

Development Review Committee

Staff Report

December 1, 2021



Case No:	21-WAIVER-0132/21-WAIVER-0145
Project Name:	Quantum Ink Expansion
Location:	4649 and 4651 Melton Ave; 4628 and 4630 Knopp Ave
Owner(s):	Double B Triple S, LLC
Applicant:	Allegiant Construction LLC
Jurisdiction:	Louisville Metro
Council District:	13 – Mark Fox
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Waivers**
 1. **Sidewalk Waiver** (21-WAIVER-0132) of Land Development Code section 5.8.1.B.4 to not provide sidewalks in the adjacent rights-of-way
 2. **Waiver** (21-WAIVER-0145) of Land Development Code section 5.9.2.A.1.b.i to not provide pedestrian connections to the adjacent rights-of-way.

CASE SUMMARY/BACKGROUND

The applicant is proposing to expand an existing industrial use with a new 6,000 SF building. The site is approximately 1.65 acres and zoned EZ-1 in the Suburban Workplace form district. The site is surrounded by other industrial development and is located to the east of Grade Ln in south central Louisville Metro.

STAFF FINDING

The waiver for pedestrian connection is adequately justified and meets the standard of review, as sidewalks are unlikely to be constructed in this area and the use is unlikely to generate significant pedestrian traffic. The sidewalk waiver is not adequately justified and does not meet the standard of review, as the applicant could reasonably comply with one of the options for compliance found in section 6.2.6.C of the Land Development Code, such as fee-in-lieu or offsite construction.

TECHNICAL REVIEW

The requests are associated with a Category 2-B development plan 21-CAT2-0021 currently under staff review. MSD has approved the preliminary plan. Transportation planning has not yet approved the plan, as they would prefer the applicant comply with sidewalk requirements in the Land Development Code.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this development.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR Sidewalk Waiver

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners, as sidewalks are unlikely to be constructed in the area.

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

STAFF: The waiver will violate the comprehensive plan, as Mobility Goal 1, Policy 1.4 states that sidewalks should be provided along the streets of all developments. Mobility Goal 3 Policy 11.7 states that the impact of development and redevelopment should be mitigated by providing on-site or off-site sidewalks. Livability Goal 1 Policy 35 states that critical connections should be built or maintained in the pedestrian network. While sidewalks may not be needed immediately adjacent to the subject site, the applicant should contribute to the overall pedestrian networks of the community by either off-site construction or paying a fee-in-lieu.

- c. The applicant cannot reasonably comply with one of the listed methods of compliance (section 6.2.6.C); and

STAFF: The applicant could reasonably comply with one of the methods listed in 6.2.6.C such as fee-in-lieu or off-site construction.

- d. 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 not create an unnecessary hardship on the applicant, as they have options of compliance. These regulations are applicable to all development in all zoning districts.

- 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: There are no site constraints to construction, and sidewalks are unlikely to be constructed in the immediate area. There is a need for sidewalk construction in other parts of the community which would benefit from the application of the requirements of the Land Development Code.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners, as the site is unlikely to generate significant pedestrian traffic, and sidewalks are unlikely to be constructed in the area.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as the site is not served by transit, and the industrial character of the area and the site are unlikely to generate significant pedestrian traffic.

- c. The extent of 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.

- d. Either: 1. 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 2. 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, there are no sidewalks in the area, and they are unlikely to be constructed.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waivers**

NOTIFICATION

Date	Purpose of Notice	Recipients
11-17-21	Hearing before DRC	1 st tier adjoining property owners and residents Registered Neighborhood Groups in Council District 13

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



21-CAT2-0021

Tuesday, November 23, 2021 | 11:56:43 AM



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2. Aerial Photograph



21-CAT2-0021

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