

**Development Review Committee**  
**Staff Report**  
March 1, 2017



|                          |   |
|--------------------------|---|
| <b>Case No:</b>          | 16DEVPLAN1220   |
| <b>Request:</b>          | Waiver from LDC Section 5.6.1.A.1, waiver from LDC Section 5.5.1.3.b, and a waiver from LDC Section 5.5.1.A.1.a |
| <b>Project Name:</b>     | WastePro  |
| <b>Location:</b>         | 800 South 13 <sup>th</sup> Street   |
| <b>Area:</b>             | 1.52690   |
| <b>Zoning:</b>           | EZ-1  |
| <b>Form District:</b>    | Traditional Workplace   |
| <b>Owner:</b>            | Brad Baumert – Waste Pro.   |
| <b>Applicant:</b>        | Bill Schroll – Schroll Land Surveying LLC.  |
| <b>Representative:</b>   | Bill Schroll – Schroll Land Surveying LLC.  |
| <b>Jurisdiction:</b>     | Louisville Mero   |
| <b>Council District:</b> | 6 – David   |
| <b>Case Manager:</b>     | Ross Allen – Planner I  |

**REQUEST**

- **Waiver #1:** from LDC Section 5.6.1.A.1 to waive to not provide animating features along no less than 50% of the length of the façade along the primary street, South 13<sup>th</sup> Street.
- **Waiver #2:** from LDC Section 5.5.1.A.3.b to not provide a vehicular and parking access to the site from the alley along the southern property line.
- **Waiver #3:** from LDC Section 5.5.1.A.1.a to allow the primary building entrance to not face the primary street.

**CASE SUMMARY/SITE CONTEXT**

The applicant is proposing to construct a 7,200 sf. heavy truck repair and storage on a currently vacant parcel zoned EZ-1 within a Traditional Workplace Form District. The applicant will use this building as additional space for their existing repair and storage of heavy trucks. The lot currently has contains a 22,134 sf. asphalt area. The proposed building and vehicular use area/parking will be located on atop a portion of the existing asphalt. The parcel is currently vacant having an existing parking lot of approximately 22,134 sf. in area. The applicant plans to remove the existing asphalt, where the building is to be located, leaving the gravel base and any exposed soil will be 6 inches below pavement. The proposed building will be, approximately 20 feet in height as shown on the elevations, located in the northwestern corner of the lot having three 14 x 14 bay doors, a single standard entry door on the eastern portion of the building, and a double door entry on the western side, all facing the proposed parking area south of the proposed building. The eastern side of the building, facing South 13<sup>th</sup> Street, will have four windows, the western side, facing the railroad tracks will have a solid blank wall.

The site will have approximately 22,134 sf. of impervious surface of which 2,537 sf. will be removed to provide turf along the South 13<sup>th</sup> Street property line abutting the sidewalk and along the southern property line for the duration of the proposed Vehicular use area. The Vehicular use area will have 14 parking spaces with 1 ADA accessible space included and encompass approximately 12,987 sf. with Interior landscape areas totaling 712 sf. The subject site is bounded by a now defunct 50 foot right of way, Maple Street, to the North, South 13<sup>th</sup> Street to the East, a 20 foot wide brick alley to the South and the Louisville and Indiana Railroad tracks to the West. The entire site is surrounded by properties zoned EZ-1 within the Traditional Workplace Form District.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

|                                      | Land Use                            | Zoning | Form District         |
|--------------------------------------|-------------------------------------|--------|-----------------------|
| <b><i>Subject Property</i></b>       |                                     |        |                       |
| <b>Existing</b>                      | Vacant                              | EZ-1   | Traditional Workplace |
| <b>Proposed</b>                      | Commercial-Truck Repair and Storage | EZ-1   | Traditional Workplace |
| <b><i>Surrounding Properties</i></b> |                                     |        |                       |
| <b>North</b>                         | Commercial/Vacant                   | EZ-1   | Traditional Workplace |
| <b>South</b>                         | Industrial/Vacant                   | EZ-1   | Traditional Workplace |
| <b>East</b>                          | Industrial                          | EZ-1   | Traditional Workplace |
| <b>West</b>                          | Industrial                          | EZ-1   | Traditional Workplace |

### PREVIOUS CASES ON SITE

No previous cases are associated with the subject site.

### INTERESTED PARTY COMMENTS

No interested party comments have been received by staff to date.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.6.1.A.1 to waive to not provide animating features along no less than 50% of the length of the façade along the primary street, South 13<sup>th</sup> Street:**

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

STAFF: The requested waiver will not adversely affect adjacent property owners because the street has predominantly industrial and/or commercial uses, MCI Service Parts, an auto body parts supplier to the south, G&K Services, sale and rental of workplace uniforms to the east, the Mammoth Art Space to the North, rental art space and storage, and to the west by the railroad tracks/Graveyard Auto Inc. The Mammoth has the required 50% of the animating features along South 13<sup>th</sup> Street while many other buildings in the general vicinity, at least four do not meet the LDC requirement.

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

STAFF: Guideline 3, Policies 1 and 2 call for the compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of

material, entrances, storefront windows, and other animating features along no less than 50% of the building facing the primary street, South 13<sup>th</sup> Street, which the applicant is placing four windows along the street but the proposed structure faces towards the interior of the site, the Vehicular Use Area, having three 14 x 14 bay doors. The exterior building materials are unknown to staff.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the applicant has provided 40% of the animating features along the primary street. Many structures in the vicinity do not meet the animating feature requirement of LDC with the exception of the Mammoth which sits north of 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 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 because the need to provide 10% more animating features along the primary street would result in the building being situated lengthwise along South 13th Street thus increasing cost. The need to align the proposed structure lengthwise would result in either the offset of the building further back in the lot with bay doors facing the primary street or in the addition of windows and animating features along a side that is currently a blank wall which faces the railroad tracks further increasing the applicant's cost.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section  
5.5.1.A.3.b to not provide a vehicular and parking access to the site from  
the alley along the southern property line:**

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

STAFF: The waiver will not adversely affect adjacent property owners since safe pedestrian access is provided from the public rights-of-way to the building entrance, an existing curb cut is present along South 13<sup>th</sup> Street to allow access to the site from the primary road, and the 20 foot wide brick alley as found along the southern property boundary dead ends at the railroad tracks to the west, limiting the turning radius as required by larger trucks for entrance to the subject site. The brick alley as currently is the case has deteriorated and heavy trucks and other vehicles traversing the alley would result in greater deterioration and increased cost to Louisville Metro Government.

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

STAFF: Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The proposed development is actually smaller in scale than many structures in the general vicinity and as stated previously building materials are unknown to staff. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. The proposed structure is within the required height at 20 foot as shown on an elevation and less than 45 feet as stated on the development plan. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users within location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in

and around the site, and to reduce the distance pedestrians and transit users have to travel. The site has sidewalks along the frontage of South 13<sup>th</sup> Street allowing for the movement of pedestrians. The waivers are compatible with the pattern of development within the form district, and there do not appear to be physical restraints preventing compliance with the regulations to be waived. Therefore, the requested waivers will not violate specific guidelines and policies of Cornerstone 2020.

- (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 there are physical restraints, a 20 foot wide brick alley found to the south which would restrict site access based upon the intended land use, preventing compliance with the regulations to be waived. The site currently has a curb cut found along South 13<sup>th</sup> Street and would not restrict the site access by vehicular traffic since the intended use is a Truck repair and storage 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 incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and/or create an unnecessary hardship on the applicant since the proposed development cannot be built on the site while complying with the requirements, access from the 20 foot wide brick alley, requested to be waived. The transportation planning department and public works have commented that alley access is not needed since an existing curb cut is present along South 13<sup>th</sup> Street.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from  
section 5.5.1.A.1.a to allow the primary building entrance to not face  
the primary street:**

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

STAFF: The waiver will not adversely affect adjacent property owners since many of the structures found along South 13<sup>th</sup> Street do not have their building entrances along the primary street. Two exceptions exist in the general vicinity, the Mammoth and G&K Services have their entrances facing the primary street.

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

STAFF: Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The proposed structure is located in an older industrial area and thus the general vicinity is comprised of various design layouts with many of the businesses having entrances off set back from the primary street whereas the applicant is proposing to have their entrance facing south or perpendicular to the primary street with pedestrian access from the public right of way.

- (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 proposed structure is located in an older industrial area and thus the general vicinity is comprised of various design layouts with many of the businesses having entrances off set back from

the primary street whereas the applicant is proposing to have their entrance facing south or perpendicular to the primary street with pedestrian access from the public right of way.

(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 because parking is provide on the south side of the building with the primary entrance facing the vehicular use area. An entrance facing South 13<sup>th</sup> Street would require pedestrians/visitors to the site to access the entrance from the street rather than parking area which is why the applicant has provided pedestrian access to the entrance via a pedestrian access to the entrance from the public right of way.

### TECHNICAL REVIEW

No comments.

### STAFF CONCLUSIONS

- The proposed waivers 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 5.6.1.A.1 to not provide animating features along no less than 50% of the length of the façade along the primary street, South 13<sup>th</sup> Street, a waiver from LDC Section 5.5.1.A.3.b to not provide vehicular and parking access to the site from the alley along the southern property line, and a waiver from LDC Section 5.5.1.A.1.a to allow the primary building entrance to not face the primary street.

### REQUIRED ACTION

- **APPROVE** or **DENY** the waiver of LDC Section 5.6.1.A.1 to waive to not provide animating features along no less than 50% of the length of the façade along the primary street, South 13<sup>th</sup> Street.
- **APPROVE** or **DENY** the waiver of LDC Section 5.5.1.A.3.b to not provide a vehicular and parking access to the site from the alley along the southern property line.
- **APPROVE** or **DENY** the waiver of LDC Section 5.5.1.A.1.a to allow the primary building entrance to not face the primary street.

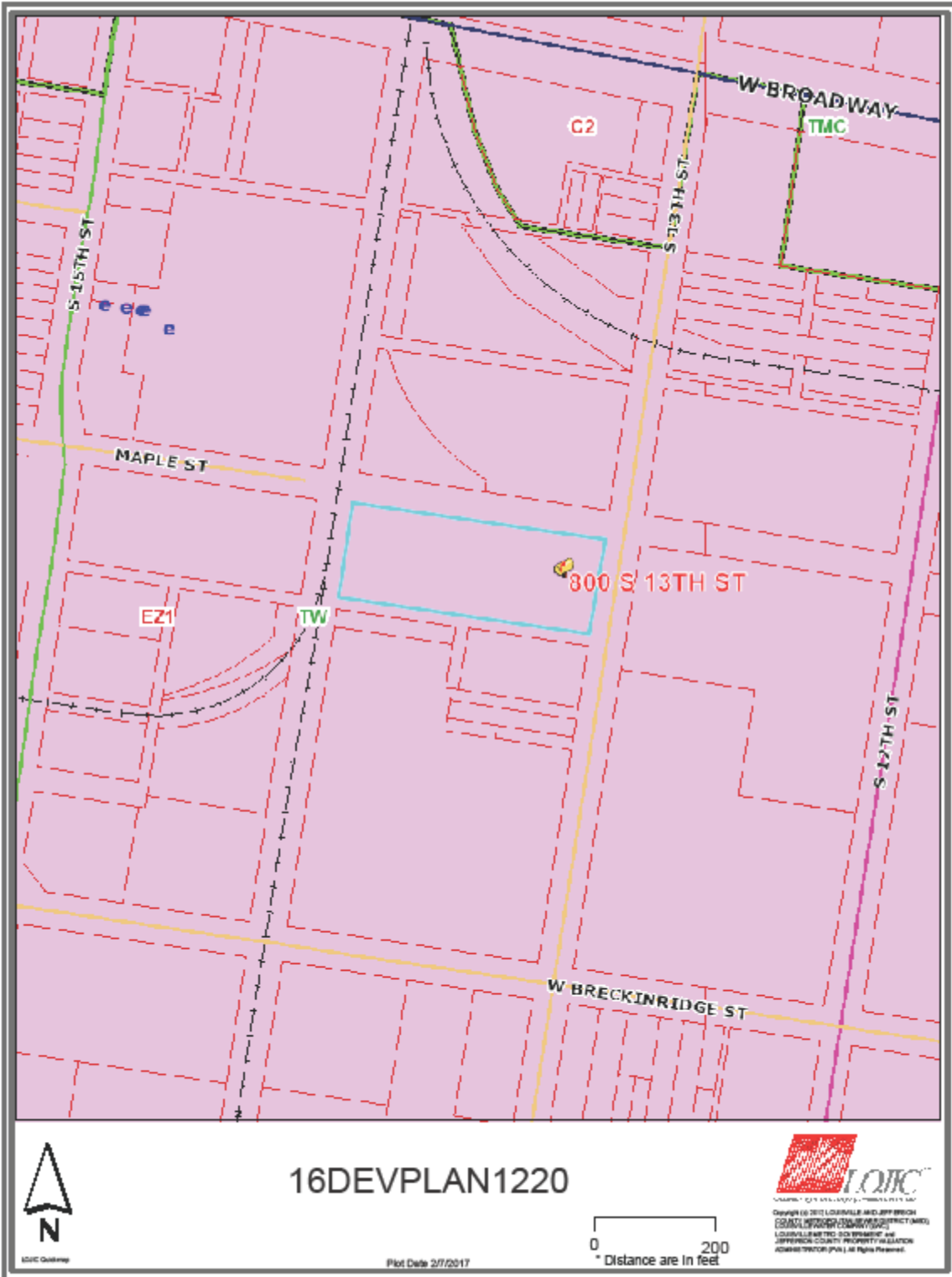
### NOTIFICATION

| Date          | Purpose of Notice  | Recipients  |
|---------------|--------------------|---|
| March 1, 2017 | Hearing before DRC | 1 <sup>st</sup> tier adjoining property owners<br>Subscribers of Council District 6 Notification of Development Proposals |

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1.



2. Aerial Photograph

