

Statement of Compliance

Kowalewski Salon, LLC

10624 Watterson Trail

Rezoning from R-4 to C-1

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Kowalewski Salon, LLC proposes to renovate an existing home and construct parking and buffer areas on the property at 10624 Watterson Trail to convert the home into a beauty salon. The property is located in the Jeffersontown Town Center and is bordered by both residential and commercially used properties. The proposal calls for parking in the rear yard, elimination of one existing access point, the construction of buffer fencing and dedication of right of way sufficient to accommodate streetscape improvements currently planned in Jeffersontown.

Guideline 1—Community Form. The proposed development complies with the intent of the Town Center Form Area. The proposal is appropriately located near the existing commercial heart of Jeffersontown and will dedicate right of way to allow for the streetscape improvements currently being planned by the City of Jeffersontown. The proposal is an infill project that will maintain the residential appearance of the property, making it compatible with the adjacent residential properties to the south of the subject property.

Guideline 2—Centers. The proposed development complies with the intent and applicable Policies of Guideline 2. The proposal is located in the Town Center Form District and is one of few remaining residences along Watterson Trail in the area. Jeffersontown has sufficient population to support the proposed salon, which is a regular need for nearby residents. The proposed use is providing minimal handicapped parking in the front of the structure and parking to the rear behind buffers. The proposal includes right of way dedication that will allow for the eventual placement of wider sidewalks and on-street parking.

Guideline 3—Compatibility. The proposed development complies with the intent and applicable Policies of Guideline 3. The proposal will reuse the existing home on the subject property, renovating it as needed. The proposal will also provide buffers adjacent to nearby residences to shield them from parking. This section of Watterson Trail will eventually turn over to commercial/office uses, and both the use and design proposed are compatible with both the neighborhood and commercial uses nearby. The proposal will not cause noise or odor issues for surrounding properties, nor will it operate late at night. The applicant discussed and agreed on buffers with adjacent residential property owners during the neighborhood meeting.

Guideline 4—Open Space and Guideline 5—Natural Areas and Scenic and Historic Resources. The proposed development complies with the intent and applicable Policies of both of these Guidelines. There is no specific open space requirement for the proposed commercial use. No scenic or historic resources have been identified on the subject property, either.

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Guideline 6—Economic Growth and Sustainability. The proposed development complies with the intent and applicable Policies of Guideline 6. The proposal is an investment in the existing Jeffersontown Town Center and, although not industrial, represents an adaptive reuse of the existing home on the subject property.

Guideline 7—Circulation and Guideline 8—Transportation Facility Design. The proposed development complies with the intent and applicable policies of these Guidelines. The proposed development has been designed to eliminate one of the two existing access points on Watterson Trail and to provide sufficient right of way to allow for streetscape improvements currently being planned by the City of Jeffersontown.

Guideline 9—Bicycle, Pedestrian and Transit. The proposed development complies with the intent and applicable Policies of Guideline 9. The proposal is providing right of way for streetscape improvements that will allow for greater pedestrian access in the area. The proposal is also intensifying commercial development in the Jeffersontown Town Center, making it more likely that people will walk from surrounding neighborhoods to the commercial uses there.

Guideline 10—Flooding and Stormwater and Guideline 11—Water Quality. The proposed development complies with the intent and applicable Policies of these Guidelines. The proposal continues the use of a sinkhole at the rear of the subject property for drainage. The applicant will work with MSD and the City of Jeffersontown to ensure that the sinkhole is sufficient to handle the stormwater generated by the increase in impervious surface on the subject property.

Guideline 12—Air Quality. The proposed development complies with the intent and applicable Policies of Guideline 12. The proposal is a commercial use near the heart of the Jeffersontown Town Center, increasing the likelihood that patrons will visit the Town Center for more than one errand. The proposal also provides right of way sufficient to accommodate the City of Jeffersontown's planned streetscape improvements.

Guideline 13—Landscape Character. The proposed development complies with the intent and applicable Policies of Guideline 13. The proposal includes landscape buffers and fencing that were designed in consultation with surrounding property owners. The applicant is also seeking a waiver to allow for smaller buffer areas in the areas where tall fencing is provided.

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REVISED WAIVER JUSTIFICATION

KOWALEWSKI SALON, LLC

10624 WATTERSON TRAIL

The proposed development will include parking in the rear yard, surrounded by a privacy fence. The applicant discussed the size, material and location of the privacy fence with the owners of adjacent residential property and reached agreement on the plan as shown. The proposal includes a reduction in the 35' required landscape buffer area and privacy fence placed strategically but not on all areas where the LDC requires it.

The proposed waiver will not adversely affect adjacent property owners. The residential properties surrounding the subject property are buffered from the proposed parking area by a large privacy fence and a reduced buffer. Because of the relatively low intensity use proposed for the subject property, the buffer should be adequate to mitigate any noise, light or odor impact caused by the parking area. The areas where no fence is provided are either areas where adjacent owners have requested no fence or where the property is used commercially.

The waiver will not violate the Comprehensive Plan. The Comprehensive Plan encourages adaptive reuse of properties and adequate off street parking for commercial uses. Here, the parking will be buffered by a fence instead of an open area. This allows the subject property, located in the Jeffersontown Town Center, to be reused as a low intensity commercial use.

The extent of the waiver is the minimum necessary to allow for the applicant to provide adequate off street parking and a compressed buffer along the property lines adjacent to the residential properties that surround the rear parking area.

As can be seen by a review of the proposed development plan, enforcing a 35' landscape buffer area on all sides of the subject property would prohibit any commercial redevelopment of it. The subject property is located in the Jeffersontown Town Center and should be reused as an appropriately intense neighborhood serving commercial use like the one proposed.

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Kowalewski Salon, LLC

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Waiver Justification – Section 5.5.1.A.3

To allow one van-accessible parking space in front yard

The proposed waiver will allow for a single van-accessible parking space to be located in front of the proposed salon. The waiver will not adversely affect adjoining property owners as, even with the parking space, the amount of driveway/parking area in the front of the existing home/proposed salon will decrease. Also, allowing the parking space to be located as proposed will provide the most efficient means of access to the salon for those with mobility issues.

The proposed waiver will not violate the Comprehensive Plan. As stated in the justification for the rezoning to allow the proposed salon, the site is being redeveloped and right of way dedicated to allow for streetscape improvements to tie the site into the existing Jeffersontown Gaslight District. The Comprehensive Plan favors this kind of redevelopment of existing structures. In addition to the rezoning justification, the placement of the handicap parking space in the rear of the existing building would necessitate a large ramp in order to allow customers to access the main level of the property.

The extent of the waiver is the minimum necessary to allow the site to be developed. Locating the van-accessible space in front of the building is the most efficient way to allow customers to access the proposed salon. The applicant is only providing this single space in front of the existing structure.

The strict application of the regulation would create substantial harm for the property owner. In order to get salon patrons with mobility issues into the building from the rear of the building would require the construction of a substantial ramp structure. The applicant is removing parking area and driveway area between the existing structure and Watterson Trail, so the site will be more in compliance with the Land Development Code when developed than it is now.

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