's overall industrial campus. Therefore, the applicant's request this waiver from LDC 10.2.10, table 10.2.6 so that it will not have to buffer its own parking and maneuvering areas from its own existing development.

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

STAFF: The requested landscape waiver complies with Cornerstone 2020 Comprehensive Plan because the proposed use is consistent with the Suburban Workplace Form District. The waiver will create no adverse visual impacts to the surrounding areas, as they are all industrial uses and parking lots. For all of the foregoing reasons, the VUA LBA waiver request, as applied to the area between the proposed parking lot and Lotus Ave. and the existing driveway south of the parking lot will not violate Cornerstone 2020 Comprehensive Plan.

- (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 requested VUA LBA waiver is the minimum necessary to afford relief to the applicant because, LDC Section 10.2.10 as related to the category 2B development plan since the landscaping is to reduce the visual impact of the VUA and the roadway, Lotus Ave. thus screening the applicant's own parking areas rather than residentially zoned uses.

- (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 proposed flight simulator building, parking area, and maneuvering area are in an industrial area with adjacent developments owned by the applicant, negating the need for the visual buffer. The strict application of the LDC requirements create an unnecessary hardship on the applicant because it essentially requires the applicant to expend money to establish and maintain buffering which will

decrease the available parking area from the remaining portions of existing parking areas east of Lotus Ave.

REQUIRED ACTIONS

Approve/Deny Waiver #1: a sidewalk waiver to provide a sidewalk for Lotus Ave. and Orange Drive for an approximate total length of 1,816 ft.

Approve/Deny Waiver #2: a general waiver to provide pedestrian walkways traversing a parking lot with more than 100 spaces.

Approve/Deny Waiver #3: a landscape waiver to provide the required 15 foot VUA LBA and 3 foot continuous screen along Lotus Ave. for the duration of the proposed parking area and loading/maneuvering area along the proposed flight simulator building.

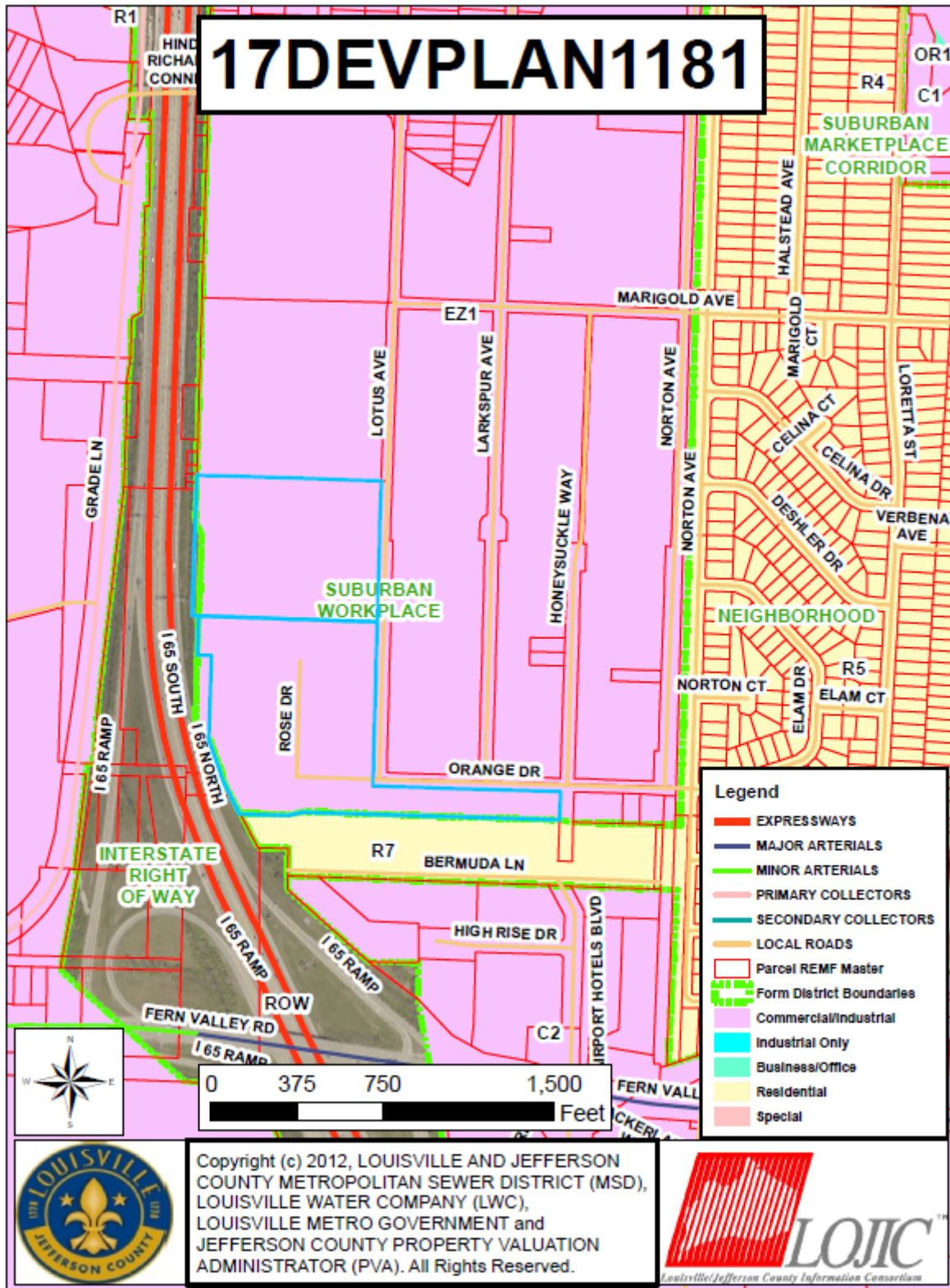
NOTIFICATION

Date	Purpose of Notice	Recipients
December 6, 2017	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 21 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

