

Development Review Committee

Staff Report

April 6, 2016



Case No:	16WAIVER1001
Project Name:	In Town Suites Retaining Wall
Location:	4604 Wattbourne Lane
Owner:	In Town Suites Hurstbourne Pkwy, LLC
Applicant:	Mark Madison - Milestone Design Group Inc.
Representative:	Mark Madison - Milestone Design Group Inc.
Project Area/Size:	2.25740
Existing Zoning District:	C-2, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Ross Allen, Planner I

REQUEST

- Waiver of Chapter 10.3.5, Table 10.3.1 of the Land Development Code (LDC) to allow a variable height gravity retaining wall to encroach into the South Hurstbourne Parkway buffer setback of 30 feet.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is a plan certain site with Plan Certain # 09-029-88 and is located in Louisville Metro on 4604 Wattbourne Lane located at the corner of South Hurstbourne Parkway and Watterson Trail.

In Town Suites is proposing to construct a new retaining wall in front of a failing retaining wall, which begins 10 feet south of the Northern property line moving in a southerly direction along South Hurstbourne Parkway towards the intersection with Watterson Trail and continuing east along Watterson Trail for a total continuous distance of roughly 419 linear feet. The proposed retaining wall would encroach into the Parkway setback along Hurstbourne Parkway by 8 feet and would encroach into the setback along Watterson Trail by 9 feet.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Extended Stay Living	C-2	Suburban Marketplace Corridor
Proposed	Extended Stay Living		Suburban Marketplace Corridor
Surrounding Properties			
North	Retail	C-2	Suburban Marketplace Corridor
South	Retail; Office	C-1; OR-3	Suburban Marketplace Corridor
East	Storage	C-2	Suburban Marketplace Corridor
West	Restaurants	C-2	Suburban Marketplace Corridor

PREVIOUS CASES ON SITE

09-029-88: Approval of a Detailed District Development Plan for Intown Suites on a 2.25 acre site with C-2 zoning.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or interested party comments to date.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.3.5, Parkway Development Standards, to allow a variable height gravity retaining wall to encroach into the 30 foot setback of a Parkway Buffer along South Hurstbourne Parkway

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

STAFF: The waiver will not adversely affect adjacent property owners since the property sits on the corner of South Hurstbourne Parkway and Watterson Trail. The proposed retaining wall is to be placed in five feet in front of a previously constructed retaining wall which is failing.

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

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 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors. Per guideline 13, policy 7, of cornerstone 2020 any collapse of the existing retaining wall would be contrary to the intent of the policy thus, the applicant by attempting to mitigate the potential failure of the retaining wall would maintain the aesthetic qualities that ensure a quality visual experience along this established corridor.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the potential failure of the existing retaining wall and parking lot would result in the owner constructing a new wall/paving at a later date.

- (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 since a failed wall would adversely pose a visual impact at the intersection of Hurstbourne Parkway/Watterson Trail.

TECHNICAL REVIEW

N/A

STAFF CONCLUSIONS

- The proposed waiver appears to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the waiver.

REQUIRED ACTION

- **APPROVE** or **DENY** the waiver.

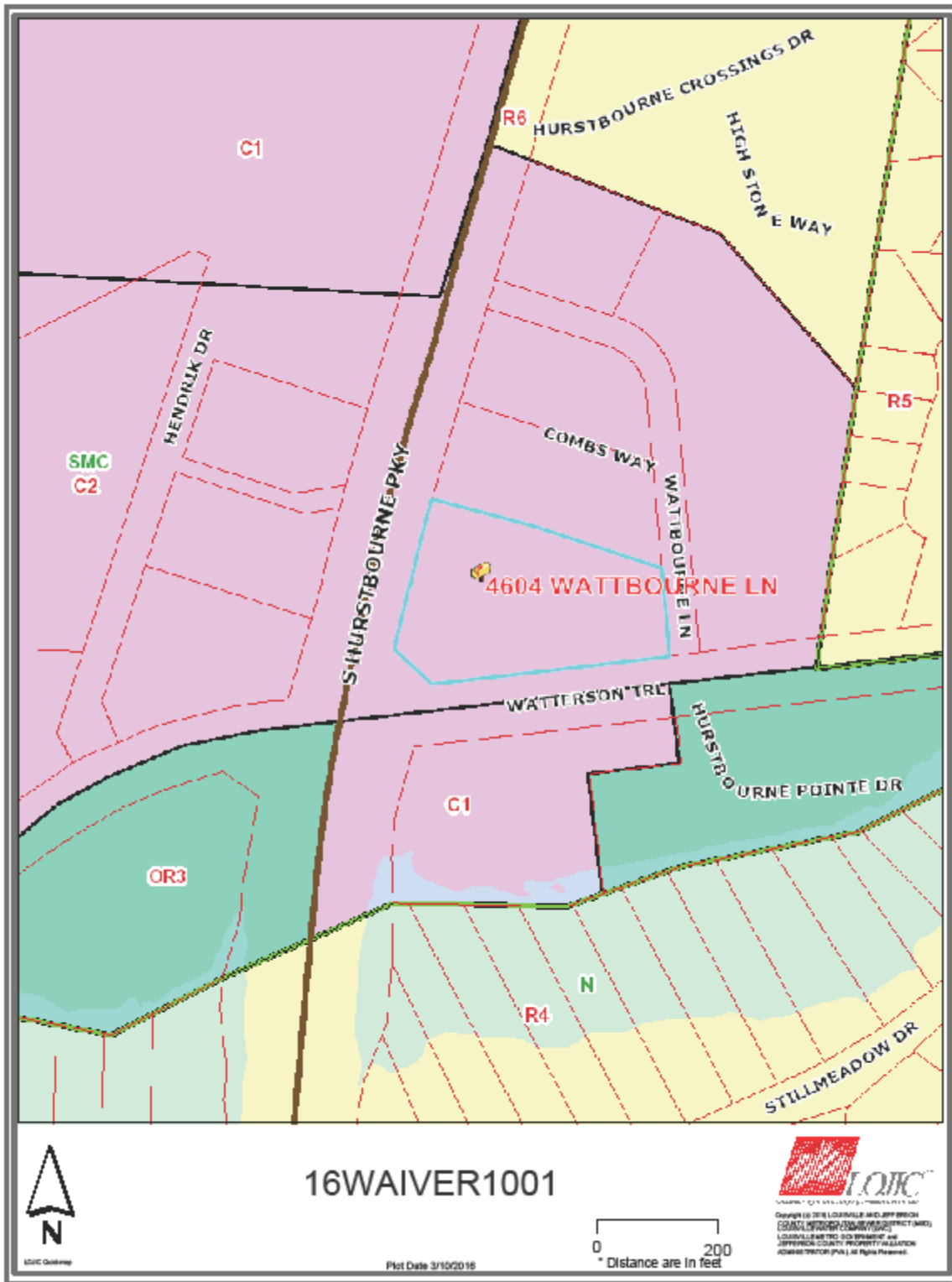
NOTIFICATION

Date	Purpose of Notice	Recipients
3/25/16	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map



2. Aerial Photograph



Site Plan

