

Development Review Committee

Staff Report

Jan. 18, 2017



Case No:	16DEVPLAN1221
Request:	Landscape and Sidewalk waiver.
Project Name:	Beneke Storage Building 2016
Location:	5540 National Turnpike
Area:	12.67590 acres
Owner:	Steve Beneke – Beneke Wire/Saranac Realty
Applicant:	Dwayne Young – Beneke Wire
Representative:	Dwayne Young – Beneke Wire
Jurisdiction:	Louisville Mero
Council District:	13 – Vicki Aubrey Welch AND 21 – Dan Johnson
Case Manager:	Ross Allen – Planner I

REQUEST

- **WAIVER #1:** from LDC section 5.5.4.B.1 to not provide the 6 foot berm along the southern property line for approximately 695.02 feet.
- **WAIVER #2:** from LDC section 5.8.1.B to not provide a sidewalk in the public right of way along Gerber Ave. for a length of 375.74 linear feet.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to build a small detached 6,000 sf. addition (60' x 100') and stand 18 feet in height found at the rear of the existing 215,606 sf. one story M-2 zoned parcel within a Suburban Workplace Form District. The proposed addition will be located approximately 60.4 feet from the eastern property line and 50 feet from the rear property line, being located in the southeastern portion of the parcel and will not have plumbing or utilities run to the structure. Beneke Wire is constructing the 6,000 sf. building as an intermediary site for transporting finished products of aluminum wire and rods. The subject site has a frontage/north along National Turnpike, bounded on the east by the Louisville/Nashville Railroad line, bounded by the Kenwood Terrace Section 2 subdivision on the south/rear, and Gerber Ave., a dead end road, to the west.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Industrial	M-2	Suburban Workplace
Proposed	Industrial	M-2	Suburban Workplace
<i>Surrounding Properties</i>			
North	Commercial/Industrial	C-2/M-2	Suburban Workplace
South	Single Family Residential/Industrial	R-5/M-2	Neighborhood/ Suburban Workplace
East	Commercial/Industrial	C-1/M-2	Suburban Workplace
West	Single Family Residential/Industrial	R-5/M-2	Neighborhood/ Suburban Workplace

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER: from LDC section 5.5.4.B.1 to not provide a 6 foot berm along the southern property line for an approximate linear length of 695.02 feet (abutting the Kenwood Terrace Subdivision Section 2).

- (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 proposing to screen/plant 14 24" Elm trees along the rear property line and currently has a 6 foot tall fence topped with barbed wire adjacent to the R-5 zoned properties as found in the Kenwood Terrace Subdivision Section 2).

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

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 since the applicant is proposing to plant 14, 24 inch Elm Trees along the rear property line to screen the R-5 zoned properties from the applicants proposed 6,000 sf. addition. The existing chain link fence has existing brush growth along 60% of the length of the fence and existing trees are present acting as a natural screen from the residential properties, this may not remain after Elm trees are planted along the rear property line.

- (c) The extent of the 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 since the applicant has proposed to screen the adjacent residential (R-5) properties with 14, 24 inch Elm trees along the southern property line and also retaining a 6 foot tall chain link fence topped with barbed wire.

- (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 since the southeastern portion of the property as found at the rear is more spacious allowing for the construction of the proposed 6,000 sf. structure being outside of the 50 foot landscape buffer. The subject site has the main building, 215,606 sf. which occupies approximately 36% of the total parcel area, having parking in various locations around the main building. As a result of the proposed addition some parking will be lost in the rear. Last, the proposed location of the detached 6,000 sf. addition allows for the LBA setback to be met and minimizes impact to the potential loss of permeable surfaces.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B.
to not provide a sidewalk along Gerber Ave. for 375.74 linear feet:**

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

STAFF: The waiver will not adversely affect adjacent property owners since Gerber Avenue is approximately 627.48 feet from the intersection with National Turnpike. Gerber Avenue dead ends approximately 87 feet (there is a break in pavement between the two roads although names are the same for both road segments) from Gerber Ave. as found in the Kenwood Terrace Section 2 Subdivision and the northern portion of Gerber Ave. as found along the western property line of the subject site. The section of Gerber Ave. found adjacent to the subject site is surrounded by chain linked fenced industrial properties, dead ending 87 feet from the Kenwood Terrace Subdivision Section 2 and companies located along the western side of Gerber Ave. have ingress/egress. The subject site has access directly to and from National Turnpike. Sidewalks are not present on either side of Gerber Ave. and the subdivision is cut off from the northern segment of Gerber Ave. by a fence with signage posted, please see the photos submitted by the applicant. Properties on the southern segment of Gerber Ave. have no access to the northern portion, intersecting with National Turnpike, limiting the movement of pedestrians or vehicles from the subdivision to/from National Turnpike.

- (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. The lack of connectivity between the northern and southern segments of Gerber Ave. and the chain link fence separating the segments of Gerber Ave. restrict the movement of vehicular and pedestrian traffic to and from National Turnpike.

- (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 the lack of connectivity between the northern and southern segments of Gerber Ave. and the chain link fence separating the segments of Gerber Ave. restrict the movement of vehicular and pedestrian traffic to and from National Turnpike.

- (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 since the parcel is consumed by the primary structure by approximately 36% and the applicant is willing to plant as required by the LDC 14 Type A trees (Elms) for the 695 linear feet along the southern property line. The applicant had stated in an e-mail that the expansion allows for the needs of a growing business (please see e-mail from Mr. Dwayne Young, 12/29/2016 in the packet for DRC).

TECHNICAL REVIEW

Transportation planning made the following comment regarding WAIVER #2: "Gerber Ave is a dead end road, approximately 700' in length and has no sidewalks on either side. There are sidewalks on National Turnpike and a transit route #4. Sidewalks are constructible." (e-mail on 12/29/2016, Tammy Markert).

STAFF CONCLUSIONS

The proposed waiver does appear to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC section 5.5.4.B.1 for a waiver (#1) to not provide a 6 foot landscape buffer area berm AND a waiver (#2) from LDC section 5.8.1.B to not provide a sidewalk in the public right of way along Gerber Ave.

REQUIRED ACTION

- **APPROVE** or **DENY** the waiver #1 of LDC section 5.5.4.B.1 AND waiver #2 of LDC section 5.8.1.B

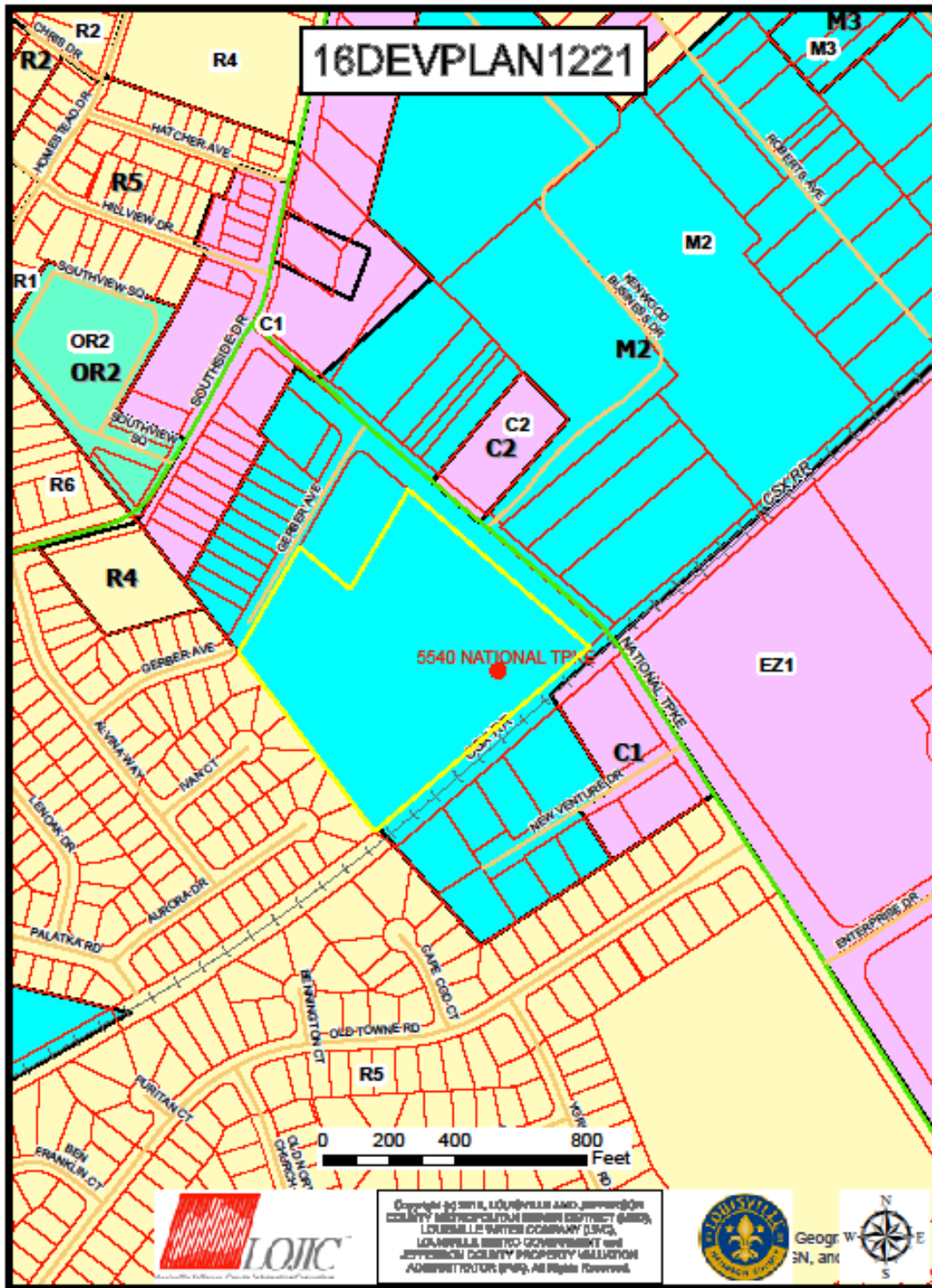
NOTIFICATION

Date	Purpose of Notice	Recipients
November 4, 2016	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 13 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Photo of Gerber Ave. Dead End looking southwest into the Kenwood Terrace Section 2 Subdivision.

1. Zoning Map



2.



3. **Photo of Gerber Ave. Dead End looking southwest into the Kenwood Terrace Section 2 Subdivision.**

