

# Planning Commission

## Staff Report

May 6, 2021



<b>Case No:</b>	21-CAT3-0017/21-WAIVER-0005
<b>Project Name:</b>	Whayne Supply/Boyd Property
<b>Location:</b>	1400 Cecil Ave
<b>Owner(s):</b>	Whayne Supply Co
<b>Applicant:</b>	Hollenbach Oakley
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	1 – Jessica Green
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Waiver** (21-WAIVER-0005) of Land Development Code section 5.5.4.B.1 and 10.2.4 to allow existing structures to encroach into the required 50-foot property perimeter landscape buffer area.
- **Category 3 Development Plan**
- **Review of Outdoor Amenity Area Design standards**
- **Review of 200-foot setback adjacent to residential properties not zoned EZ-1**

### CASE SUMMARY/BACKGROUND

The applicant is proposing to expand an existing large industrial site. The proposal includes a total of 1,619,715 SF of industrial warehouse, heavy truck and equipment related uses and office space on 5 lots and approximately 108.48 acres. The applicant also proposes to construct a private roadway network that would serve the development and connect to Metro stub streets at S 43<sup>rd</sup> St and Cecil Ave, as well as provide expanded access to Southwestern Parkway where a driveway serving the site is located. The subject site is located within the EZ-1 zoning district and the Suburban Workplace form district adjacent to the Chickasaw and Park DuValle neighborhoods of western Louisville Metro. It is bordered to the north by mostly residential development, Interstate 264 to the east, with railroad and other industrial uses to the south and west.

### STAFF FINDING

The subject site has been used as a heavy equipment storage, sales, rental and service facility for years. The expansion of this use is generally appropriate for the area, however the applicant should take all available measures to protect residents to the north of the site from adverse impacts generated by the expansion of heavy industrial uses in this area.

The Planning Commission must determine whether the proposed development will include any uses permitted in the M-2 or above district within 200-feet of residential uses not zoned EZ-1. Per LDC section 2.6.1, uses permitted in the C-2 and M-1 are permitted within 200-feet of residential properties not zoned EZ-1. It appears that all uses in this area are warehousing and office uses per the proposed development plan. Generally, warehouse uses are permitted in M-1 zoning, however the storage of a variety of materials or products may constitute a higher intensity use per the Land Development Code. This setback requirement is applicable to Lot 2 buildings 1, 3, 4, 6 and 7; as well as lot 3 building 1.

The waiver request is adequately justified and meets the standard of review, as the applicant is proposing to remove existing pavement within the buffer area and provide required plantings and screening. Allowing a single structure to remain near the S 43<sup>rd</sup> St entrance to the site is the minimum necessary to afford relief to the applicant. Staff expects the applicant to provide a high degree of landscape design and quality buffering to adequately protect adjacent residents from potential nuisance generated by the subject site.

The design of outdoor amenity areas appears to be adequate based on the example shown and details in the site data of the development plan. Final planting requirements and seating locations for the amenity areas will be shown on the approved Landscape Plans for the development.

The Category 3 Development Plan is generally in order, subject to Planning Commission determinations on the waiver request and interpretation of LDC 2.6.1 as it applies to this site.

### **TECHNICAL REVIEW**

The Metropolitan Sewer District has indicated preliminary approval of the proposed development plan. Transportation Planning Staff recommended that the public roadway network be extended through the subject site and are pending approvals based on Planning Commission review.

Per John Swintosky of Louisville Metro Public Works, the Louisville Loop is expected to pass through the area adjacent to the site and cross the entrance road to the subject site along Southwestern Pkwy.

Per Urban Design staff, multiple potentially historic structures on the subject site may be impacted by this development. Structures over 50 years are subject to the Wrecking Ordinance Section 150.110. If determined eligible for the National Register, there will be a required 30-day hold on the issuance of the permit.

### **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The waiver will not adversely affect adjacent property owners as the structure that is to remain is an existing encroachment that predates this section of the Land Development Code. The applicant will remove significant pavement within the buffer area and add new screening and buffering.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate specific guidelines of the Comprehensive Plan. The Comprehensive Plan requires that adequate screening and buffering are provided between incompatible uses. The applicant will remove significant pavement within the buffer area and add the required new screening and buffering adjacent to the residential properties.

- (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 as all other existing encroachments will be removed and new landscaping and screening will be provided.

- (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 would deprive the applicant of the reasonable use of the land, as the structure to remain is an existing AT&T utility structure. The applicant has agreed to remove other encroachments in the buffer area.

#### **REQUIRED ACTIONS:**

- **Determine** whether any M-2 or higher uses are proposed within 200' of residential properties not zoned EZ-1. If so, **APPROVE** or **DENY** the request to modify the 200-foot EZ-1 setback standards adjacent to residential properties not zoned EZ-1.
- **APPROVE** or **DENY** the Waiver
- **APPROVE** or **DENY** the Design of Outdoor Amenity Area Standards
- **APPROVE** or **DENY** the Category 3 Development Plan

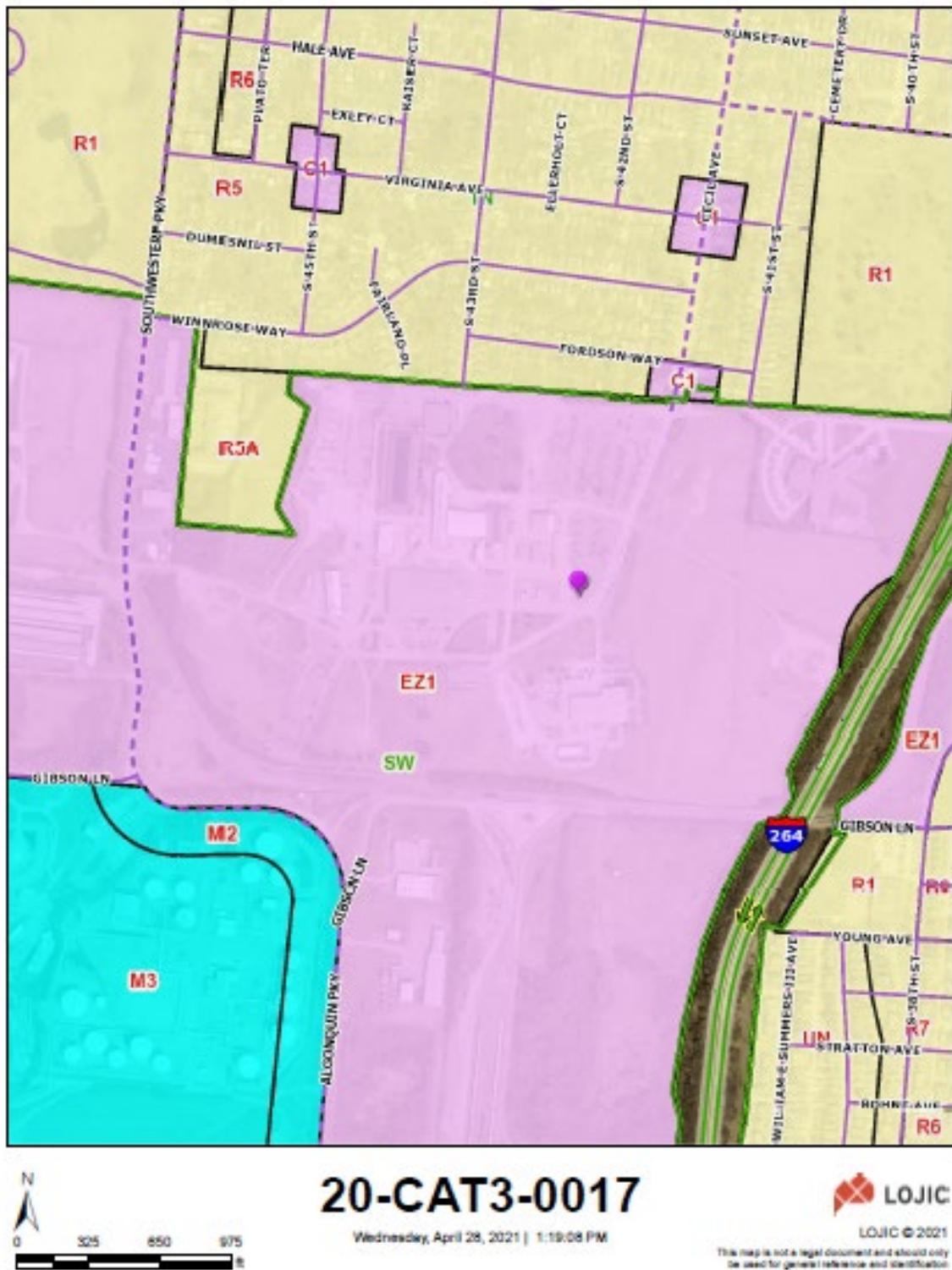
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
4-20-21	Hearing before Planning Commission	1 <sup>st</sup> tier adjoining property owners Owners of residential properties not zoned EZ-1 within 200' of the subject site Registered Neighborhood Groups in Council District 1

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



## 2. Aerial Photograph



**20-CAT3-0017**

Wednesday, April 28, 2021 | 1:17:48 PM



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