

Development Review Committee
Staff Report
September 6, 2017



Case No:	17WAIVER1026
Project Name:	Mike's Carwash
Location:	1323 S Hurstbourne Pkwy
Owner(s):	Dahm Holdings, LLC
Applicant:	Mike's Carwash
Jurisdiction:	Jeffersontown
Council District:	18 – Marilyn Parker
Case Manager:	Jay Lockett – Planner I

REQUEST(S)

- Waiver of Land Development Code (Jeffersontown) section 10.2.9 to encroach into a required Vehicle Use Area Landscape Buffer Area (VUA LBA)
- Waiver of Land Development Code (Jeffersontown) section 10.2.12 to allow river rock to be used as ground covering within a required Vehicle Use Area Internal Landscaped Area (VUA ILA)

CASE SUMMARY/BACKGROUND

The site in question is a carwash that has been taken over by a new operator. They are seeking to reconfigure the site to meet their business concept. Two waivers are being requested to bring existing conditions into compliance with current LDC regulations.

STAFF FINDING

The waivers are adequately justified and meet the standard of review. The waiver of 10.2.9 is for existing conditions. It appears that a previous owner did not construct the site according to previously approved plans, resulting in the current encroachment into the VUA LBA.

TECHNICAL REVIEW

No technical review is associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no interested party comments on this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC (Jeffersontown) Section 10.2.9 to encroach into a required VUA LBA

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

STAFF: The waiver will not adversely affect adjacent property owners since the VUA will still be adequately screened from the adjacent roadway.

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

STAFF: The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. Adequate screening will still be provided onsite.

- (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.

- (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, as it would cause them to have to remove significant pavement and rework the existing circulation of the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of LDC (Jeffersontown) Section 10.2.12 to allow river rock to be used as ground covering within a VUA ILA

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

STAFF: The waiver will not adversely affect adjacent property owners since the VUA ILA requirements will be met, and the rock will be a pervious surface.

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

STAFF: The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. Tree canopy requirements will be met onsite. ILAs will still have required trees with pervious ground cover.

- (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.

- (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 not create an unnecessary hardship on the applicant.

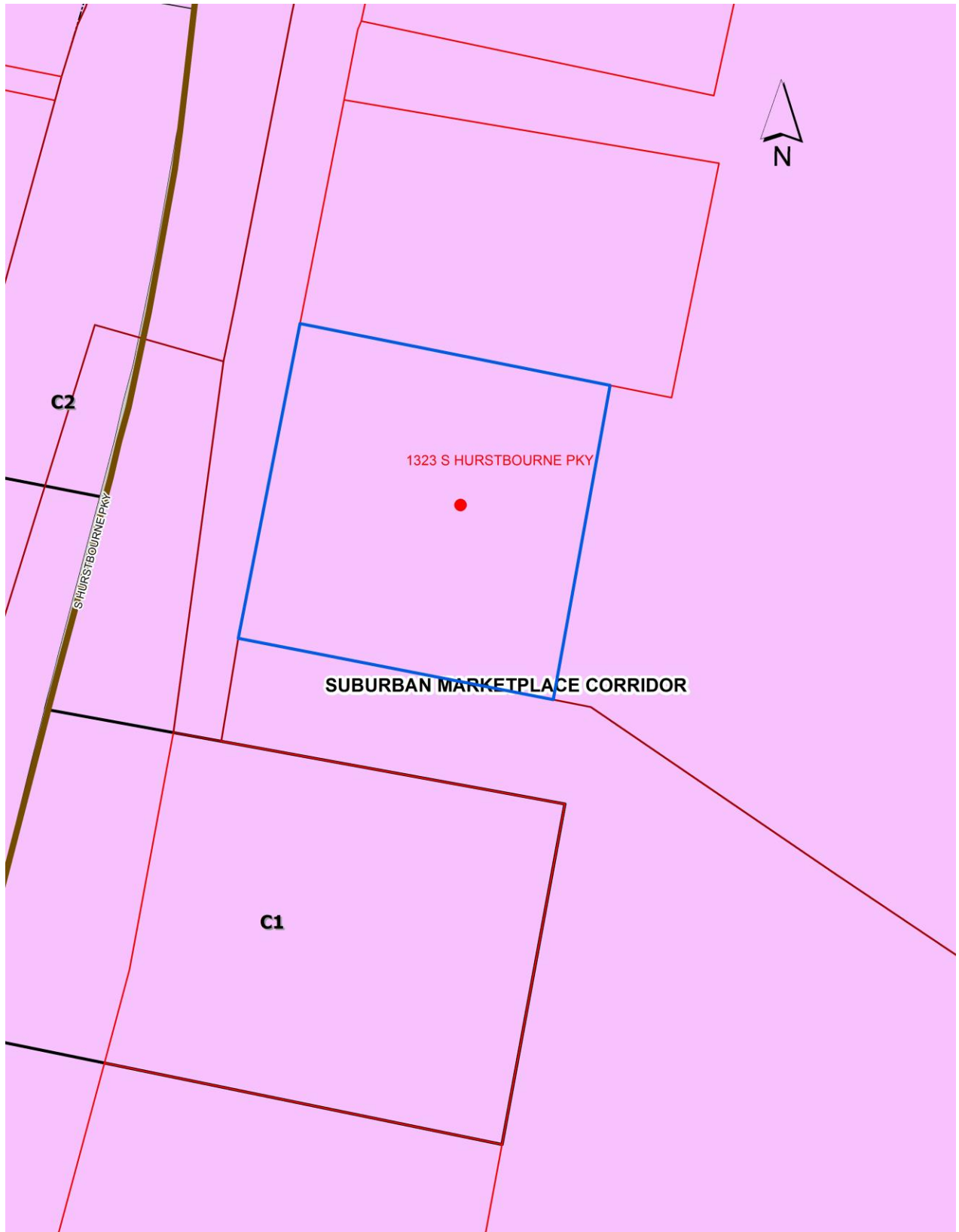
NOTIFICATION

Date	Purpose of Notice	Recipients
8/23/17	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 18

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

