

**Board of Zoning Adjustment
Staff Report**
January 23, 2016



Case No:	16CUP1073 & 16VARIANCE1092
Request:	CUP for off-street parking in an R-7 zone, Variances for parking setback from residential use and building height
Project Name:	Town Place Suites
Location:	10455 & 10201 Champion Farms Drive
Owner:	Stephen E Poe, Springhurst Development, LLC
Applicant:	Valentine Staller, Poe Companies, LLC
Representative:	Glenn Price, Frost Brown Todd, LLC
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Conditional Use Permit request to allow off-street parking in an R-7 zone
- Variance from 5.3.1.C.5 to allow parking to reduce the required 50' non-residential to residential setback
- Variance (16VARIANCE1092) from 5.3.1.C.5 to allow a building height of 62'

Location	Requirement	Request	Variance
North Property Line	50'	2'	48'
Hotel Height	35'	62'	27'

CASE SUMMARY/BACKGROUND

The applicant is proposing a 4-story 82,000 square foot hotel with 157 guest rooms located within the Springhurst Towne Center development. This proposal includes the addition of 85 parking spaces to the north and east of the hotel. The majority of this parking is located in an R-7 zoning classification, requiring a Conditional Use Permit.. The location of this parking area does not allow the required 50' non-residential to residential setback along the property line to the north that is shared with a multi-family development. The proposed building height is 62', exceeding the maximum of 35'. The applicant has applied for relief from these requirements.

SITE CONTEXT

The subject property is located in a Neighborhood Form District. The site is approximately 29 acres in area and will be subdivided prior to building permit issuance into a total of three tracts. The area of the CUP is a part of Tract 3 and is approximately one acre and only includes the parking area to the north of the hotel. The hotel itself is located in a C-1 zone. The other tracts have been previously developed with a hotel and retail buildings. The hotel is located west of Springhurst Blvd, approximately one-half miles west of the Westport Road/Gene Synder exchange in northeastern Louisville The site has frontage on Springhurst Blvd and is accessed by Champion Farms Drive, a private access easement.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Mixed Retail, Commercial, Hotel	C-1, R-7	N
Proposed	Mixed Retail, Commercial, Hotels	C-1, R-7	N
<i>Surrounding Properties</i>			
North	Multi-Family	R-7	N
South	Retail, Restaurant	C-2	RC
East	Retail, Hotel, Restaurant	C-1,C-2	RC
West	Single Family	R-4	N

PREVIOUS CASES ON SITE

- 9-33-02: Change in zoning from R-7, Multi-family residential to C-1 Commercial, containing 27 acres.
- B-112-04: A variance to allow proposed attached signs to exceed the maximum height.
- 10742: Conditional Use Permit to allow a personal care facility (Nursing Home and Homes for the Infirm of Aged) in an R-7 and C-1 zoning districts with a waiver of item A (All buildings shall be located at least 30 feet from any property line.) , variances for the encroachment into the required yards and building height and waivers for landscaping.
- 11064: Revised Detailed District Development Plan to allow a change in the type of permitted uses and Binding Element Modification.
- 11066: Conditional Use Permit to allow off-street parking in an R-7 zoning district with a waiver of the listed requirement C (The minimum front, street side, and side yards required in the district shall be maintained free of parking.) , a variance for the encroachment into the required yards and a waiver for landscaping.
- 18236: Revised Detailed District Development Plan and Binding Element Modification to add 442 sf building addition and to an existing restaurant and a drive thru.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the Comprehensive Plan as adequate parking is being provided for the hotel use and, although the required buffer area is not being provided along the north property line shared with a residential use, the applicant will mitigate with the required screenings and plantings along that property line.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal for the parking to the north of the hotel is compatible with surrounding land uses with respect to scale, intensity, traffic, drainage and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Transportation Planning and the Metropolitan Sewer District have reviewed and approved the plan. The Worthington Fire District did not provide comments on the proposal.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

4.2.39 Off-Street Parking Areas An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements. There are six items and all will be met.

A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

STAFF: The parking is directly behind the hotel it is serving, approximately five feet from the rear of the building.

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

STAFF: A note has been placed on the plan that states that either fencing or landscaping will be provided in order to provide protection for and be in harmony with the adjacent residential property.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

STAFF: This location of the parking is not affected by front or street side setback requirements and there is no side yard setback requirement. There is a 50' residential to non-residential setback on the north property line that the applicant has asked for relief from.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

STAFF: The parking lot is for hotel use only.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

STAFF: The proposal has received preliminary approvals from Transportation and will be required to get full construction approval prior to issuance of building permits.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.

STAFF: Transportation planning has given their preliminary approval on the proposal.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE:
5.3.1.C.5 to allow parking to reduce the required 50' non-residential to
residential setback**

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare as provisions for safe vehicular traffic is being provided for and the applicant is providing landscaping to screen the residential use from any negative impacts the vehicles may have on the residential development.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the general character of the general vicinity as the setback cannot be viewed from any public right of way.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as all required plantings and screening are being provided along the northern side of the property line to screen lights and noise from vehicles.

- d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the parking is needed to meet parking requirement for the hotel use.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does arise from special circumstances as this particular proposal is unusually located within the development and shares a property line with a residential development.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would cause an unnecessary hardship on the applicant as they would not be able to provide the required amount of parking for the hotel use without the parking to the north.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant as the non-residential to residential setback regulation was in place prior to the proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE: 5.3.1.C.5 to allow a building height of 62'

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare as the height of the building will not affect vision clearance for vehicular traffic.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the general character of the general vicinity as the building massing and architectural details are similar to those already developed in this area.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the building height will not block views or natural light from any adjacent property due to the 480' between the proposed hotel and the nearest existing apartment building.

- d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the requested height is similar to other structures within the same and adjoining developments and is a typical design for a hotel.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does arise from special circumstances as hotels are generally multiple stories in order to accommodate an appropriate number of guest rooms without a large building footprint.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would cause an unnecessary hardship on the applicant as the hotel would not be able to offer as many hotel rooms.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant as the building height regulation was in place prior to the proposal.

TECHNICAL REVIEW

- Agency Review Comments have been addressed.
- The Revised Detailed District Development Plan and Waiver for encroachment into the required 25' LBA along the north property line were approved by LD&T on January 12, 2016.

STAFF CONCLUSIONS

The proposal complies with the guidelines of the comprehensive plan and generally complies with the requirements of the Land Development Code.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit with Variances established in the Land Development Code.

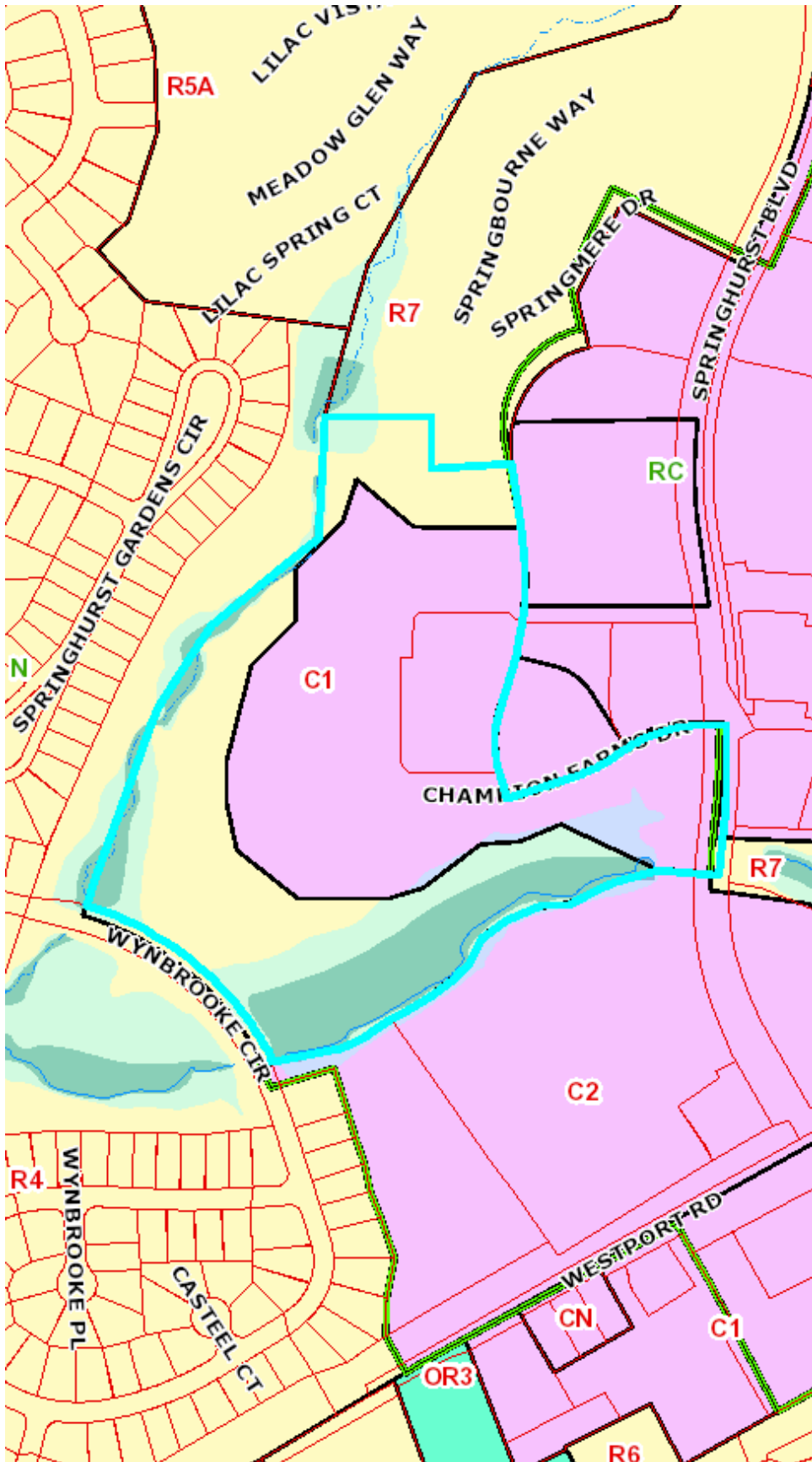
NOTIFICATION

Date	Purpose of Notice	Recipients
1/3/17	BOZA Hearing	Neighborhood notification recipients of Council District 17
1/4/17	BOZA Hearing	1 st and 2 nd Tier APOs
1/10/16	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Comprehensive Plan Checklist
4. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Comprehensive Plan Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	While the parking encroaches into a residential zone, the applicant has agreed to mitigate by providing adequate screening and plantings abutting the multi-family residential development.
2	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	Although the appropriate setbacks and buffers are not being provided, the required plantings and screenings will be put in place along the north property line abutting the multi-family use.
3	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	Although the appropriate setbacks and buffers are not being provided, the required plantings and screenings will be put in place along the north property line abutting the multi-family use.
4	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The setback to the north, while requiring a significant variance, has been mitigated for through the tree plantings and screenings provided.
5	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	Appropriate screening will be in place along the parking to the north to decrease any adverse impacts of the noise and lights from vehicles on the multi-family development to the north.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
6	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	All required Internal Landscape Areas are in compliance with the LDC.
7	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The parking provided meets the parking requirements in the LDC.

4. **Conditions of Approval**

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a day care facility without further review and approval by the Board.
3. Proposal is subject to full construction plans being submitted to the Department of Public Works for traffic and MSD for storm water approvals. Once those have been approved, the plan is subject to Inspections, Permits and Licenses for building/parking permits.