

**Development Review Committee**  
**Staff Report**  
May 20, 2015



<b>Case No:</b>	15Waiver1011
<b>Project Name:</b>	Welder's Supply
<b>Location:</b>	331 & 3329 Boxley Avenue
<b>Owner(s):</b>	Louis Wright Jr., Welder's Supply Company of Louisville
<b>Applicant:</b>	Mike Del Visco, Summit Construction, LLC
<b>Representative(s):</b>	Amy Cooksey, Mindel Scott & Associates
<b>Existing Zoning District:</b>	EZ-1
<b>Existing Form District:</b>	SW
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Marianne Butler
<b>Case Manager:</b>	Sherie' Long, Landscape Architect

**REQUEST**

Waiver from Chapter 10, Section 10.2.10, to allow a reduction in the required Vehicle Use Area Landscape Buffer Area (VUA LBA) from 15' to 11' along Boxley Avenue.

Approval of the "Alternatives for Compliance", Section 10.1.3.C, to allow the planting of (21) Type "A" trees on an "Alternative Site" to meet Tree Canopy requirements.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The subject property, zoned EZ-1 in the Suburban Workplace From District, is located on the north side of Boxley Avenue, north of Central Avenue, west of Crittenden Drive and east of South Floyd Street. The applicant is constructing a new 65,267 square foot warehouse, office and showroom for Welder's Supply of Louisville. A visitor and employee parking area will be located between the new building and the street. The applicant is requesting a waiver to allow a reduction of the required 15' Vehicle Use Area Landscape Buffer Area (VUA LBA) to 11' to allow room for the proposed parking in front of the building. The applicant will be providing the required tree and screening in the reduced VUA LBA area as required by the Land Development Code. Additional pavement is being constructed along the western side of the building for Truck loading and maneuvering area along with truck docks.

The applicant is also requesting approval of the "Alternative for Compliance" to allow (21) Type "A" trees to be planted on an alternative site. The applicant has provided a landscape plan showing tree canopy being provided on the site, with the exception of 15,120 square foot of tree canopy, which would be planted at an off-site location. Valerie Magnuson, Executive Director of Louisville Grows, has been contacted by the applicant to make arrangements for the (21) Type "A" trees, 1 ¾" caliper, to be planted either Fall of 2015 or Spring of 2016.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Commercial	EZ-1	SW
<b>Proposed</b>	Warehouse/Office/Showroom	EZ-1	SW
<b>Surrounding Properties</b>			
<b>North</b>	Commercial Office	EZ-1	SW
<b>South</b>	Across Boxley Avenue Warehouse & Manufacturing	EZ-1	SW
<b>East</b>	Commercial, Warehouse & Metro Parks Facility	EZ-1 & R-1	SW
<b>West</b>	Commercial Office, Restaurant, Manufacturing, & Retail	EZ-1	SW

### PREVIOUS CASES ON SITE

**2-24-15** - Category 2B Development Plan, pending approval.

**15LSCAPE1055** – Landscape Plan, pending approval.

### INTERESTED PARTY COMMENTS

An adjacent property owner, Monica Orr, inquired about the request. She was not opposed to either of the requests being granted.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

**Waiver from Chapter 10, Section 10.2.10, to allow a reduction in the required Vehicle Use Area Landscape Buffer Area (VUA LBA) from 15' to 11' along Boxley Avenue.**

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

STAFF: The waiver will not adversely affect adjacent property owners since the required tree planting will be provided along with the required screening of the parking lot from the street in the reduced VUA LBA area.

- (b) The waiver will violate specific guidelines of Cornerstone 2020.

STAFF: 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 parking areas adjacent to streets to be screened and buffered. 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. The waiver request does not violate the comprehensive plan guidelines because the required tree planting and screening is being provided as required by the Land Development Code in the reduced buffer area.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant to allow sufficient room for the proposed parking and still provide the required tree planting 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 applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. However, the strict application of the provisions of the regulation would deprive the applicant of the necessary area required to provide the parking for the development which creates an unnecessary hardship on the applicant.

### **ALTERNATIVES FOR COMPLIANCE STAFF ANALYSIS**

#### **Approval of "Alternatives for Compliance", Section 10.1.3.C, to allow the planting of (21) Type "A" trees on an "Alternative Site" to meet Tree Canopy requirements.**

The Planning Commission may approve an alternative site for the planting of an equivalent number of trees that meets any one of the following criteria:

- 1) a site within a public park;
- 2) a site on a public road right of way, not adjacent to the subject development site;
- 3) a privately developed site upon which affordable housing has been constructed or is to be constructed;
- 4) a site of existing development where the Planning Commission finds that additional tree canopy would be in the public interest.

In any such case, the Planning Commission may condition its approval of an alternative site upon the agreement of the applicant to plant trees of a type that is deemed appropriate for the site.

STAFF: The applicant has made an effort to maximum the amount of tree canopy provided on the subject site. However, due to several factors including: fire access requirements; available space between buildings; and access to necessary sunlight the required tree canopy square footage cannot be provided on the site. Therefore, the applicant is requesting an off-site planting on an alternative location or locations. The applicant has contacted Louisville Grows, a non-profit community organization who has completed several community plantings of trees in the past several years. The most recent in the Germantown and Portland Neighborhoods. The applicant is proposing to donate the funds necessary to plant and maintain (21) Type "A" trees in a location where they will benefit the community.

### **TECHNICAL REVIEW**

All technical review comments have been addressed.

## STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development Transportation Committee must determine if the proposal meets the standards for granting the Landscape waiver established in the Land Development Code.; and approving the alternative off-site tree planting request as established in the Land Development Code.

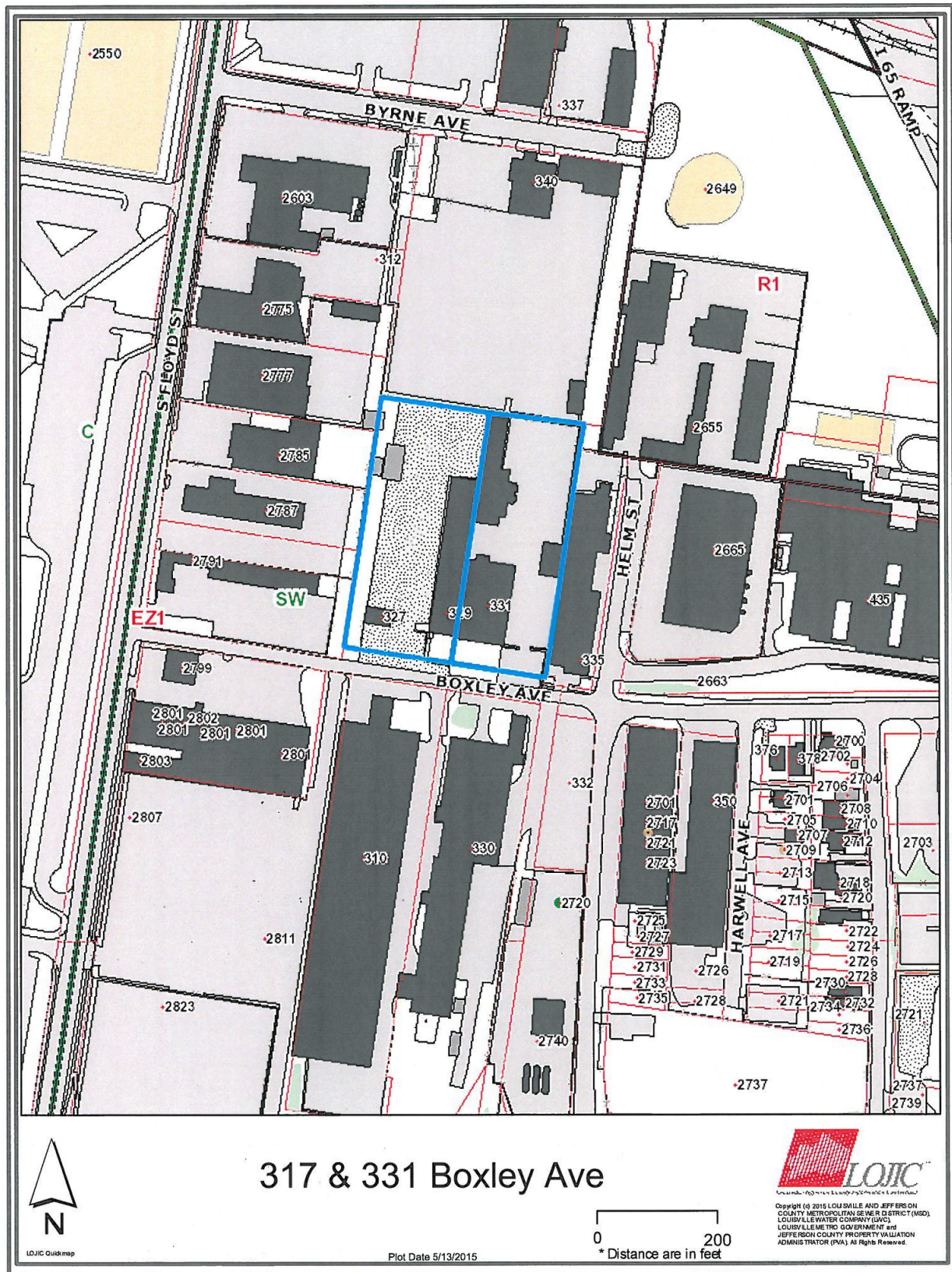
## NOTIFICATION

Date	Purpose of Notice	Recipients
05/08/2015	Hearing before DRC on 05/20/2015	Subscribers of Council District 15 Notification of Development Proposals.
05/08/2015	Hearing before DRC on 05/20/2015	1 <sup>st</sup> tier adjoining property owners.

## ATTACHMENTS

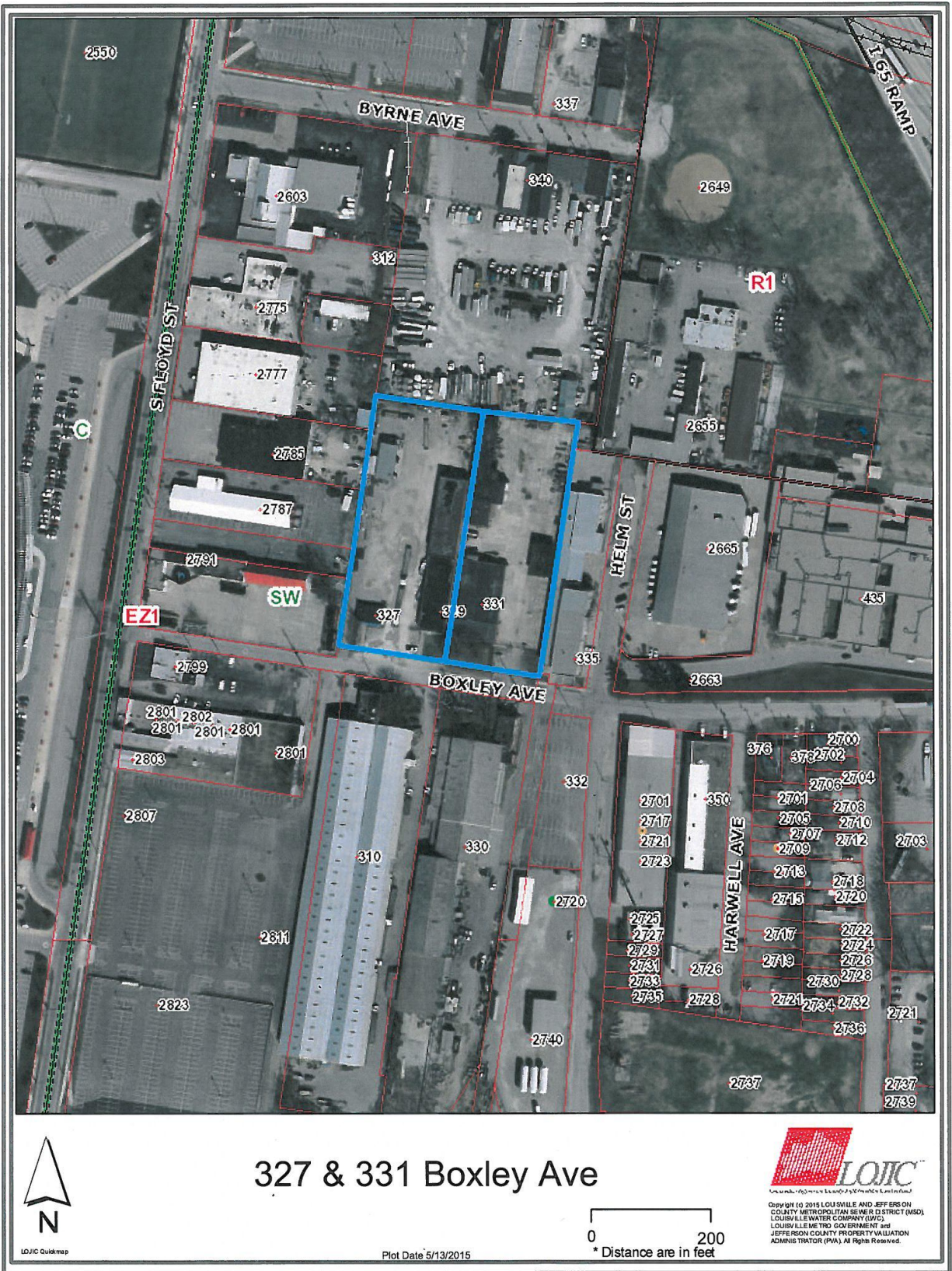
1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Applicant's Justification

Attachment 1: Zoning Map

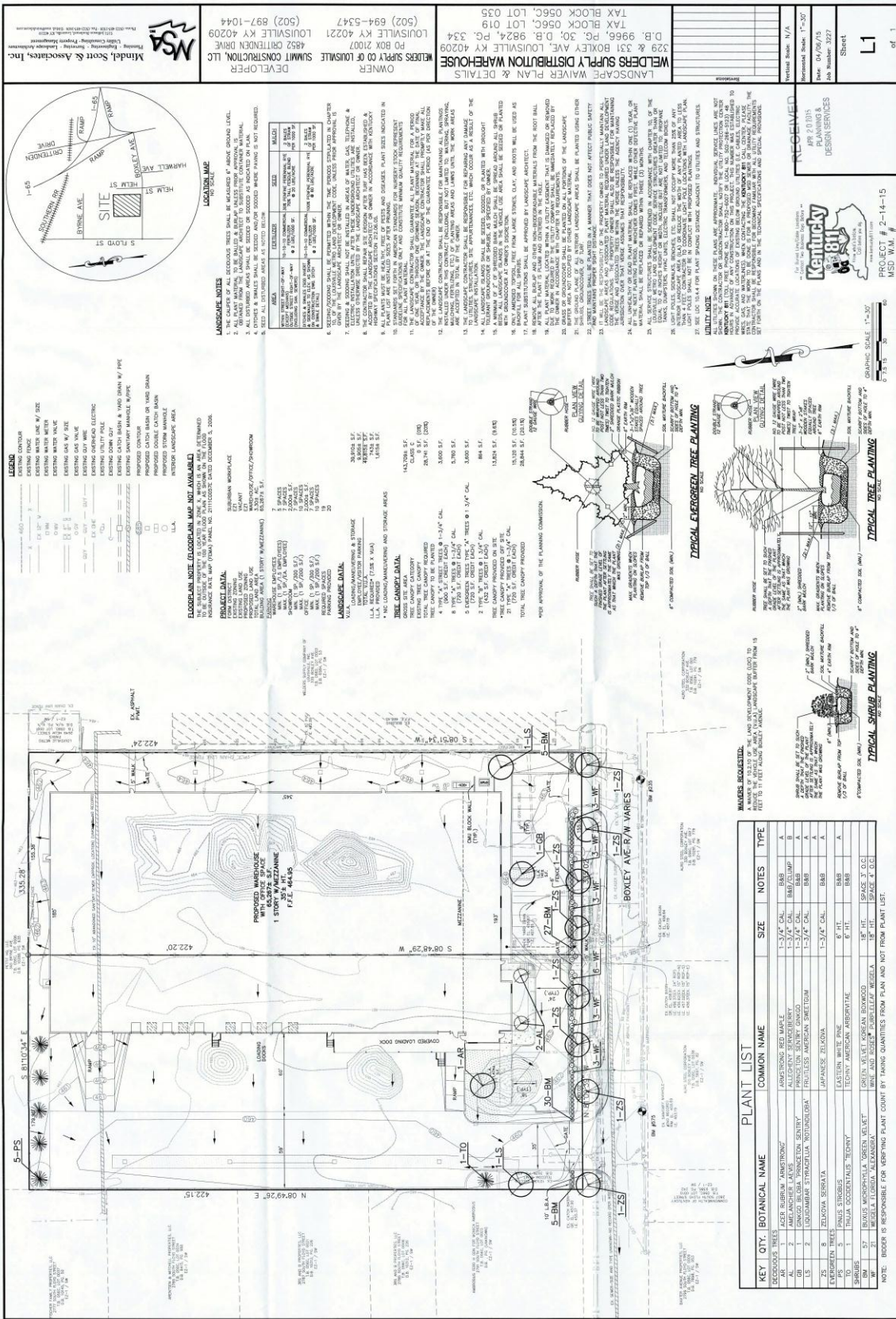




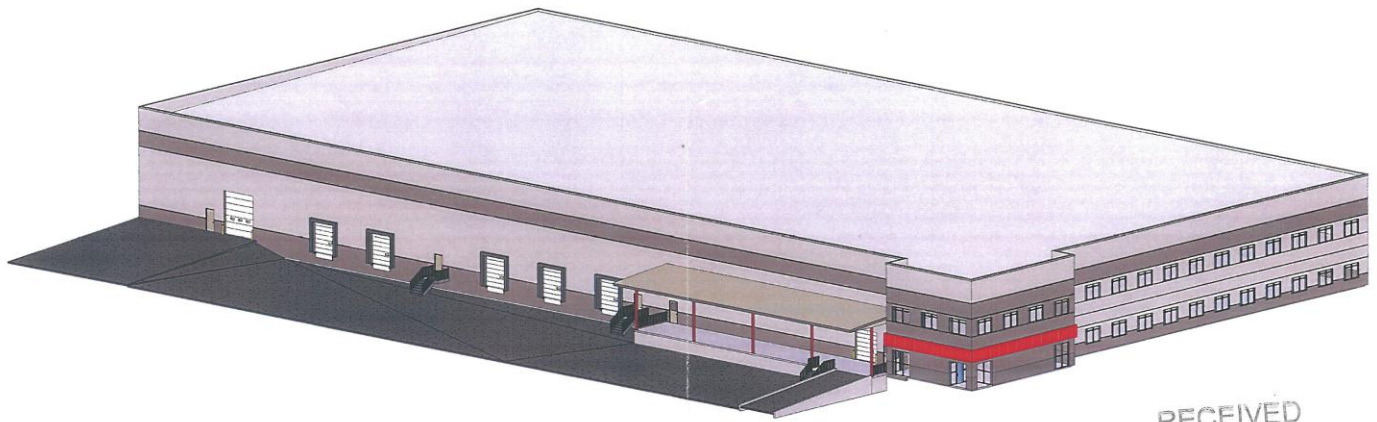
Attachment 2: Aerial Photograph







Attachment 4: Elevation



**PROPOSED WELDERS SUPPLY BUILDING**

329 & 331 Boxley Avenue

NO SCALE

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3/16/2015

2-17-15



## Attachment 5: Applicants Justification

### General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

No, as the landscape material can still be provided in the 11-foot buffer area. The owner of this site is also one of the adjacent property owners.

**2. Will the waiver violate the Comprehensive Plan?**

No, the landscape materials and a buffer zone are still being provided. The buffer area is 15 feet because the loading docks were included in the VUA calculations for the parking lot. The parking lot is completely separated from the loading dock VUA and by itself would only require a 5' VUA buffer.

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

Yes, as the applicant is still providing the required plantings in the 11-foot buffer zone; the 4-foot reduction of the 15' landscape buffer area is the minimum needed to afford relief.

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**4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The applicant would be deprived of the reasonable use of the land as he cannot move the building four more feet away from the street and still be able to have room for the exit landings/steps, the grading for the building and the storm system that need to be located in the rear of the site behind the building.

15WAIVER1011