

Board of Zoning Adjustment Staff Report

July 16, 2018



Case No:	18DEVPLAN1090
Project Name:	BJK Industries Inc.
Location:	945 South 15 th Street
Owner(s):	James Schandle – Epsilon Realty Co. L.P.
Applicant:	Joe Wolfe – Koetter Construction
Representative(s):	John Campbell – Heritage Engineering LLC.
Project Area/Size:	3.62 acres (157,687.2 sq. ft.)
Zoning:	EZ-1
Form District:	Traditional Workplace
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Ross Allen – Planner I

REQUEST(S)

- Approval of **Variance #1** from LDC 5.2.5.C.3.a to allow the proposed expansion/addition to exceed the 25 ft. maximum setback by approximately 125 ft. for a total setback of approximately 150 ft. from the property line as found along the South 15th Street.

Location	Requirement	Request	Variance
Maximum Setback/build-to-line	25 ft.	150 ft.	125 ft.

- Approval of **Variance #2** from LDC 5.2.5.C.3.d to allow the proposed expansion/addition to exceed the 45 ft. maximum height allowed by approximately 30 ft. within the Form District Edge/Transition Zone for a total height of 75 ft.

Location	Requirement	Request	Variance
Maximum Height Allowed	45 ft.	75 ft.	30 ft.

- Approval of a **General Waiver** from LDC 10.2.10 to not provide the 10 ft. continuous VUA LBA along a 42 ft. long section of Garland Ave. and a 41 ft. long section along South 15th Street to allow truck maneuvering.

CASE SUMMARY/BACKGROUND

The subject site is located on the eastern side of South 15th Street in the north central portion of Jefferson County/Louisville Metro. The subject site is bounded by South 15th Street to the west, West Kentucky Street to the South, Garland Ave to the North, and Illinois Central Railroad Company Rail lines to the East. The subject site sits catty corner to St. Stephen Baptist Church as found within the California Neighborhood on a 3.62 acre parcel zoned EZ-1. The subject site is occupied by BJK Industries, a custom industrial manufacturer of film and bags for food products since 1994 as indicated by PVA records.

The applicant is proposing to construct a 17,838 sq. ft. addition/expansion onto the existing 70,200 sq. ft. structure. The addition/expansion straddles the northeastern corner of the existing structure as facing Garland

Ave. and the Illinois Railroad Company rail lines to the East and will have a maximum proposed height of approximately 75 ft. along the eastern side of the property thus requiring the height variance. The maximum setback/build-to-line is also exceeded by the proposed addition/expansion since the Traditional Workplace Form District asks that construction be built out between the property line and no more than 25 ft. setback from the property line. The applicant conforms to the maximum setback as found along Garland Ave. but exceeds the maximum setback as found from the South 15th Street property/right of way line and not meeting the 60% of the street wall thus requiring the second variance.

The addition/expansion will require an alteration to the existing VUA and curb cuts as found at the southeastern intersection of South 15th Street and Garland Ave. for semi-truck maneuvering to an existing loading dock facing Garland Ave. Both alterations to the VUA are interior to the subject site requiring alteration to the existing landscaping for screening the VUA. The changes to the VUA/landscaping include the widening of an entrance along Garland Ave from 30 ft. width to 50 ft. in width resulting in an expansion of the pavement into the Landscape Buffer Area for an approximate length of 42 ft. along Garland Ave. with the removal of landscaping. The expansion of the pavement will also occur on a 41 ft. length parallel to South 15th Street resulting in the removal of four parking spaces. The proposal indicates that the on-site parking will have 36 spaces and 17 on-street spaces along South 15th Street for a total of 53 spaces which meets the parking requirements per the number of employees on first and second shift. Both expansions of pavement encroach into the VUA LBA per LDC 10.2.10 resulting in the applicant requesting a waiver to allow for the pavement to encroach into the VUA LBA. The requirements as associated with the most recently approved landscaping plan, case no. B-13415 and/or 13697, are being met per requirements of the LDC.

Related Cases:

- 2-44-09 and/or 13415: A Category 2B Development Plan for a proposed 20,000 sq. ft. expansion/addition having a setback variance, and two waivers. Minutes reflect that the plan was approved by BOZA on Dec. 21, 2009. No approved plan was found.
- B-13415 and/or 13697: Landscape Plan for proposed 20,000 sq. ft. expansion approved on 3/4/2010.
- 2-20-15: A Category 2B Development Plan for a proposed 17,500 sq. ft. expansion/addition with a proposed 72 ft. tall roof. Approved by the Louisville Metro Planning Commission on July 27, 2015.

Planning Evidence: California Neighborhood Plan (August 1982)

- Land Use Recommendations (I-28 – I-49) for Station Park Area or Area C as shown on I-2, please see pages 12 and 13 of the staff report.
 - 20—Encourage full utilization of sites and structures in this area for industrial and related uses.
 - 21—Minimize the negative impacts of industry on adjacent residential areas through design, screening and buffering.
- Land Use D. Implementation #7. Completion and Extension of the Station Park
 - Completion of the development of the Station Park industrial project and location of industries there is important to California's economic health. (first sentence page I-39)
 - At such time as Station Park is completed and occupied, extension of the industrial park should be considered. (first sentence of the second paragraph, I-39)
- Land Use D. Implementation #8. Uses of Sites and Structures in the Non-residential Areas
 - The plan recommends that sites and structures within industrial and commercial areas be fully utilized. (first sentence page I-39)
- Land Use D. Implementation #15. Screening and Nuisance Reduction, pg. I-43
 - Landscaping and fencing are recommended to screen commercial and industrial uses from homes in California. (first sentence first paragraph, pg. I-43)

- In addition to screening and buffering, building setbacks, location of parking lots, and placement of access points can be designed to minimize negative impacts. (first paragraph, eighth sentence, pg. I-43)
- It is recommended that the Urban Renewal Commission fully enforce these elements of the plan in the development of the area along 15th Street north to Garland Ave. It is recommended that the Urban Renewal Commission fully enforce these elements of the plan in the development of the area along 15th Street north of Garland Ave. It is recommended further that if Station Park is extended southward, similar standards be applied to industries that adjoin housing.

STAFF FINDING / RECOMMENDATION

- **Variance #1** from LDC 5.2.5.C.3.a to allow the proposed expansion/addition to exceed the 25 ft. maximum setback by approximately 125 ft. for a total setback of approximately 150 ft. from the property line as found along the South 15th Street.
- **Variance #2** from LDC 5.2.5.C.3.d to allow the proposed expansion/addition to exceed the 45 ft. maximum height allowed by approximately 30 ft. for a total height of 75 ft.
- **General Waiver** from LDC 10.2.10 to not provide the 10 ft. continuous VUA LBA along a 42 ft. long section of Garland Ave. and a 41 ft. long section along South 15th Street to allow truck maneuvering.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Industrial – BJK Flexible Packaging	EZ-1	Traditional Workplace
Proposed	Industrial – BJK Flexible Packaging	EZ-1	Traditional Workplace
<i>Surrounding Properties</i>			
North	Industrial / Commercial	EZ-1	Traditional Workplace
South	Public and semi-public AND Industrial	EZ-1	Traditional Workplace
East	RR ROW and Industrial	EZ-1	Traditional Workplace
West	Residential / Industrial / Commercial	EZ-1, M-2, CM	Traditional Workplace

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily stamped the development plan.

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 VARIANCE #1 from LDC 5.2.5.C.3.a to allow the proposed expansion/addition to exceed the 25 ft. maximum setback by approximately 125 ft. for a total setback of approximately 150 ft. from the property line as found along the South 15th Street.

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The applicant has stated, “the requested variance is compatible with lot the setback and building height of the previous building expansion.” Previous case no. 2-20-15 indicates that the setback at that time does have a similar if not exact same setback for the current proposal. The applicant is adding/expanding the structure towards Garland Ave. having less than 60% of the street wall maintained along Garland Ave. and South 15th Street. Additionally, the California Neighborhood Plan indicates that the existing industrial uses in the Station Park Area/sub-area are to remain industrial with proper mitigation of adverse impacts as found adjacent to residential uses, namely R-7 zoning as found west of South 15th Street which is currently vacant. The setback as requested is not out of character and adheres more to the requirements of the Form District standards, construction at a zero or maximum 25 foot setback.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The applicant stated in their justification “the area is an existing industrial area and the proposed building addition will continue the established setback and building height of the existing structure on site.” The applicant is adding/expanding the structure towards Garland Ave. having less than 60% of the street wall maintained along Garland Ave. and South 15th Street. Additionally, the California Neighborhood Plan indicates that the existing industrial uses in the Station Park Area/sub-area are to remain industrial with proper mitigation of adverse impacts as found adjacent to residential uses, namely R-7 zoning as found west of South 15th Street which is currently vacant. The setback as requested is not out of character and adheres more to the requirements of the Form District standards, construction at a zero or maximum 25 foot setback.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The applicant stated in their justification “the public will not be impacted by the proposed building addition as it is located along a portion of Garland Ave. which already contains industrial uses and buildings of the same height on site.” The applicant is adding/expanding the structure towards Garland Ave. having less than 60% of the street wall maintained along Garland Ave. and South 15th Street. Additionally, the California Neighborhood Plan indicates that the existing industrial uses in the Station Park Area/sub-area are to remain industrial with proper mitigation of adverse impacts as found adjacent to residential uses, namely R-7 zoning as found west of South 15th Street which is currently vacant. The setback as requested is not out of character and adheres more to the requirements of the Form District standards, construction at a zero or maximum 25 foot setback.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The applicant stated in their justification “the site is currently designed with a structure shorter in height directly adjacent to 15th Street with the taller structure located toward the rear of the property along the existing railroad tracks and rail yard.” The applicant is not circumventing regulations of the Land Development Code and is proposing to construct the addition/expansion to conform more with the requirements of the Traditional Workplace Form District by building closer towards Garland Ave. The setback as found along South 15th Street will be maintained as to the setback shown on the previously approved development plan, case no. 2-20-15. Existing parking is onsite and screened with existing landscaping along South 15th Street.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone.

STAFF: The applicant states in their justification, "the special circumstances for this site are due to the original industrial building placement and recent success of the company to continually expand at this location." The subject site is and has been industrial since 1982 as shown in the California Neighborhood Plan. The Neighborhood Plan indicates that the site is within an industrial area defined as Station Park and discussion of the expansion of such industries is recommended and encouraged. The close proximity of the industrial corridor, located East of South 15th Street, to residentially zoned parcels and St. Stephen Baptist Church, located catty corner of the subject site, may be mitigated by coordination between the California Neighborhood Task Force and Business leaders using buffering and landscaping to mitigate potential impacts. The applicant does have landscaping in place but the Traditional Workplace Form District encourages and contradicts the recommendations as requested in the Neighborhood Plan.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The applicant states in their justification, "strict application of the requirements of the Land Development Code would limit the company's ability to grow at the current location."

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The applicant states in their justification, "Because the applicants continued growth and success in the market place could not have been predicted. The company did not foresee a need for a master plan on site expansion and was unable to avoid the needed variances."

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE #2 from LDC 5.2.5.C.3.d to allow the proposed expansion/addition to exceed the 45 ft. maximum height allowed by approximately 30 ft. for a total height of 75 ft.

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The applicant has stated, "the requested variance is compatible with lot the setback and building height of the previous building expansion." The portion of the proposed structure with a 75 ft. height is located on the northeastern portion of the subject site and setback from the South 15th Street property line by approximately 265 feet. The existing structure has portions which are 65 ft. in height along the eastern portion of the existing building. Additionally, existing silos on the subject site are indicated on the plan to be approximately 84 ft. in height. The proposed and existing structures on site exceed the allowable height as allowed by the Form District Standards but are also in character with what is on the subject site. The heights are exceeded within the industrial area south and further east in close proximity to the existing rail corridor.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The applicant stated in their justification "the area is an existing industrial area and the proposed building addition will continue the established setback and building height of the existing structure on site." The portion of the proposed structure with a 75 ft. height is located on the northeastern portion of the subject site and setback from the South 15th Street property line by approximately 265 feet. The existing structure has portions which are 65 ft. in height along the eastern

portion of the existing building. Additionally, existing silos on the subject site are indicated on the plan to be approximately 84 ft. in height. The proposed and existing structures on site exceed the allowable height as allowed by the Form District Standards but are also in character with what is on the subject site. The heights are exceeded within the industrial area south and further east in close proximity to the existing rail corridor.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The applicant stated in their justification “the public will not be impacted by the proposed building addition as it is located along a portion of Garland Ave. which already contains industrial uses and buildings of the same height on site.” The portion of the proposed structure with a 75 ft. height is located on the northeastern portion of the subject site and setback from the South 15th Street property line by approximately 265 feet. The existing structure has portions which are 65 ft. in height along the eastern portion of the existing building. Additionally, existing silos on the subject site are indicated on the plan to be approximately 84 ft. in height. The proposed and existing structures on site exceed the allowable height as allowed by the Form District Standards but are also in character with what is on the subject site. The heights are exceeded within the industrial area south and further east in close proximity to the existing rail corridor.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The applicant stated in their justification “the site is currently designed with a structure shorter in height directly adjacent to 15th Street with the taller structure located toward the rear of the property along the existing railroad tracks and rail yard.” The portion of the proposed structure with a 75 ft. height is located on the northeastern portion of the subject site and setback from the South 15th Street property line by approximately 265 feet. The existing structure has portions which are 65 ft. in height along the eastern portion of the existing building. Additionally, existing silos on the subject site are indicated on the plan to be approximately 84 ft. in height. The proposed and existing structures on site exceed the allowable height as allowed by the Form District Standards but are also in character with what is on the subject site. The heights are exceeded within the industrial area south and further east in close proximity to the existing rail corridor.

ADDITIONAL CONSIDERATIONS:

1. The requested variance does not arise from special circumstances which do generally apply to land in the general vicinity or the same zone.

STAFF: The applicant states in their justification, “the special circumstances for this site are due to the original industrial building placement and recent success of the company to continually expand at this location.” The portion of the proposed structure with a 75 ft. height is located on the northeastern portion of the subject site and setback from the South 15th Street property line by approximately 265 feet. The existing structure has portions which are 65 ft. in height along the eastern portion of the existing building. Additionally, existing silos on the subject site are indicated on the plan to be approximately 84 ft. in height. The proposed and existing structures on site exceed the allowable height as allowed by the Form District Standards but are also in character with what is on the subject site. The heights are exceeded within the industrial area south and further east in close proximity to the existing rail corridor.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The applicant states in their justification, “strict application of the requirements of the Land Development Code would limit the company’s ability to grow at the current location.” The portion of the proposed structure with a 75 ft. height is located on the northeastern portion of the subject site and

setback from the South 15th Street property line by approximately 265 feet. The existing structure has portions which are 65 ft. in height along the eastern portion of the existing building. Additionally, existing silos on the subject site are indicated on the plan to be approximately 84 ft. in height. The proposed and existing structures on site exceed the allowable height as allowed by the Form District Standards but are also in character with what is on the subject site. The heights are exceeded within the industrial area south and further east in close proximity to the existing rail corridor.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The applicant states in their justification, "Because the applicants continued growth and success in the market place could not have been predicted. The company did not foresee a need for a master plan on site expansion and was unable to avoid the needed variances." The portion of the proposed structure with a 75 ft. height is located on the northeastern portion of the subject site and setback from the South 15th Street property line by approximately 265 feet. The existing structure has portions which are 65 ft. in height along the eastern portion of the existing building. Additionally, existing silos on the subject site are indicated on the plan to be approximately 84 ft. in height. The proposed and existing structures on site exceed the allowable height as allowed by the Form District Standards but are also in character with what is on the subject site. The heights are exceeded within the industrial area south and further east in close proximity to the existing rail corridor.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from LDC 10.2.10 to not provide the 10 ft. continuous VUA LBA along a 42 ft. long section of Garland Ave. and a 41 ft. long section along South 15th Street to allow truck maneuvering.

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

STAFF: The applicant states in their justification, "the requested waiver will not adversely affect adjacent property owners because granting of the waiver will allow the proposed semi-truck maneuvering to occur onsite adjacent to the public right of way. The property is in the Traditional Workplace Form District which typically has loading facilities adjacent to the roadways and the property doesn't have any adjacent residences."

- (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 applicant has stated in their justification that "the waiver requested will not violate the Comprehensive Plan and it will not alter the character of the general vicinity as the maneuvering area will be limited in size and area to minimize noncompliance with LDC. Landscape plantings as required may be provided on site adjacent to the encroachment area to ensure landscape plantings are still being provided onsite."

The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The applicant has landscaping in place along a 277 ft. portion of a total 419 ft. length frontage along South 15th Street and along the frontage on Garland Ave. The increase in the VUA will occur with the expansion of the northwestern ingress/egress being widened to 50 ft. resulting in the loss of three existing type A trees and approximately 11 existing shrubs along the

Garland Ave. frontage. The expansion of the VUA along the South 15th frontage will result in the loss of approximately two type A trees and four shrubs with an estimated loss the total of 3,600 sq. ft. of tree canopy (square footage based upon mature crown being 720 sq. ft. per Type A tree). The applicant if willing could off-set the removed landscaping by placing plantings along the South 15th Street Frontage along the 14 ft. wide green verge leading south towards West Kentucky Street.

The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. Although the applicant intends to remove existing landscaping the screening for the VUA would not be present for an approximate 41 ft. of frontage along South 15th Street and for a 42 ft. frontage along Garland Ave.

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

STAFF: The applicant states, “granting the waiver is the minimum necessary to afford relief to the applicant as the proposed building expansion and maneuvering area will allow BJK Industries to grow within the community and not be forced to relocate.” Adjacent sites as found to the north, south, and east are zoned allowing for future uses as permitted in EZ-1 and has been industrial. The California Neighborhood Plan indicates that the Station Park Area is in fact zoned for industrial in an effort to limit the encroachment of industrial into residential core, beginning on the western side of South 15th Street. As stated in the Neighborhood Plan landscaping and buffering are recommended as mitigations to and transitions between industrial and residential uses. The applicant may choose to offset the removal of landscaping as a result of the expanded vehicular maneuvering area to plant further down along South 15th Street within the parcel.

(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 applicant states, “The development as proposed with the requested waiver will allow for the semi-truck maneuvering area to occur onsite while still providing the landscape plantings adjacent to the maneuvering area. In addition, strict application of the provisions would limit the ability to grow the business at this location while maintaining adequate access to the loading docks.” Staff would recommend that the applicant offset the removed plantings resulting from the expansion to a 14 ft. verge between the right of way and the existing structure as parallel to South 15th Street and interior to the applicant property.

REQUIRED ACTIONS

- **Approve/Deny Variance #1** from LDC 5.2.5.C.3.a to allow the proposed expansion/addition to exceed the 25 ft. maximum setback by approximately 125 ft. for a total setback of approximately 150 ft. from the property line as found along the South 15th Street.
- **Approve/Deny Variance #2** from LDC 5.2.5.C.3.d to allow the proposed expansion/addition to exceed the 45 ft. maximum height allowed by approximately 30 ft. for a total height of 75 ft.
- **Approve/Deny Waiver** from LDC 10.2.10 to not provide the 10 ft. continuous VUA LBA along a 42 ft. long section of Garland Ave. and a 41 ft. long section along South 15th Street to allow truck maneuvering.

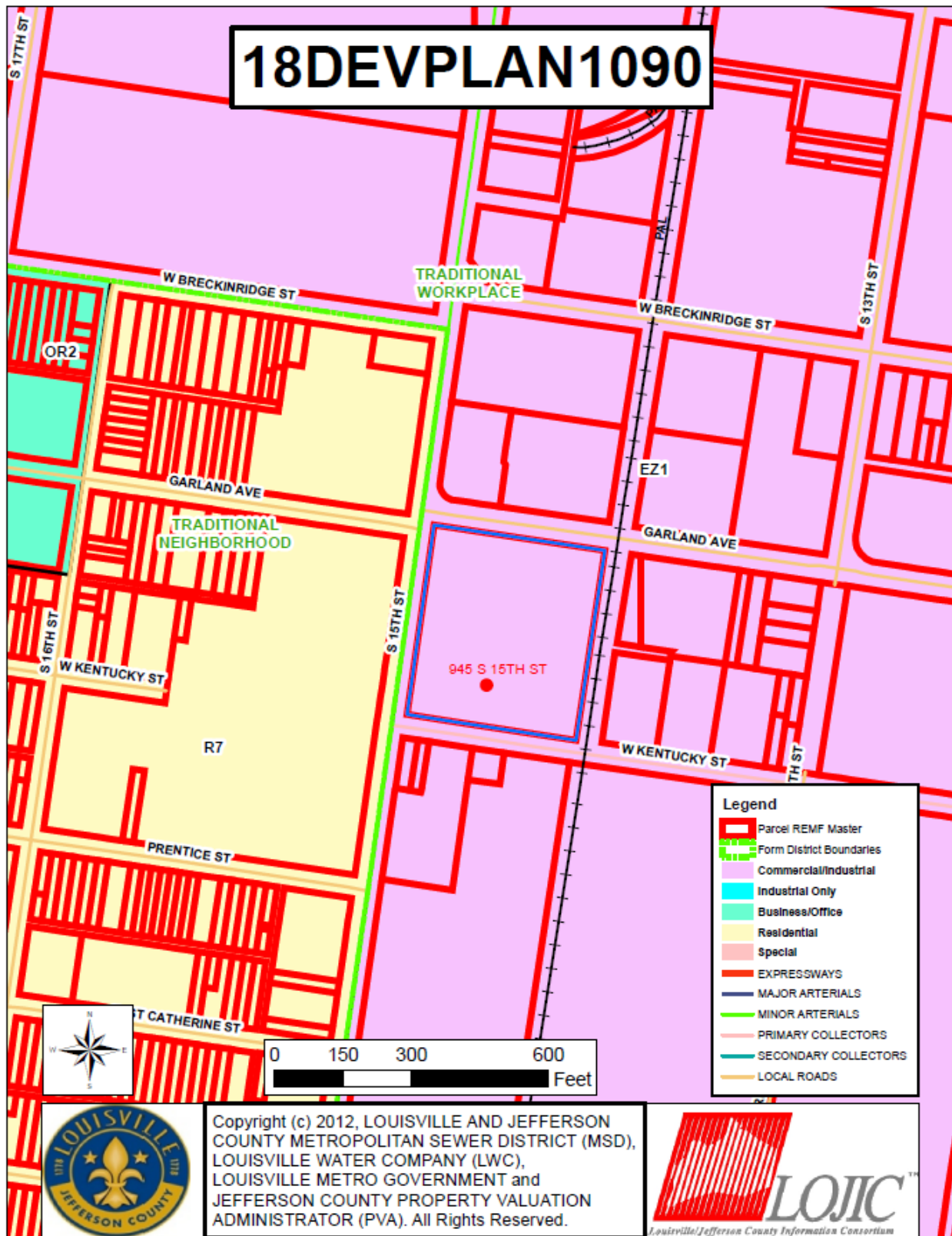
NOTIFICATION

Date	Purpose of Notice	Recipients
June 29, 2018	Posting of Variance Sign	Subject property located at 945 South 15 th Street
July 16, 2018	Hearing before BOZA	1 st tier adjoining property owners Subscribers of Council District 6 Notification of Development Proposals

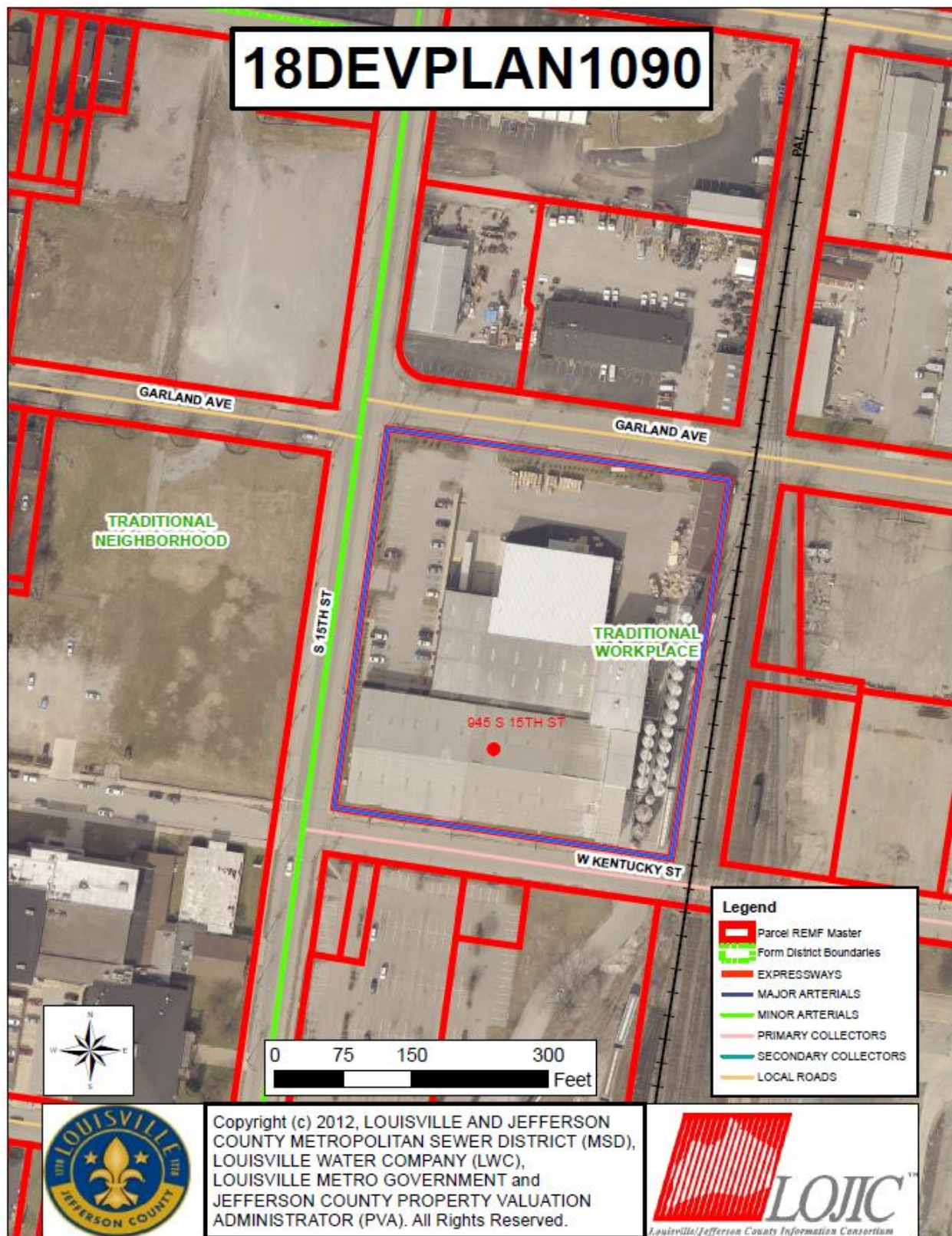
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. California Neighborhood Plan (1982) I-2 Neighborhood Sub-Areas
4. California Neighborhood Plan (1982) Land Use Recommendations Map A

1. Zoning Map



2. Aerial Photograph



3. California Neighborhood Plan (1982) I-2 Neighborhood Sub-Areas



4. California Neighborhood Plan (1982) Land Use Recommendations Map A

