

Development Review Committee

Staff Report

June 2, 2021



Case No:	21-CAT2-0005
Project Name:	Prime Construction Rentals
Location:	130 Outer Loop
Owner(s):	RAH Ventures, INC.
Applicant:	Ashley Bartley, QK4
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- **Waiver** from section 5.5.2.B.1.a (21-WAIVER-0051) to not provide vehicular connection to abutting developments.
- **Waiver** from table 10.2.4 (21-WAIVER-0050) to not provide the required property perimeter LBA planting and screening.
- **Waiver** from table 10.2.6 (21-WAIVER-0050) to reduce the required VUA/LBA from 15 FT to 10 FT.

CASE SUMMARY/BACKGROUND

The subject site is zoned M2 in the Regional Center Form District and has direct access onto Outer Loop. The applicant is proposing to build a 5,000 SF addition to an existing one story building for construction equipment rental which is the current use. They are also proposing to expand the outdoor storage area which will change the vehicular use area from 27,883 to 49,771 SF for the entire site. The applicant is asking for 3 waivers which are to reduce the VUA/LBA from 15 FT to 10 FT, to not provide the required perimeter plantings in the LBA as well as not provide vehicular connection to abutting developments. This plan is related to a Category 2B development plan under case number 21 -CAT2-0005. The property will also be gated making the development a secured facility.

STAFF FINDING

Staff finds that the requests are adequately justified and meets the standards of review.

The applicant has agreed to pay a tree fee in lieu since the required tree canopy cannot be met on this site.

Based upon the information in the staff report, the testimony, and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for approving the waivers from Section 5.5.2.B.1.a; 10.2.4 and 10.2.6 as established in the LDC.

TECHNICAL REVIEW

The category 2B development plan has received preliminary approvals from MSD and Transportation Planning.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.2.B.1.a to not provide vehicular connection to abutting developments:

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

STAFF: The waiver will not adversely affect adjacent property owners since this is an existing development and they are not changing anything in the front portion of the property. The construction equipment rental facility is also a secured facility with proposed gates at the entrances/exits onto Outer Loop.

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

STAFF: According to Guideline 20, Policy 2.2, Plan 2040 encourages development of non-residential and mixed uses in designated activity centers provided that a proposed use that requires a special location in or near a specific land use, transportation facility or when a use does not fit well into a compact center. The applicant does not want to provide vehicular connection to abutting developments because it is a secured facility. This site is also next door to a mini-storage use that is also a secured facility. Not providing vehicular connection to abutting developments is consistent with surrounding developments.

- (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 because the front half of the development is existing conditions and the applicant is not proposing any changes. This site is also a secured facility as well as the site to the west which is a mini storage facility.

- (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 reasonable use of the land because requiring vehicular connection to abutting developments would not allow the site to remain secure.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of table 10.2.4. to not provide the required property perimeter LBA planting and screening:

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

STAFF: The waiver will not adversely affect adjacent property owners since the entire rear of the property is being taken up by an existing transmission easement. The 50 FT setback and 50 FT LBA are both within this transmission easement.

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

STAFF: Guideline 78, Policy 1, Plan 2040 states that development should be located in area served by existing utilities. This area of Outer Loop already has multiple utilities in place including the rear transmission easement. With this big easement place servicing the community, the applicant cannot move this easement. The applicant has to work with this site constraint while expanding their existing construction rental business.

- (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 since the applicant has limitations on the site due to the large transmission easement.

- (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 easement deprives the applicant from reasonable use of the land since the easement covers the entire rear LBA. The applicant is unable to provide the required plantings and screening due to the existing transmission easement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER from table 10.2.6 to reduce the required VUA/LBA from 15 FT to 10FT.

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

STAFF: The waiver will not adversely affect adjacent property owners since the current 10 FT buffer already exists and the applicant is not altering the front portion of the development.

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

STAFF: Plan 2040 calls for protection of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate, 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, that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered and ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. 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 airborne and waterborne pollutants. The applicant has indicated that all buffer and screening requirements will be met that is required by Chapter 10 of the Land Development Code.

- (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 since the parking lot and current 10 FT VUA/LBA is already existing. The applicant is also able to provide all the required plantings and screening.

- (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 since the front portion of the property is all existing. The applicant would have to tear up the existing parking lot to provide the 15 FT VUA/LBA. The applicant is also providing all the required planting and screening in the existing VUA.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver** from section 5.5.2.B.1.a (21-WAIVER-0051) to not provide vehicular connection to abutting developments.
- **APPROVE** or **DENY** the **Waiver** from table 10.2.4 (21-WAIVER-0050) to not provide the required property perimeter LBA planting and screening.
- **APPROVE** or **DENY** the **Waiver** from table 10.2.6 (21-WAIVER-0050) to reduce the required VUA/LBA from 15 FT to 10 FT.

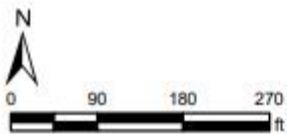
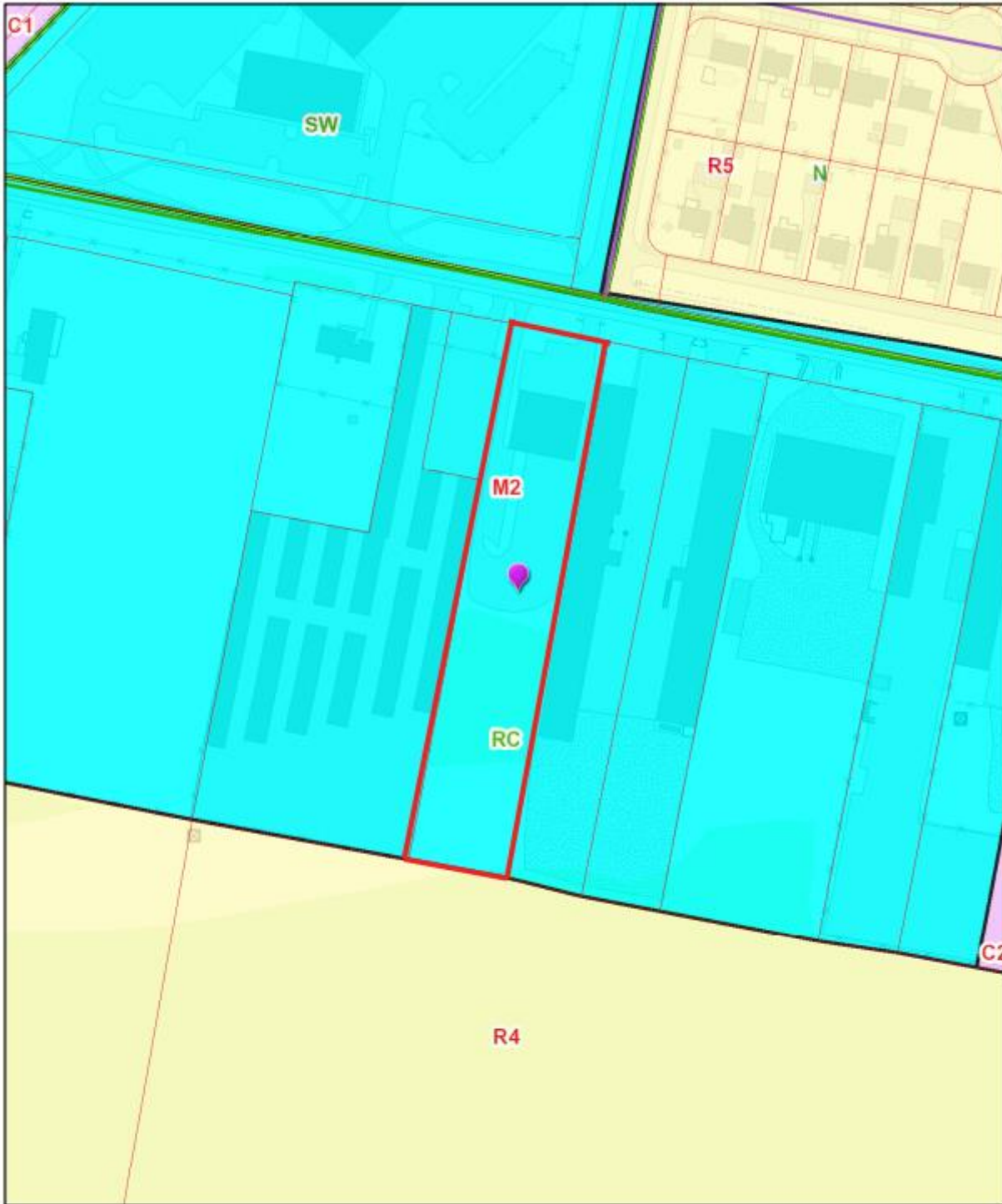
NOTIFICATION

Date	Purpose of Notice	Recipients
5/21/21	Hearing before DRC 6/2/21	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 13

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



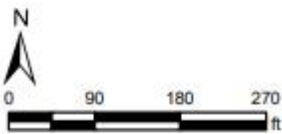
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2. Aerial Photograph



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