

Development Review Committee Staff Report

Jan. 4, 2017



Case No:	16DEVPLAN1215
Request:	To waive the sidewalk requirement for total frontage along Westport Road.
Project Name:	Conagra
Location:	12650 Westport Road
Acreage:	43.90950
Owner:	McDonald Reed – Conagra Foods
Applicant:	Troy Wilhelm – Conagra Foods
Representative:	Troy Wilhelm – Conagra Foods
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Ross Allen – Planner I

REQUEST

- Sidewalk Waiver: from LDC section 5.8.1.B.1 and 2 to not provide a sidewalk for the total frontage along Westport Road.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Conagra Foods is proposing to construct a 10,600 sf. addition onto the 189,242 sf. building located at 12650 Westport Road. The addition will allow for the installation of two replacement spiral freezers and the construction of a detached 2,338 sf. addition for the installation of supporting utilities. The old existing spiral freezers could not be replaced at their current location due to the excessive shutdown time required and the negative impact on production levels. The two buildings are connected by an overhead utility bridge. The utility building is being positioned so that when future production lines, currently being considered, are constructed and operational, the “utility” building will still be able to access an exterior wall without having to be relocated and the utility bridge is at an elevation so that future production area construction can be accomplished without any interruption to production operations.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Industry	PEC	Suburban Workplace
Proposed	Industry	PEC	Suburban Workplace
Surrounding Properties			
North	Industry	PEC	Suburban Workplace
South	Commercial	PEC	Suburban Workplace
East	Residential Single Family	R-5	Neighborhood
West	Industry/ Commercial	PEC	Suburban Workplace

PREVIOUS CASES ON SITE

No previous cases on the subject site.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (2004)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B.1 and 2 to not provide a sidewalk (beginning at the northeastern parcel edge and running southeast for approximately 541 linear feet) along the entire frontage of 12650 Westport Road:

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant is seeking a partial sidewalk waiver to match the 5% expansion of the building landscaping along a portion of the applicants Westport Road frontage would be removed to allow the construction of sidewalks. The intent of the landscaping is to screen the VUA of the applicant's site.

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

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 for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. However, the applicant is seeking a partial sidewalk waiver to match the 5% expansion of the building. There is currently a sidewalk across (east) of Westport Road that pedestrians would be able to utilize for normal pedestrian traffic by the residential community. There are currently no adjoining properties on the south side of Westport Road with sidewalks in place along their frontage and all properties are of an industrial land use. Last, there are semi-trucks which enter and exit this site.

- (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 since no adjacent property is impacted by the lack of a sidewalk for the entirety of the Westport Road frontage. No adjacent sidewalks to the north or south of the Conagra site (12650 Westport Rd.) are present. The existing sidewalk found north of the subject site is existing and would allow the movement of pedestrians without risk to safety since many heavy trucks enter and exit the subject site.

- (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 applied for the partial sidewalk waiver due to the fact of the small 5% addition to the building which is located at the rear of the existing structure and will have no additional pedestrian traffic. The tree canopy along Westport Rd. the removal of the existing landscaping would require additional funding from the corporate office for the survey, construction, and earthwork.

TECHNICAL REVIEW

- No agency comments.

STAFF CONCLUSIONS

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 standards for granting the LDC Landscape Waiver from section 5.8.1.B.1 and 2 to not provide a sidewalk for the entire frontage along Westport Road.

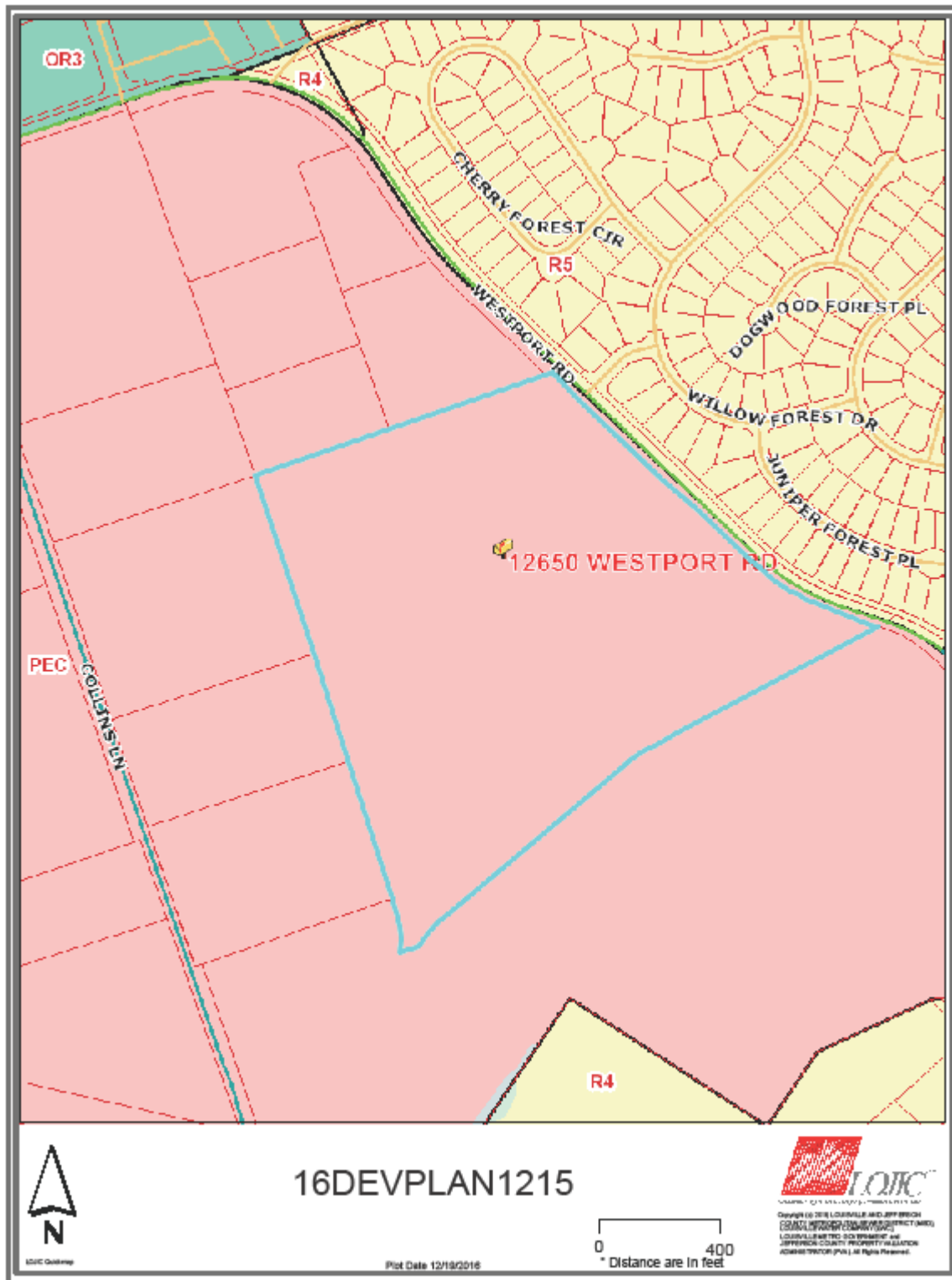
NOTIFICATION

Date	Purpose of Notice	Recipients
Dec. 23, 2016	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 17 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

