

# Development Review Committee

## Staff Report

September 20, 2017



<b>Case No:</b>	17DEVPLAN1109
<b>Project Name:</b>	1032 East Chestnut Street
<b>Location:</b>	1032 East Chestnut Street
<b>Owner(s):</b>	Darren Burrow – DSI Underground Systems Inc.
<b>Applicant:</b>	Doug White – WPC Company Inc.
<b>Representative(s):</b>	Nathan Grimes – Renaissance Design Build Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Ross Allen – Planner I

### **REQUESTS:**

Waivers associated with a Category 2B Development Plan for a proposed office for an existing manufacturing facility located in an EZ-1 Zoning District within a Traditional Neighborhood Form District.

**WAIVER #1:** from LDC Section 5.5.1.A.1.a not to provide a building entrance facing the primary street, East Chestnut Street.

**WAIVER #2:** from LDC Section 5.6.1.A.1 not to provide animating features for 75% of the length of the ground floor level facing East Chestnut Street.

**WAIVER #3:** from LDC Section 5.9.2.A.1.b.i not to provide a clearly defined safe pedestrian access from the adjacent public right of way along East Chestnut Street, through the off-street parking area to a non-residential building entrance.

### **CASE SUMMARY/BACKGROUND**

The proposed 2,950 square foot office building will be located on the southwestern corner of the 3.19 acre parcel on the eastern side of East Chestnut Street. The proposal will match the existing buildings on the property. DSI Underground Systems Inc. is a company that produces heavy duty structural steel for tunnels such as the bridges project and coal mines. They have been at this location since 1985. As stated in the applicant's letter of intent, the proposed building will allow DSI to consolidate all of its offices into one space. Since tractor trailers, fork lifts and other machinery routinely move across the site, safety is a concern for the company. An existing fence surrounds the property with the entrance gate off of East Chestnut Street. There are single family residences across the street within an OR-2 zoning classification which face Wenzel Street and some have backyard privacy fences. East Chestnut Street has a pavement of 4 lanes with sidewalks on both sides, creating a separation. Goodwill Industries of Kentucky is south of the property where donated vehicles are parked. CSX railroad lines are southeast of the site.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Industrial Manufacturing	EZ-1	Traditional Neighborhood
<b>Proposed</b>	Manufacturing with new Office Building	EZ-1	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	EZ-1	Traditional Neighborhood
<b>South</b>	Commercial	EZ-1	Traditional Neighborhood
<b>East</b>	Commercial/CSX Right of Way	EZ-1	Traditional Neighborhood
<b>West</b>	Single Family Residences, Vacant Parcels	OR-2	Traditional Neighborhood

### **STAFF FINDING / RECOMMENDATION**

**WAIVER #1:** from LDC Section 5.5.1.A.1.a to not provide a building entrance facing the primary street, East Chestnut Street.

Staff, based upon the submitted development plan, finds the waiver justifiable for the proposed office building to face northeast, instead of East Chestnut Street. The proposed office building is in close proximity to the only ingress/egress (30 foot in width) directly off of East Chestnut Street. The proposed depth/width of the accessory office building (50 feet) limits parking, outdoor storage, and the mobility of vehicles entering the subject site if, proposed to face East Chestnut Street and having a 50 foot wall façade.

**WAIVER #2:** from LDC Section 5.6.1.A.1 to not provide animating features for 75% of the length of the ground floor level, facing East Chestnut Street. Staff, based upon the submitted development plan, finds the waiver justifiable for the proposed office building to face northeast. The proposed accessory office building is in close proximity to the only ingress/egress (30 foot in width) directly off of East Chestnut Street. The building could be located more (interior) to the east/southeast on the property. The proposed depth/width of the accessory office building (50 feet) limits parking, outdoor storage, and the mobility of vehicles entering the subject site if, proposed to face East Chestnut Street and having a 50 foot wall façade. The wall façade facing East Chestnut Street will have three windows.

**WAIVER #3:** from LDC Section 5.9.2.A.1.b.i to not provide a clearly defined safe pedestrian access from the adjacent public right of way to the proposed building. As mentioned earlier, due to the type of vehicles maneuvering on the property and the type of products, safety is a main concern. Limited pedestrian traffic is desired.

### **TECHNICAL REVIEW**

None

### **INTERESTED PARTY COMMENTS**

Staff has not received any comments from interested parties

## **APPLICABLE PLANS AND POLICIES**

Land Development Code (May 2017)  
Comprehensive Plan (Cornerstone 2020)

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.1.A.1.a. not to provide a building entrance facing the primary street, (East Chestnut Street):**

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

STAFF: The waiver will not adversely affect adjacent property owners since the single family residences across Chestnut Street face Wenzel Avenue and some have backyard privacy fences. East Chestnut Street has 4 lanes with sidewalks on both sides which provides a wide separation. Other commercial/industrial uses surround the remaining sides.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, since the new building will match the existing buildings on site in material and color and be similar in height.

- (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 regulations is the minimum necessary to afford relief to the applicant, due to the location of the existing gate and placement of the existing buildings.

- (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 building design and traffic flow pattern would have to be changed.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.6.1.A.1 not to provide animating features for 75% of the length of the ground floor level, facing East Chestnut Street.**

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

STAFF: The waiver will not adversely affect the adjacent property owners since the most affected will have backyards facing the proposed office and will have the width of East Chestnut Street to provide a separation.

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

STAFF: The waiver will not specific guidelines of Cornerstone 2020, since the building will have 3 windows that face East Chestnut Street which will soften the visual impact of structure.

- (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 3 windows will face East Chestnut Street and the proposal will be similar to existing buildings on the 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, since the design of the building would have to be changed.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.9.2.A.1.b.i. not to provide a clearly defined pedestrian access from the adjacent public right of way to the proposed building.**

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

STAFF: The waiver will not adversely affect adjacent property owners, since existing pavement already exists and the company prefers to limit pedestrian traffic due to the various vehicles and machinery on site for safety concerns.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020, since pavement already exists at the site.

- (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 site has an existing fence around the whole site and a fenced gate, again to keep pedestrian traffic limited to its employees or invited guests.

- (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 create an unnecessary hardship on the applicant, since the defined access might encourage increased pedestrian traffic, which the company tries to limit, due to safety concerns.

**REQUIRED ACTION:**

**Approve/Deny - WAIVER #1:** from LDC Section 5.5.1.A.1.a not to provide a building entrance facing the primary street, East Chestnut Street.

**Approve/Deny - WAIVER #2:** from LDC Section 5.6.1.A.1 not to provide animating features for 75% of the length of the ground floor level, facing East Chestnut Street.

**Approve/Deny – WAIVER #3:** from LDC Section 5.9.2.A.1.b.i to not provide a clearly defined safe pedestrian access from the adjacent public right of way, (East Chestnut Street), through the off-street parking area to a n

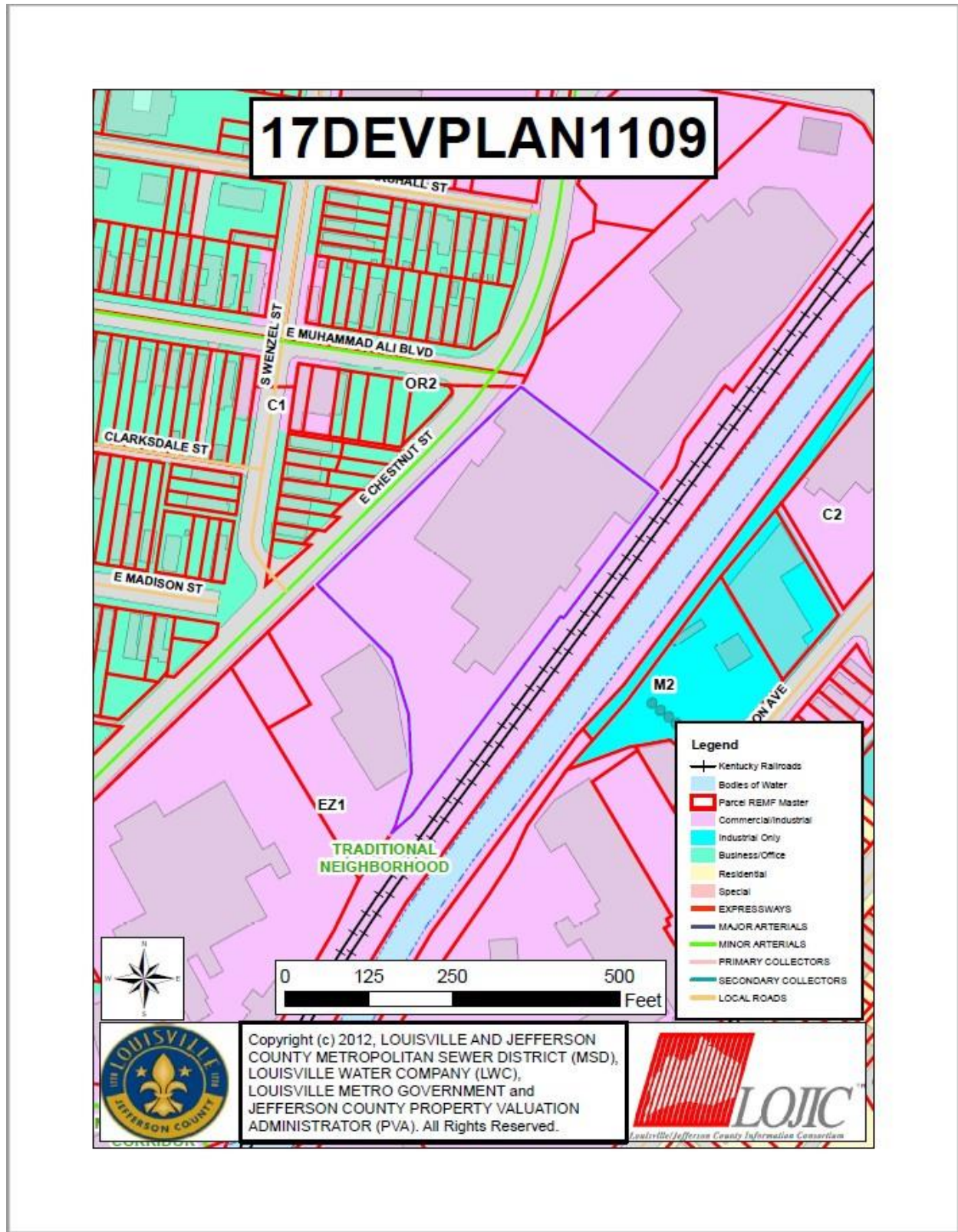
### NOTIFICATION

Date	Purpose of Notice	Recipients
September 7, 2017 September 8, 2017	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals

### ATTACHMENTS

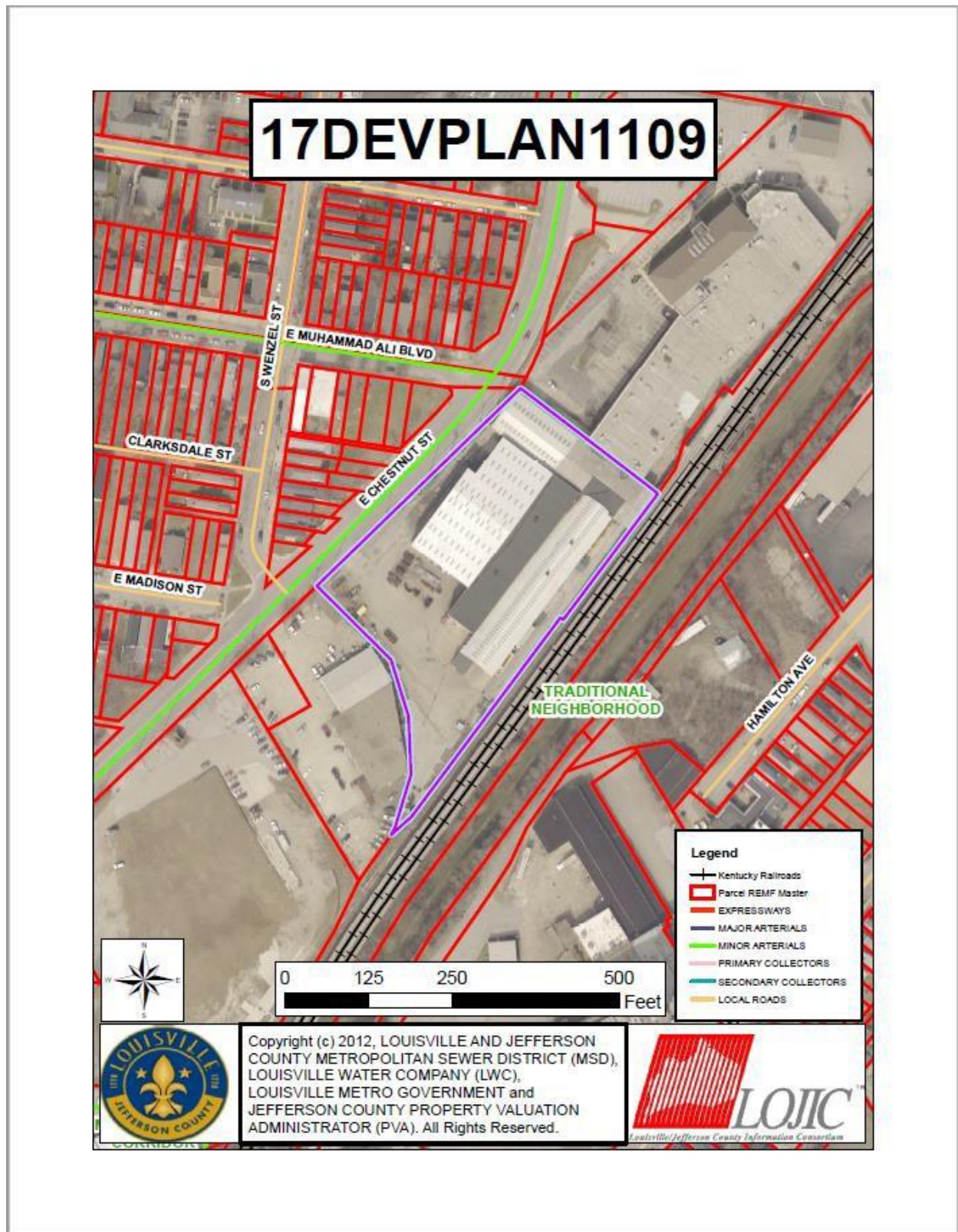
1. Zoning Map
2. Aerial Photograph
3. KY Energy and Environment Cabinet Stream Construction Permit

1. Zoning Map






2. Aerial Photograph



4. KY Energy and Environment Cabinet Stream Construction Permit

MATTHEW G. BEVIN  
GOVERNOR

CHARLES G. SNAVELY  
Secretary



**ENERGY AND ENVIRONMENT CABINET**  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION

300 SUMNER BUILDING  
FRANKFORT, KENTUCKY 40601

**STREAM CONSTRUCTION PERMIT**  
**For Construction In Or Along A Stream**

Issued to: **DSI Underground Systems Inc** Permit expires on: **April 28, 2018**  
Address: **1032 E Chestnut St**  
**Louisville, KY 40204**

Permit No. **26804P** Alt: **119766**

In accordance with KRS 151.250 and KRS 151.260, the Energy and Environment Cabinet approves the application dated April 17, 2017 for construction of an approximately 30' x 50' two story office building in the left descending floodplain of South Fork Beargrass Creek at about stream mile 0.5, with coordinates 38.247602, -85.734231, in Louisville, Jefferson County.

There shall be no deviation from the plans and specifications submitted and hereby approved unless the proposed change shall first have been submitted to and approved in writing by the Cabinet. This approval is subject to the attached limitations. Please read these limitations carefully. If you are unable to adhere to these limitations for any reason, please contact this office prior to construction.

This permit is valid from the standpoint of stream obstruction only. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits or licenses required by this Cabinet and other state, federal and local agencies. Specifically if the project involves work in a stream, such as bank stabilization, dredging, relocation, or in designated wetlands, a 401 Water Quality Certification from the Division of Water will be required.

This permit is nontransferable and is not valid unless actual construction of this authorized work is begun prior to the expiration date noted above. Any violation of the Water Resources Act of 1966 as amended is subject to penalties as set forth in KRS 151.990.

If you have any questions regarding this permit, please call Mr. Jim Dierker at 502-782-7030.

Issued April 28, 2017.

  
Ron Dutta, P.E., Supervisor  
Floodplain Management Section  
Surface Water Permit Branch  
Division of Water

RD/O/kec  
pe: Louisville Regional Office  
Lori Rafferty - Jefferson County Floodplain Coordinator  
Renaissance Design Build, Inc. by e-mail  
Nathan Grimes, P.E. by e-mail  
File

KentuckyUnbrakedSports.com



As Equal Opportunity Employer M/F/D

**RECEIVED**  
**JUN 12 2017**  
**DESIGN SERVICES**