

Development Review Committee

Staff Report

August 3rd, 2022



Case No:	22-WAIVER-0060, 22-WAIVER-0093, and 22-WAIVER-0094
Project Name:	UPS Flight Simulator Facility Addition
Location:	819 Lotus Ave
Owner(s):	BT Property, LLC
Applicant:	Lockett & Farley
Jurisdiction:	Louisville Metro
Council District:	21 – Nicole George
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Waivers:
 1. Waiver from section 5.8.1.B of the Land Development Code to not provide the required sidewalks along Lotus Avenue. (22-WAIVER-0060)
 2. Waiver from section 10.2.11 of the Land Development Code to not provide the 3 ft continuous screen along Lotus Avenue. (22-WAIVER-0093)
 3. Waiver from section 5.6.1.B.1 of the Land Development Code for the proposed building facades to not employ variation of material along no less than 60 percent of their façade length. (22-WAIVER-0094)

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 20,060 SF addition to an existing 25,065 SF building that is being used as a Flight Simulator Facility used for UPS. The total square feet with the proposed addition will be 53,390 SF. The site is zoned EZ-1 in the Suburban Workplace Form District. This case is related to a category 2B plan under 22-CAT2-0020 that is currently under review.

9018 – A rezoning from R-5 to EZ-1 Zoning district and a form district change from Neighborhood to Suburban Workplace Form District on 260 acres in the neighborhood formally known as Edgewood.

17DEVPLAN1181 – A Category 2B plan to construct the 25,065 SF building to be used as the Flight Simulator Facility for UPS.

STAFF FINDING

Staff finds the waiver requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

Staff did receive one email from an interested party wanting to know what the proposal was.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B. to not provide a sidewalk along Lotus Avenue (22-WAIVER-0060):

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

STAFF: The waiver will not adversely affect the adjacent property owners since the adjacent lots are all owned by UPS apart from the apartment complex next door. Many areas of UPS are a secured facility and not open to the public.

- (b) Granting the waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of this Land Development Code; and

STAFF: Community Form Goal 2 Policy 7 encourages activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place. Community Form Goal 2 Policy 16 encourages activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Large activity centers should be considered for designation as transit nodes. The proposed addition is accessed internally and it not open to the public. Mobility Goal 3 Policy 9 states that when existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location. UPS has provided a master plan of different phases showing how pedestrian connectivity will work on the entire site. This site is not open to the public and the site has an excessive frontage along Lotus Ave.

- (c) The applicant cannot reasonably comply with one of the listed methods of compliance; and

STAFF: The parcel where the addition is being built has an excessive and long frontage along Lotus Ave and Orange Ave. The flight simulator is not open to the public and there is only one main entrance that has an existing pedestrian connection going into an existing parking lot. An employee key FOB is needed to enter the building.

- (d) Strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant; and

STAFF: Strict application of the provision of the regulation would create an unnecessary hardship on the applicant because this area is intended to be an industrial campus of UPS. All the UPS buildings are secured and not open to the public. The entire area is related to an area wide rezoning for UPS and the Airport. This particular parcel that the addition is being built has excessive frontage on Lotus Ave.

- (e) There are site constraints that make sidewalk construction impracticable or sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.

STAFF: Sidewalks do not exist in the area currently. The parcel the proposed addition is being built on and the surrounding EZ-1 parcels are all owned by UPS and are part of a master plan for the UPS campus showing some pedestrian connections. Again all buildings in this area are secured with employee access only.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from section 10.2.11 to not provide all the required plantings (required 3ft screen) in the VUA/LBA along Lotus Ave. (22-WAIVER-0093)

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

STAFF: The waiver will not adversely affect adjacent property owners since UPS owns all the property directly next to the proposed flight simulator facility addition. The applicant is still providing type A trees every 50 ft.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Goal 1 Goal 5 calls to encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro. Livability Goal 1 Goal 6 calls to encourage the natural process of landscape succession by adding to and connecting a system of natural corridors that can provide habitat areas and allow for migration. The applicant is proposing to continue the line of trees along Lotus Avenue and adding trees where it is currently vacant with no tree canopy.

- (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 is still providing the required type A tree every 50 ft along lotus avenue.

- (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 because they applicant is still providing the required trees along Lotus Ave. The site is also located next to other UPS property where screening from other UPS lots is unnecessary.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.6.1. to waive the 60% variation in building materials for the proposed façade facing a ROW. (22-WAIVER-0094):

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

STAFF: The requested waiver will not adversely affect adjacent property owners because the property next door and across the street are all owned by UPS. The Building is also not open to the public.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations.

- (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 the Flight Simulator Facility is not open to the public and does not need to be visible from the public ROW.

- (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 because the flight simulator facility is not open to the public and having the inside of the building visible from the public ROW would cause security concerns.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **WAIVER**
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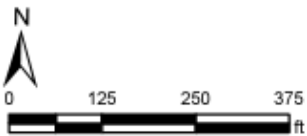
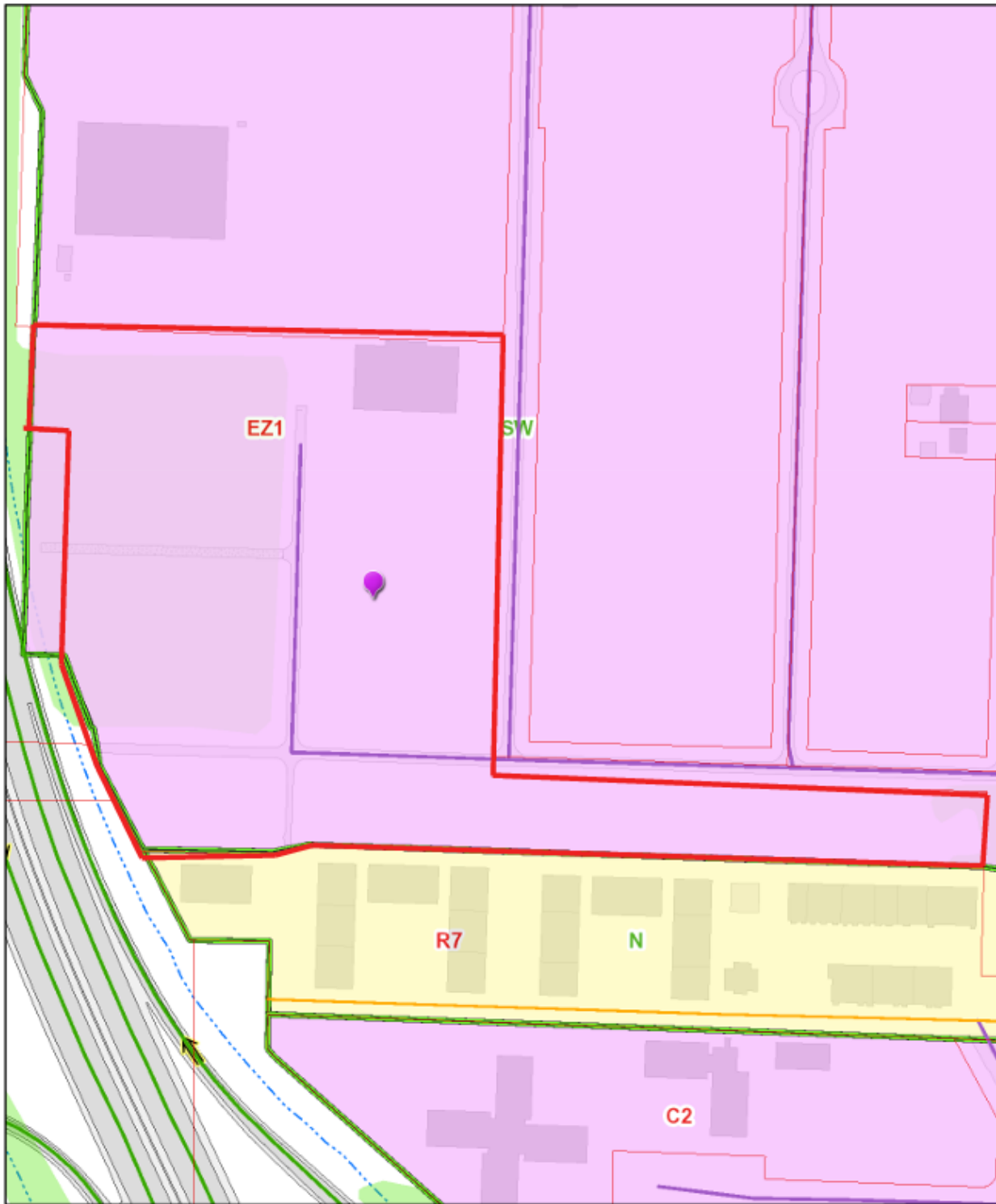
NOTIFICATION

Date	Purpose of Notice	Recipients
7/21/22	Hearing before DRC 8-3-22	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 21

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



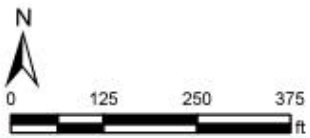
Thursday, July 28, 2022 | 5:44:09 PM



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2. Aerial Photograph



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