

# Development Review Committee

## Staff Report

November 2, 2016



<b>Case No:</b>	16WAIVER1038
<b>Request:</b>	Landscape and Land Development Code Waivers
<b>Project Name:</b>	3117 Preston Hwy Garage
<b>Location:</b>	3117 Preston Hwy
<b>Owner:</b>	Christopher Krawiec
<b>Applicant:</b>	Joe Willis, Blue Grass Garage
<b>Representative:</b>	Joe Willis, Blue Grass Garage
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21- Dan Johnson
<b>Case Manager:</b>	Laura Mattingly, Planner I

### REQUEST

- **Waiver of Section 5.5.1.A.1.a** to allow the proposed building to not face the primary street
- **Waiver of Section 5.5.1.A.3.a** to not provide a 3' masonry, stone, or concrete wall along the frontage adjacent to Preston Hwy.
- **Waiver of Section 10.2.4** to not provide the 15' Landscape Buffer Area (LBA) along the east property line.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to build a 24' x 24' garage on a .087 acres parcel along Preston Hwy, in the Audubon Park neighborhood. This parcel has an existing 24' x 21' garage and provides parking for the abutting parcel to the south, a dentist's office. The addition of this garage triggers the threshold for Part 5 of Chapter 5 of the Land Development Code for non-residential site design standards, which includes the requirement for the building to face the primary street and provide a masonry wall between parking and the adjacent right of way. The applicant is not able to provide either one of these requirements, as they would like the garage to be accessed from the existing parking area and believe the masonry wall will not be appropriate for this site.

Due to the fact that the new and existing garages are on their own lot, the new construction, being over a 50% increase in building footprint, triggered all landscape requirements. While the applicant is able to provide the required tree canopy and Vehicle Use Area LBA, the existing garage encroaches into the 15' required Landscape Buffer Area along the eastern property line, shared with a residential zone.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Garage/Parking	C-1	TMC
<b>Proposed</b>	Garage/Parking	C-1	TMC
<b>Surrounding Properties</b>			
<b>North</b>	Retail	C-1	TMC
<b>South</b>	Office, Single Family Residential	C-1, R-5	TMC, N
<b>East</b>	Single Family Residential	R-5	N
<b>West</b>	Retail	C-1, C-2	TMC

### PREVIOUS CASES ON SITE

None.

### INTERESTED PARTY COMMENTS

None received.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of 5.5.1.A.1.a to allow the building 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 as the orientation of the building has no effect on safety or the character of the neighborhood in this case. The façade facing Preston Hwy has windows and will be designed to fit in with other buildings along Preston.

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

STAFF: Guideline 3, Policy 1 requires new development and redevelopment to be compatible with the scale and site design of nearby existing development and with the pattern of development within the form district. This policy is not violated as this portion of Preston Hwy is mostly populated with one- and two-story commercial structures with a mixture of building material types including brick and concrete. The garage is a small 1-story, concrete block building and will fit in with the character of the corridor.

- (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 as it would not be allowed to add another curb cut and point of access, so the garage must be able to be accessed from the parking area.

- (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 as the garage location would have to be changed to line up with an existing curb cut and would block access to the existing garage and parking.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.5.1.A.3.a** to not provide a 3' masonry, stone or concrete wall along the frontage adjacent to Preston Hwy.

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

STAFF: The waiver will not adversely affect adjacent property owners as the provision of a wall will only be seen from the right-of-way.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. This proposal does not violate these guidelines of Cornerstone 2020 as the applicant will be providing a 3' continuous vegetative screen as is required in the Landscape Buffer Area plantings which meets the intent of the Comprehensive Plan.

- (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 the applicant is willing to provide the required landscape buffer area and plantings.

- (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 and compensate for non-compliance with the requirements to be waived (net beneficial effect) as they are providing a 3' continuous screen in place of the wall.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of Section 10.2.4**  
to not provide the 15' Landscape Buffer Area along the east property line.

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

STAFF: The waiver will not adversely affect adjacent property owners as the existing encroachment has been in place for several years.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading

and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. This proposal does not violate these guidelines of Cornerstone 2020 as there is an existing 6' fence in place that screens the garage from the abutting 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 the garage is existing and has been in place for at least 10 years.

- (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 as the existing garage would have to be demolished and rebuilt. Aside from the unnecessary costs associated with this, the lot is not large enough to accommodate two garages, which the applicant claims are needed.

### TECHNICAL REVIEW

There are no technical issues at this time.

### STAFF CONCLUSIONS

The requested waivers appear to be adequately justified and meet the standard of review. This is based on the standard of review and staff analysis.

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 Waivers established in the Land Development Code.

### REQUIRED ACTIONS

- **APPROVAL or DENIAL** of the WAIVER of 5.5.1.A.1.a to allow the building to not face the primary street.
- **APPROVAL or DENIAL** of the WAIVER of Section 5.5.1.A.3.a to not provide a 3' masonry, stone or concrete wall along the frontage adjacent to Preston Hwy.
- **APPROVAL or DENIAL** of the WAIVER of Section 10.2.4 to not provide the 15' Landscape Buffer Area along the east property line.

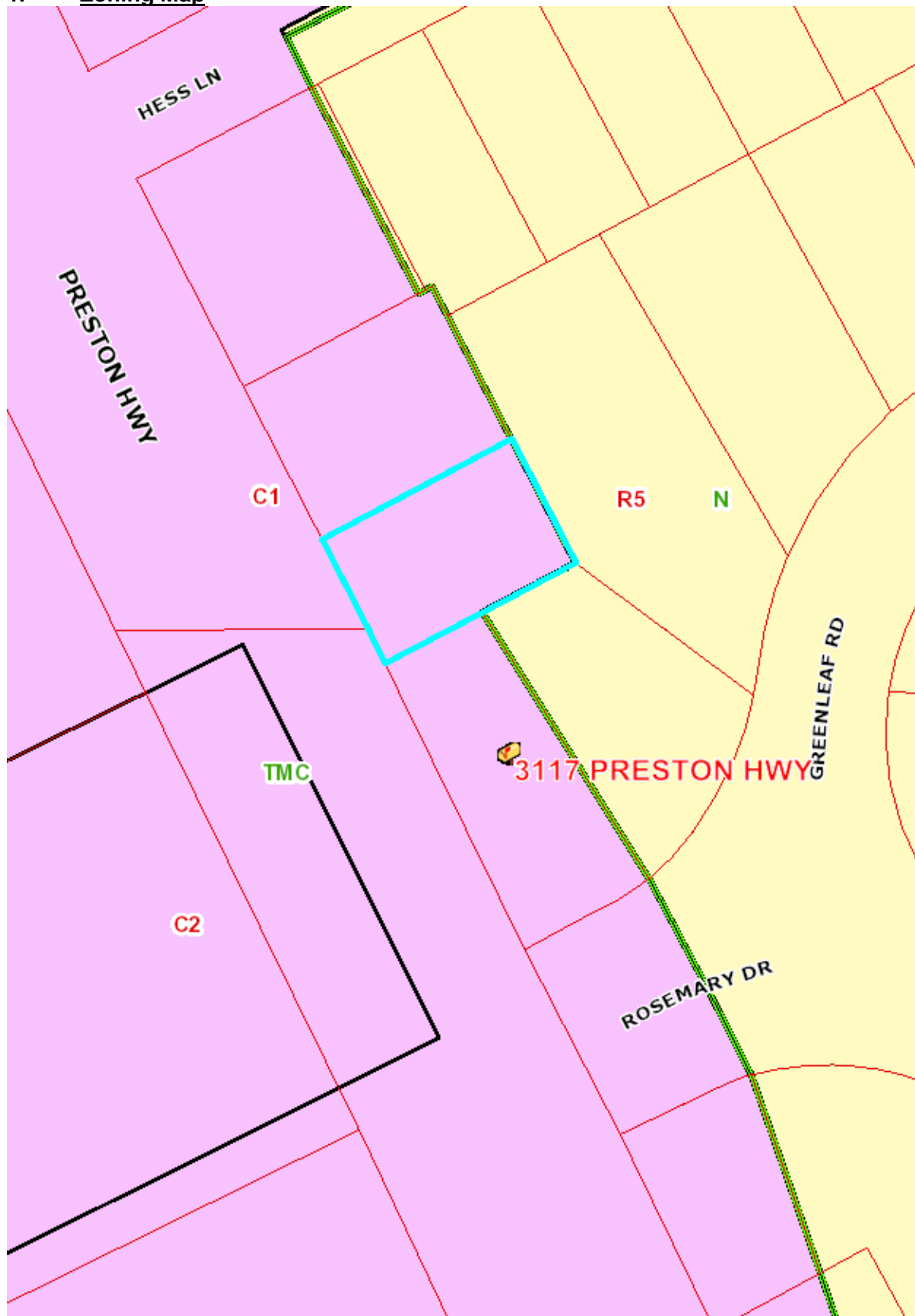
## NOTIFICATION

Date	Purpose of Notice	Recipients
10/18/2016	Public Hearing - DRC	Neighborhood notification recipients
10/20/2016	Public Hearing - DRC	1 <sup>st</sup> tier adjoining property owners

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

