

# Development Review Committee

## Staff Report

February 14, 2018



<b>Case No:</b>	17DEVPLAN1225
<b>Project Name:</b>	L1 Deodorizer Platform
<b>Location:</b>	1625 Wathen Lane
<b>Zoning:</b>	EZ-1
<b>Form District:</b>	Traditional Workplace
<b>Owner(s):</b>	Luis Gomez – AAK USA Realco LLC.
<b>Applicant:</b>	Stephen Cole – United Group Services
<b>Representative(s):</b>	Stephen Cole – United Group Services
<b>Jurisdiction:</b>	City of Shively, KY
<b>Council District:</b>	3 – Mary Woolridge
<b>Case Manager:</b>	Ross Allen – Planner I

### REQUEST(S)

**SIDEWALK WAIVER:** from the City of Shively LDC 5.8.1.B and 5.9.2.A.b.i to not provide a sidewalk in the public right of way along Wathen Lane for an approximate distance of 125 feet and to not provide a clearly defined, safe pedestrian access from the adjacent public right of way to non-residential building entrances as associated with a Category 2B development plan.

### CASE SUMMARY/BACKGROUND

The subject site is located in central Jefferson County, KY, bounded by railroad tracks/railroad right of way on the western side, four other EZ-1 zoned parcels to the east, another EZ-1 zoned parcel to the north owned by the applicant, and a parcel zoned EZ-1 owned by Kentucky Warehousing LLC. south across Wathen Lane. The subject site and surrounding parcels are all EZ-1 zoned and are predominantly used for industrial purposes/ land uses.

The applicant is proposing to construct a new semi-continuous vacuum deodorizer unit on a 5,200 sf. concrete pad as located at the rear (northern) of the parcel near the property line where tractor trailer parking/unloading/loading is located. The project as described by the applicant is to construct a new concrete pad and a 98 foot tall steel structure with nine floors of varying dimensions to hold and support several large pieces of industrial equipment. The structure will be skinned in a single layer of corrugated steel paneling to protect the equipment from wind shear. The proposed structure will have a continuous occupancy of one operator and a maximum occupancy rating of five persons. The proposed structure will have no lavatory facility or connections of any kind to MSD sewers. The proposed deodorizer is located interior to the subject parcel being approximately 120 feet west of property line adjacent to the railroad tracks and approximately 15 feet from an adjacent scale building which runs parallel to the concrete pad.

### STAFF FINDING / RECOMMENDATION

Staff recommends approval of the **SIDEWALK WAIVER** from the City of Shively LDC 5.8.1.B and 5.9.2.A.b.i to not provide a sidewalk in the public right of way along Wathen Lane for an approximate distance of 125 feet and to not provide a clearly defined, safe pedestrian access from the adjacent public right of way to non-residential building entrances as associated with a Category 2B development plan.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Industrial	EZ-1	Traditional Workplace
<b>Proposed</b>	Industrial	EZ-1	Traditional Workplace
<b>Surrounding Properties</b>			
<b>North</b>	Industrial	EZ-1	Traditional Workplace
<b>South</b>	Wathen Ln. ROW/Commercial	EZ-1	Traditional Workplace
<b>East</b>	Industrial/Public and Semi-public	EZ-1	Traditional Workplace
<b>West</b>	RR ROW/Industrial	EZ-1	Traditional Workplace

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR A SIDEWALK WAIVER:** from the City of Shively LDC 5.8.1.B and 5.9.2.A.b.i to not provide a sidewalk in the public right of way along Wathen Lane for an approximate distance of 125 feet and to not provide a clearly defined, safe pedestrian access from the adjacent public right of way to non-residential building entrances as associated with a Category 2B development plan.

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

STAFF: Wathen Lane is a narrow industrial artery not intended for pedestrian traffic. The section of the road in abutment of the parcel of land associated is a very small portion of the road in total. There are no sidewalks on either side of this parcel. A sidewalk island in front of this parcel will negatively impact the aesthetics of the area as it will look unfinished and abandoned. This section of roadway is particularly dangerous for foot traffic as it contains six railway crossings. Four spurs of the highly trafficked Paducah and Louisville Railway cross Wathen Lane at this location. Rail traffic frequently obstructs the roadway for hours at a time making the street impassable for both cars and pedestrians.

2. 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: This project takes place more than 750 feet away from the nearest street. No aspect of the project is visible from the street or has any impact on roadway access or traffic flow. Forcing the inclusion of a sidewalk to the property will result in two separate construction projects taking place on the same property. Multiple projects occurring at the same time will slow progress and push the completion date of the primary project later into the year resulting in increased cost and burden on AAK. The section of Wathen lane along the property is poorly lit at night. Encouragement of pedestrian traffic could pose a public safety concern due to the lack of street lighting.

3. What impacts will granting of the waiver have on adjacent property owners?

STAFF: None. This project takes place out of line of site of all adjacent property owners. Neighboring business would, however, be disadvantaged by major construction on a busy access point obstructing the roadway for multiple weeks. Encouragement of pedestrian traffic will result in increased risk of accidents and injury to people walking in the area. Heavy industrial equipment and vehicles that frequent the area are dangerous for passersby to be around and could pose great risk to pedestrians in the area.

- 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: Wathen Lane is the primary access point to the property. Any work performed on the roadway will have a major impact in both AAK business needs as well as the day-to-day practices of adjacent businesses. The Wathen Lane right-of-way is as narrow as 25 feet in some areas. To add sidewalks to the road will require encroachment onto AAKs property and a restructuring and relocation of articles on AAK's property including a complete rerouting of the property's fence line and possible relocation of vital utility easements and equipment.

**TECHNICAL REVIEW**

The applicant provided a Compliance Certificate from the City of Shively, KY and development plan with MSD Stormwater and EPSC Construction Approval and Shively Fire Dept. approval. Additionally, MSD has provided preliminary approval for the proposed development plan. Please see accompanying packet of materials for the aforementioned approvals from Shively, KY and MSD.

**INTERESTED PARTY COMMENTS**

Staff has not received comments from any interested parties to date for the sidewalk waiver request along Wathen Lane.

**APPLICABLE PLANS AND POLICIES**

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

**REQUIRED ACTIONS**

**Approve/Deny** the **SIDEWALK WAIVER:** from the City of Shively LDC 5.8.1.B and 5.9.2.A.b.i to not provide a sidewalk in the public right of way along Wathen Lane for an approximate distance of 125 feet and to not provide a clearly defined, safe pedestrian access from the adjacent public right of way to non-residential building entrances as associated with a Category 2B development plan.

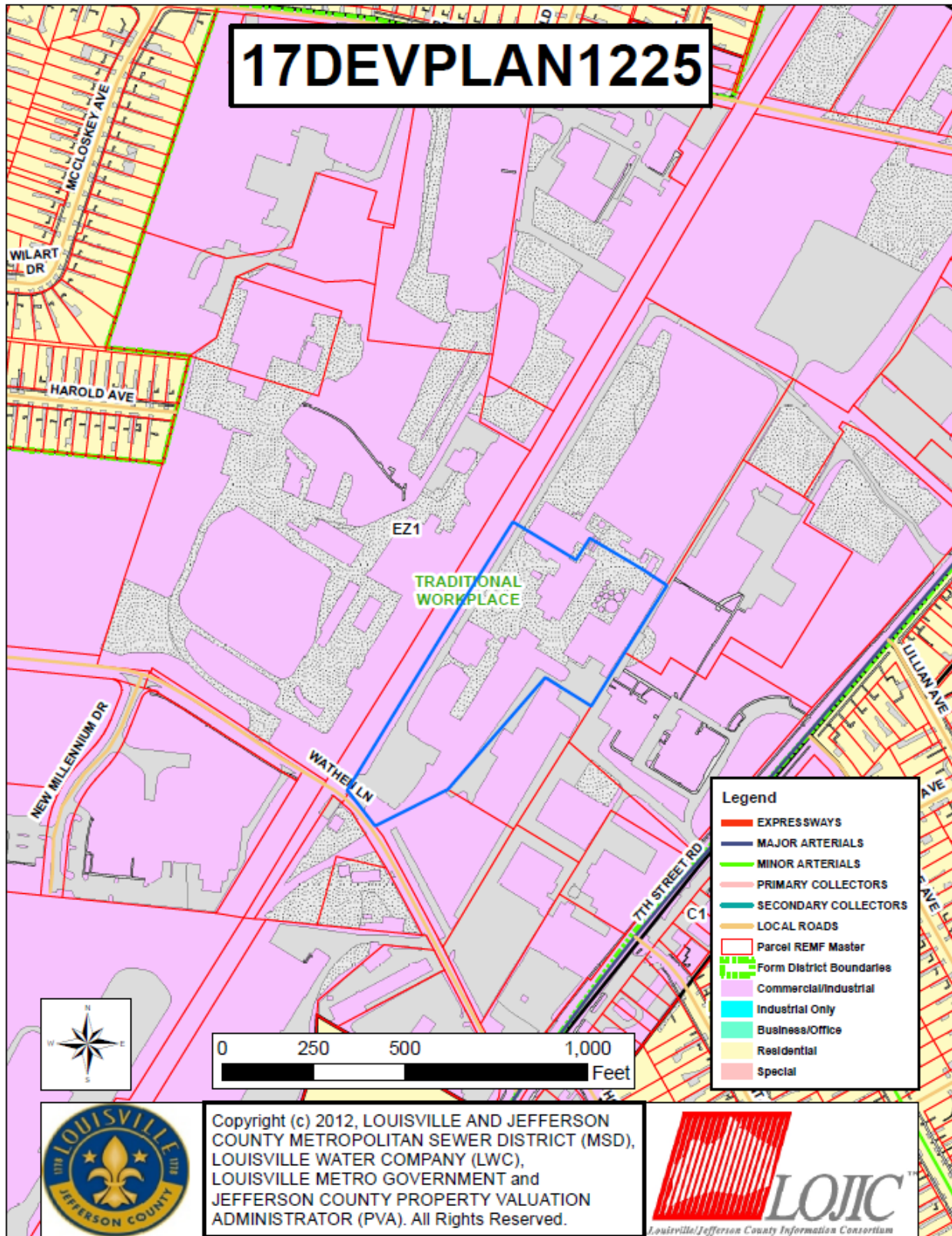
**NOTIFICATION**

Date	Purpose of Notice	Recipients
Feb. 14, 2018	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 3 Development Notification

**ATTACHMENTS**

- Zoning Map
- Aerial Photograph

1. Zoning Map





2. Aerial Photograph

