

# Development Review Committee

## Staff Report

February 17, 2016



<b>Case No:</b>	15WAIVER1040
<b>Project Name:</b>	Zeochem
<b>Location:</b>	1380 13 <sup>th</sup> Street
<b>Owner(s):</b>	Zeochem, LLC – RL Gray
<b>Applicant(s):</b>	Zeochem, LLC – RL Gray
<b>Representative(s):</b>	Land Design & Development, Inc. – David Frey
<b>Project Area/Size:</b>	3.51 acres
<b>Existing Zoning District:</b>	EZ-1, Enterprise Zone
<b>Existing Form District:</b>	TW, Traditional Workplace
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Joel P. Dock, Planner I

### REQUEST

- **SIDEWALK WAIVER** of Land Development Code (LDC) section 5.8.1.B to not provide sidewalk along 13<sup>th</sup> street frontage.

### CASE SUMMARY

The applicant has proposed a 3,500 sq. ft. building addition which requires that sidewalks be provided along the street frontage of the site. The site is located in an existing industrial and manufacturing area west of 9<sup>th</sup> Street and bordered on the East by the Park Hill Neighborhood. The area is further bound to the North by Oak Street and Hill Street to its South. TARC bus routes/stops can be found on Oak St., Hill Street, & connecting from Hill to Oak along 12<sup>th</sup> Street. The applicant is requesting that sidewalks required by LDC 5.8.1.B be waived for this building expansion associated with Category 2B case 15DEVPLAN1179.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The subject site is used for industrial/warehouse/manufacturing and zoned EZ-1, Enterprise zoning district in the TW, Traditional Workplace Form District. The site is surrounded by the same.

### PREVIOUS CASES ON SITE

15DEVPLAN1179: Category 2B for building expansion.

### INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on the proposal.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (revised December 2015)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC

### 5.8.1.B to not provide sidewalk

- (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 surrounded by industrial uses with a railroad line to its immediate South boundary. Properties to the immediate North and East of the site do not provide sidewalks.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver will not violate specific guidelines of Cornerstone 2020 as the building expansion appears to have a minimal impact on the street and roadway system due to its relatively small scale and the lack of connectivity from adjacent built-out sites. Additionally, maintaining the existing sidewalk along roughly 40% of the street frontage provides safe movement of pedestrians, bicyclist, or transit users from nearby TARC routes/stops on Hill Street, Oak Street, or 12<sup>th</sup> Street to the site.

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

STAFF: The extent of a full waiver of the regulation is not the minimum necessary to afford relief to the applicant as the site contains a sidewalk in disrepair along roughly 40% of its frontage that should be maintained or repaired.

- (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 deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the relatively small scale of the proposed building addition has minimal impact on the street and roadway system, but existing sidewalks should be maintained.

### TECHNICAL REVIEW

The site contains sidewalks in disrepair along roughly 40% of its Southern frontage; more precisely located in the R/W directly in front of the portion of the building closest to 13<sup>th</sup> Street.

According to LDC 6.2.6.B.2.c.iv, the Planning Commission or designee may grant a waiver to allow a reduced sidewalk requirement where less than 50% of the street frontage is being developed. A reduction waiver shall not exempt future development on the parcel from the construction of the remainder of the sidewalk. This meaning, a waiver may granted for this expansion, but future development exceeding the form district threshold that would require sidewalks are not exempt from providing sidewalks based on the granting of this waiver. A reduction waiver or partial sidewalk waiver would be appropriate in this instance, if the existing sidewalk is maintained or repaired. This committee may also choose to waive sidewalk requirements along the entirety of the frontage.

## STAFF CONCLUSIONS

Staff finds that a partial sidewalk waiver would be most appropriate given the status of the existing sidewalk along the frontage. A partial waiver request appears to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standard for approving a waiver established in the Land Development Code.

### Required Actions

- **APPROVE** or **DENY** the waiver of LDC 5.8.1.B.

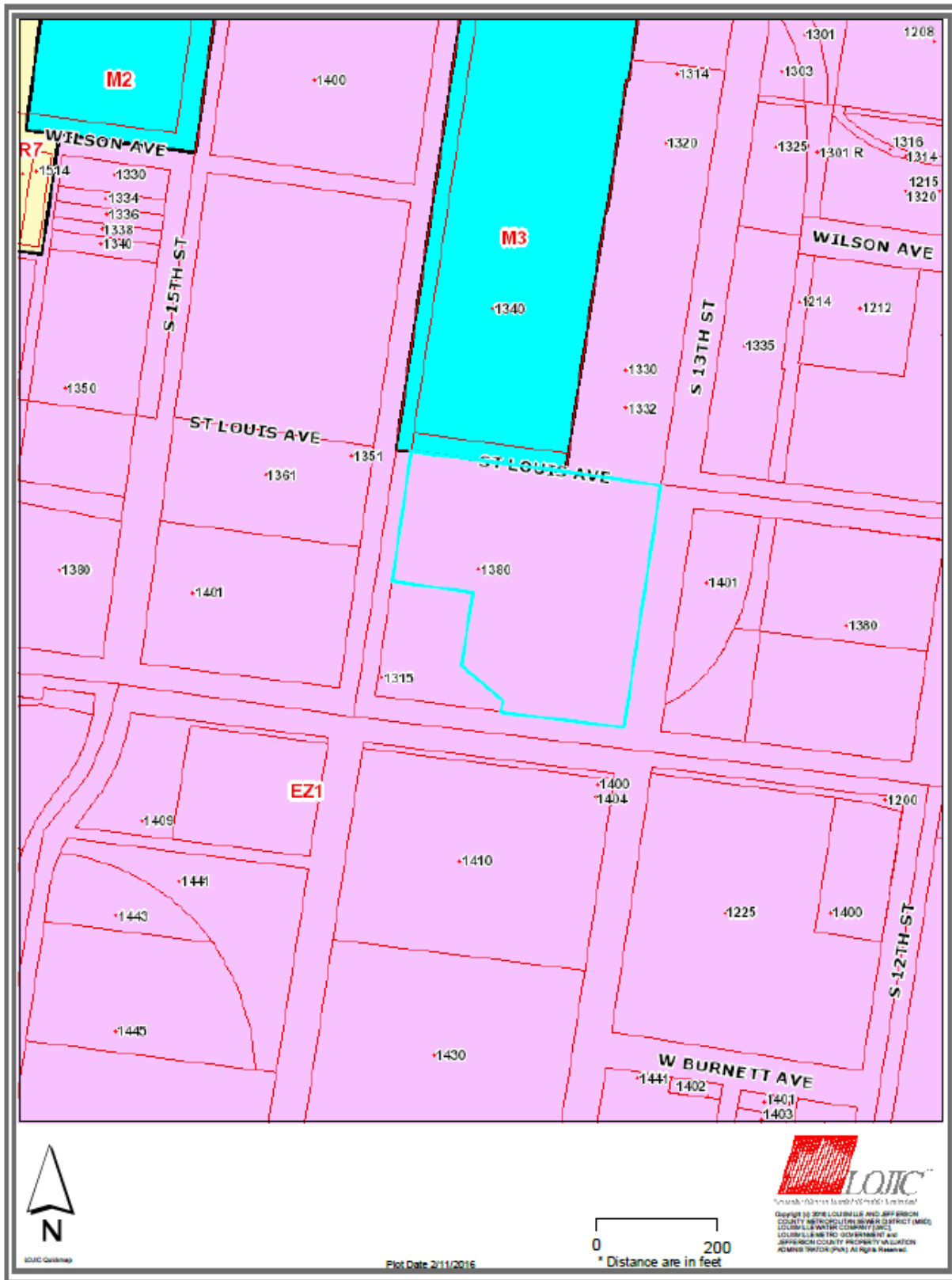
## NOTIFICATION

Date	Purpose of Notice	Recipients
2/4/15	DRC	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 6.

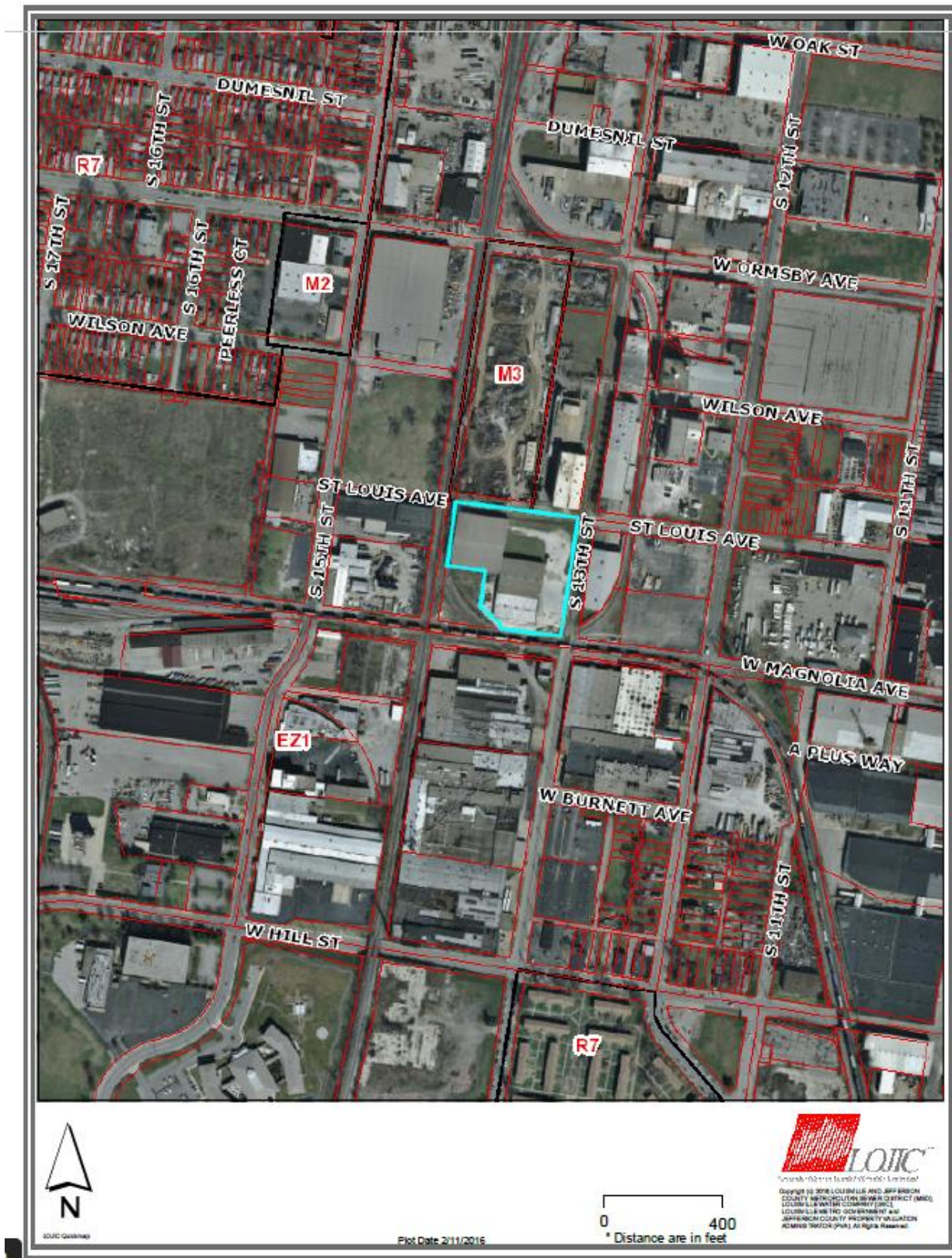
## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Partial Sidewalk

1. **Zoning Map**



**2.**





3. Partial Sidewalk

