

# Planning Commission

## Staff Report

August 14, 2014



<b>Case No:</b>	14PARK1002
<b>Project Name:</b>	Rosewood Condominium
<b>Location:</b>	1505 Rosewood Ave.
<b>Owner:</b>	Highlands Restoration Group, LLC
<b>Applicant:</b>	Highlands Restoration Group, LLC
<b>Representative:</b>	Bill Bardenwerper
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Tom Owen
<b>Case Manager:</b>	Joe Reverman, AICP, Planning Supervisor

### REQUEST

- Parking Waiver to use on-street parking spaces that are not directly adjacent or abutting the site, and to reduce the minimum number of parking spaces required on the site from 18 spaces to 16 spaces, a waiver of 2 spaces, an 11.1%

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is located on the north side of Rosewood Ave between Baxter Ave and Castlewood Ave. The applicant proposed to construct a 3 dwelling unit structure on the front of the site.

Zoning District: R-7, Multi-Family Residential  
Form District: TN, Traditional Neighborhood  
Use: Multi-Family Residential (Condominiums)  
Existing Dwelling Units: 9  
Proposed Dwelling Units: 3

Minimum Parking Spaces Required: 18  
Parking Spaces Proposed: 16  
Parking Waiver Requested: 2 spaces; 11.1% Waiver and to use on-street spaces not directly adjacent to the site.

This 3 dwelling unit structure was originally proposed in 2005 and was subject of a Board of Zoning Adjustment (BOZA) case for review of a variance and waivers. The structure was not constructed at that time and that area of the lot is still vacant. The applicant now proposes to construct this 3 dwelling unit structure in a similar location on the front of the lot.

A Master Deed was recorded in 2006 that appears to reference the structure subject of this parking waiver request as being proposed. The Master Deed also appears to give the developer rights to construct this structure for a period of 10 years.

Early in 2014, this same developer proposed to construct this building. It was then brought to the attention of staff at Planning & Design Services (PDS) that there were inconsistencies and errors between the BOZA approvals in 2005 and the current proposed structure. In order to remedy the inconsistencies and errors from

the 2005 plan, PDS staff advised the developer to either eliminate any noncompliance of the current plan that did not comply with the Land Development Code and did not receive a waiver or variance in 2005, or to request a new waiver or variance. Subsequently, the applicant revised the proposal to eliminate noncompliant site design issues. However, it resulted with a parking deficiency of 2 spaces. The 2005 proposal included 4 parking spaces in a basement level with vehicular access from Rosewood Ave. The current proposal does not include the basement level parking.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b><i>Subject Property</i></b>			
<b>Existing</b>	Multi-Family Residential	R-7	TN
<b>Proposed</b>	Multi-Family Residential	R-7	TN
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single Family Residential	R-5	TN
<b>South</b>	Single Family Residential	R-4	TN
<b>East</b>	Single Family Residential	R-5	TN
<b>West</b>	Single Family Residential	R-5	TN

**PREVIOUS CASES ON SITE**

B-74-05

Board of Zoning Adjustment case heard on May 15, 2005

- Variance to allow the private yard area between the proposed multi-unit residence and existing/proposed garages to be 3,592 square feet.
- Variance to allow the proposed garages to be located 0 feet from the west side property line.
- Land Development Code Waiver to allow the new structure/garage to have access from Rosewood Avenue.

9-94-69

- Change in Zoning from R-5 to R-7. Public hearing on May 1, 1969 and June 16, 1971.

9-62-67

- Change in Zoning from R-5 to R-7. Denied

**INTERESTED PARTY COMMENTS**

Staff has had ongoing discussions with an owner (Elizabeth Fauxpoint) of one of the existing condominiums on 1505 Rosewood Ave who is opposed to the proposed 3 dwelling unit condominium building and the parking waiver.

Staff has also received emails from 2 residents and/or property owners in the area that are opposed to the parking waiver.

These correspondence are included in the file and have been forwarded to the Planning Commissioners for their review of this case.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

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

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. Parking standards should include the minimum and maximum number of spaces required based on the land use and pattern of development in the area. The subject site is located in an urban neighborhood that has good availability of alternative modes of transportation. The parking study conducted by the applicant indicates an availability of additional on-street parking spaces to accommodate the demand created by the proposed 3 dwelling unit structure. For these reasons, the parking waiver is in compliance with the Comprehensive Plan.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant has provided spaces on the rear of the site in garage spaces. The original structure proposed in this location proposed 4 parking spaces in a basement level with access from Rosewood Ave. A waiver was approved by the Board of Zoning Adjustment to allow the vehicular access from Rosewood Ave. Vehicular access is discouraged from the front of a site in the Traditional Neighborhood Form District when access is provided, or able to be provided from a rear alley. The site currently has access from a rear alley with garage parking spaces. The applicant has chosen to eliminate the vehicular access from Rosewood Ave, which eliminates the 4 parking spaces in the basement level that were previously proposed. However, elimination of the vehicular access allow 2 additional on-street parking spaces to be provided, resulting in a 2 parking space deficiency. For these reasons, the applicant has made a good faith effort to provide as many parking spaces as possible on the site.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The parking study conducted by the applicant indicates that there are sufficient parking spaces on Rosewood Ave available at any given time during the day to accommodate the parking space demand created by the addition of 3 dwelling units on the subject site. For these reasons, and the reasons stated above, the requested parking waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: The parking study conducted by the applicant indicates that there are sufficient parking spaces on Rosewood Ave available at any given time during the day to accommodate the parking space demand created by the addition of 3 dwelling units on the subject site. For these reasons, and the reasons stated above, adjacent or nearby properties will not be adversely affected.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: Because the parking study conducted by the applicant indicates that there are sufficient parking spaces on Rosewood Ave available at any given time during the day to accommodate the parking space demand created by the addition of 3 dwelling units on the subject site, the requirements found in table 9.1.2 of the Land Development Code, which mandate the number of parking spaces required to be provided off-street, do not accurately depict the parking needs of the proposed use, and the requested reduction will accommodate the parking demand to be generated by the proposed use.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand;

STAFF: The parking study conducted by the applicant indicates that there are sufficient parking spaces on Rosewood Ave available at any given time during the day to accommodate the parking space demand created by the addition of 3 dwelling units on the subject site

## TECHNICAL REVIEW

### Land Development Code

#### **9.1.16.A.3 Parking Waivers Provisions**

Parking waiver reductions of 10% or less or five (5) spaces or less (no matter the percentage) shall be reviewed by the Planning Director or designee. Notice shall be sent in accordance with paragraph b below. Based on public comments the director or designee may choose to bring the proposed parking waiver to the Development Review Committee for further review.

Staff noticed this case for a Planning Commission public hearing due to the level of interest and opposition it generated.

#### **9.1.17 Parking Studies**

Parking studies are required any time an applicant requests to provide less parking spaces than required by this part, or when an applicant wishes to use on-street parking spaces that are not directly adjacent to or abutting the development site.

Content of parking studies for space reductions:

- a. An analysis of the peak parking demand for two similar or like facilities in terms of use and size. The analysis should include the facilities' peak parking days of the week and hours of the day, as depicted by a study of the existing parking spaces hourly during the peak hours of usage and hourly four hours before and after that time for each facility. It should also include the number of spaces each facility contains; or
- b. The results of at least three separate site surveys, conducted on different days that depict the usage of the existing parking spaces hourly during the peak hour of usage and hourly four hours before and after that time for a similar or like facility. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day of operation, if one can be determined for the specific use(s); and
- c. Any other information requested by the Planning Director or the agency responsible for approval of off-street parking facilities.
- d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

Content of parking studies parking waivers for use of on-street parking spaces not adjacent to site:

- a. A map depicting the site and all lots, uses, streets, and alleys adjacent to on-street parking spaces proposed to be used to satisfy the minimum parking space requirements of this Part. The map should also depict the on-street parking spaces or public parking lot and should be drawn to scale and include a north arrow; and
- b. The results of at least three separate site surveys, conducted on different days that depict the usage of the existing on-street parking spaces or public parking lot during the peak hour of usage and four hours before and after that time. Site surveys are not needed for any portion of the period four hours before and after the peak hour in which the use is not in operation. One of the days surveyed should be the peak day or busiest day in the vicinity, if one can be determined for the specific use(s); and
- c. Any other information requested by the Planning Director or the Director of Works.
- d. A map showing the location of on-street and off-street parking spaces used in the parking study. The map shall clearly delineate the location and number of spaces used in the study.

Jeff Brown with Louisville Metro Transportation Planning directed the applicant to conduct a parking study with the following guidelines.

Parking space counts on the following days and times in 15-minute intervals with a ratio of vacant to occupied spaces.

Tuesday 6 am to 8 am	Thursday 7 pm to 9 pm
Friday 8 pm to 10 pm	Saturday 2 pm to 4 pm
Sunday 2 pm to 4 pm	

### STAFF CONCLUSIONS

Staff supports the parking waiver request mainly on the merits of the parking study conducted by the applicant. Also, the proposed structure without the vehicular access from Rosewood Ave is preferable. This would be more consistent with the Traditional Neighborhood form district pattern of development and the pattern of development in the area. It would also support safer pedestrian access in the public right-of-way in an urban neighborhood that should promote pedestrian travel.

Based upon the applicant's justification, the applicant's parking study, information in the staff report, and the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the standards for granting a Parking Waiver established in the Land Development Code.

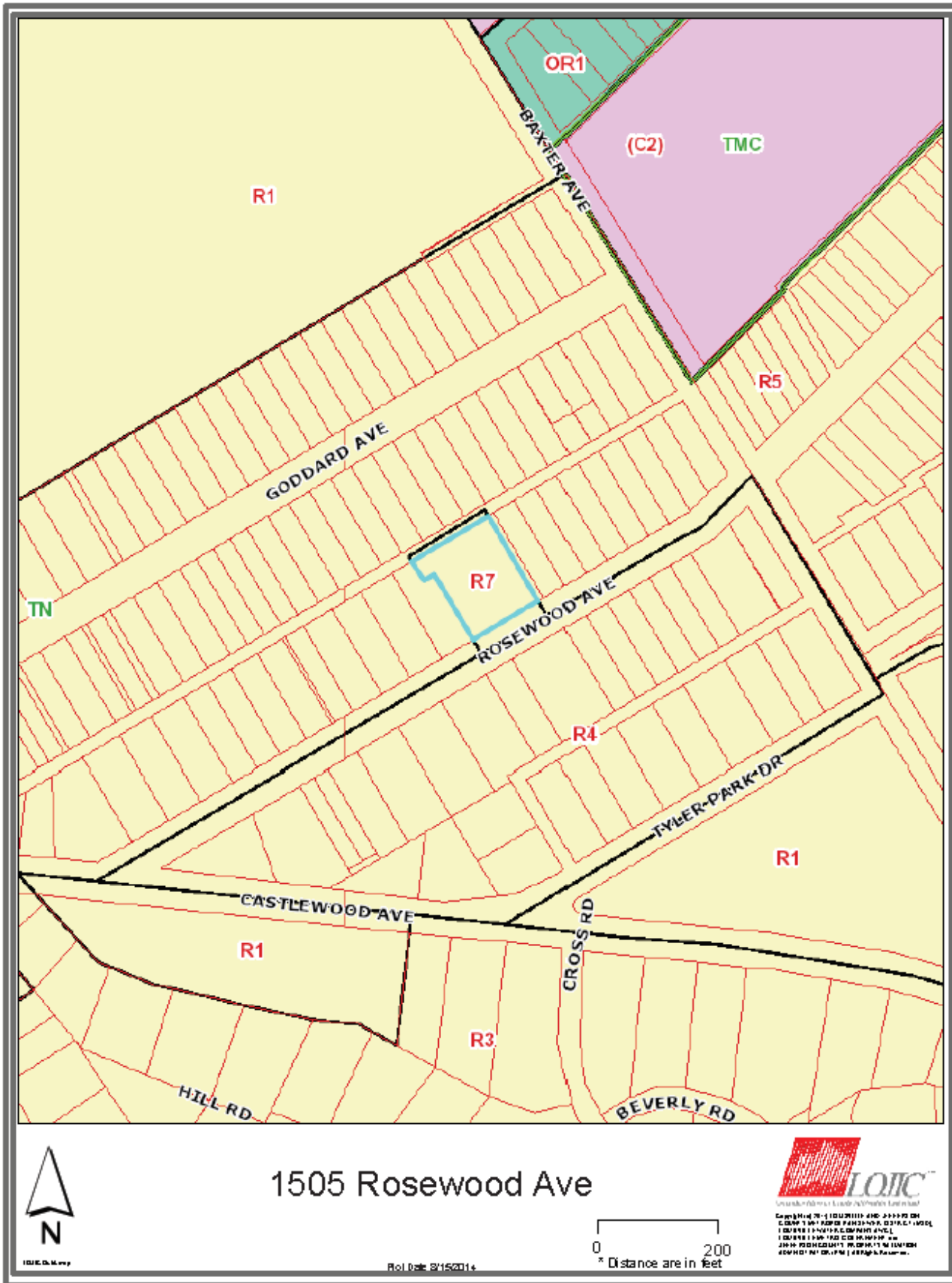
### NOTIFICATION

Date	Purpose of Notice	Recipients
8/7/14	Hearing before the Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Any property owner within 100 feet of any on-street parking space proposed to be used to meet the parking requirements.
8/8/14	Hearing before the Planning Commission	Subscribers of Council District 8 Notification of Development Proposals

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

