

Development Review Committee

Staff Report

June 5, 2019



REQUEST(S)

- **Waivers**

1. Waiver of LDC, section 5.5.1.A.1.a to not orient a customer entrance towards W. Muhammad Ali Blvd.
2. Waiver of Land Development Code (LDC), section 5.5.1.A.3.a to not provide masonry wall along the right-of-way of parking area and permit the existing parking between the building and W. Muhammad Ali Blvd.
3. Waiver of LDC, section 5.9.2.C.4 to allow traffic circulation between the building and W. Muhammad Ali Blvd.
4. Waivers of LDC, section 10.2 to omit the required buffer along the east property line, reduce the size of ILA, and omit the VUA LBA

CASE SUMMARY

A 1,600 sq. ft. expansion to an existing commercial use is proposed. The existing structure is located on a lot which has frontage on Louis Coleman Jr. Drive. Parking facilities are provided on a separate lot with frontage on Louis Coleman Jr. Drive and W. Muhammad Ali Blvd. Current facilities include a drive-through window in the alley and shop entrance oriented towards Louis Coleman Drive. Due to the thresholds for design in the Traditional Neighborhood form, as well as the percentage of expansion several waivers are needed to accommodate existing facilities and improvements to the site.

STAFF FINDING

The waivers and revised plan appear to be adequately justified based on staff's analysis contained in the standard of review.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (1)

LDC, section 5.5.1.A.1.a to not orient a customer entrance towards W. Muhammad Ali Blvd

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

STAFF: The waiver will not adversely affect adjacent property owners as the current orientation of the existing facility is towards Louis Coleman Jr Drive and the orientation will remain towards Louis Coleman Jr Drive.

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

STAFF: Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. The waiver will not violate these policies as the exiting entrance is located towards Louis Coleman Jr. Drive and provisioning for an entrance on the site towards W. Muhammad Ali Blvd poses a potential conflict with the traffic pattern proposed resulting in an unsafe scenario for pedestrians.

- (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 as the building addition brings the building closer to W. Muhammad Ali Blvd while recognizing Louis Coleman Jr Drive as the traditional entrance while also not creating an unsafe situation for traffic circulation and pedestrians.

- (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 regulation would deprive the applicant of the reasonable use of the land as a proposed drive-through window would be in direct conflict with the entrance if required to be placed facing W. Muhammad Ali Blvd.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (2)

LDC, section 5.5.1.A.3.a to not provide masonry wall along the frontage of parking area and permit the existing parking between the building and W. Muhammad Ali Blvd

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

STAFF: The waiver will not adversely affect adjacent property owners as current conditions of the parking lot are absent a masonry wall, the parking facilities currently encroach upon the public right-of-way, and the parking facilities exist and will be improved.

- (b) The waiver will not violate specific guidelines of Plan 2040.

STAFF: Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. The proposed

waiver reduces the likelihood of obstructions or reductions in pedestrian's accessibility along the sidewalk while also allowing for appropriate dimensions for circulation within the parking areas and meeting parking needs. The parking facilities are present and will be improved by this proposal with 4 type-A trees.

- (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 as parking would need to be removed or license agreement secured for construction of the masonry wall and the building would be required to be separated in two. The conditions of the parking lot will be improved as a result of the proposal.

- (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 regulation would deprive the applicant of the reasonable use of the land as provisioning for the masonry wall would result in the removal of parking or potential obstruction of pedestrians within the right-of-way. The parking exists and will be improved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (3)

LDC, section 5.9.2.C.4 to allow traffic circulation between the building and W. Muhammad Ali Blvd

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

STAFF: The waiver will not adversely affect adjacent property owners as the relocation improves safety within a public right-of-way and allows for adequate queuing to be LDC complaint.

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

STAFF: Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. The proposal will not violate these policies as the relocation improves safety within a public right-of-way and allows for adequate queuing to be LDC complaint.

- (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 as safety and congestion within public rights-of-way are being improved.

- (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 regulation would deprive the applicant of the reasonable use of the land as safety and congestion within public rights-of-way are being improved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (4)

Waivers of LDC, section 10.2 to omit the required buffer along the east property line, reduce the size of ILA, and omit the VUA LBA

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

STAFF: The waiver will not adversely affect adjacent property owners as current conditions do not allow for the provision of landscape requirements in their entirety and there is a single resident abutting the site that is currently subject to the existing conditions which will be improved.

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

STAFF: Plan 2040 calls for new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District; appropriate transition between uses that are substantially different in scale and intensity or density of development; parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts; and provisioning transportation services and facilities to promote and accommodate growth and change in activity centers through improved access management. Parking facilities will be improved for the overall benefit of the community as the site currently has no tree canopy coverage and the applicant will be providing 4 type-A trees on site and 1 type-B tree within the right-of-way of Louis Coleman Jr. Drive.

- (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 as current conditions are in conflict with the landscape requirements and the parking facilities will be improved to benefit the community. 4 type-A trees will be placed on site and 1 type-B tree will be placed within the right-of-way of Louis Coleman Jr. Drive.

- (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 regulation would deprive the applicant of the reasonable use of the land as the site is being improved proportionally to the expansion and with consideration of existing conditions.

REQUIRED ACTIONS

- **APPROVE or DENY the following Waivers:**
 1. Waiver of LDC, section 5.5.1.A.1.a to not orient a customer entrance towards W. Muhammad Ali Blvd.
 2. Waiver of Land Development Code (LDC), section 5.5.1.A.3.a to not provide masonry wall along the right-of-way of parking area and permit the existing parking between the building and W. Muhammad Ali Blvd
 3. Waiver of LDC, section 5.9.2.C.4 to allow traffic circulation between the building and W. Muhammad Ali Blvd.
 4. Waivers of LDC, section 10.2 to omit the required buffer along the east property line, reduce the size of ILA, and omit the VUA LBA

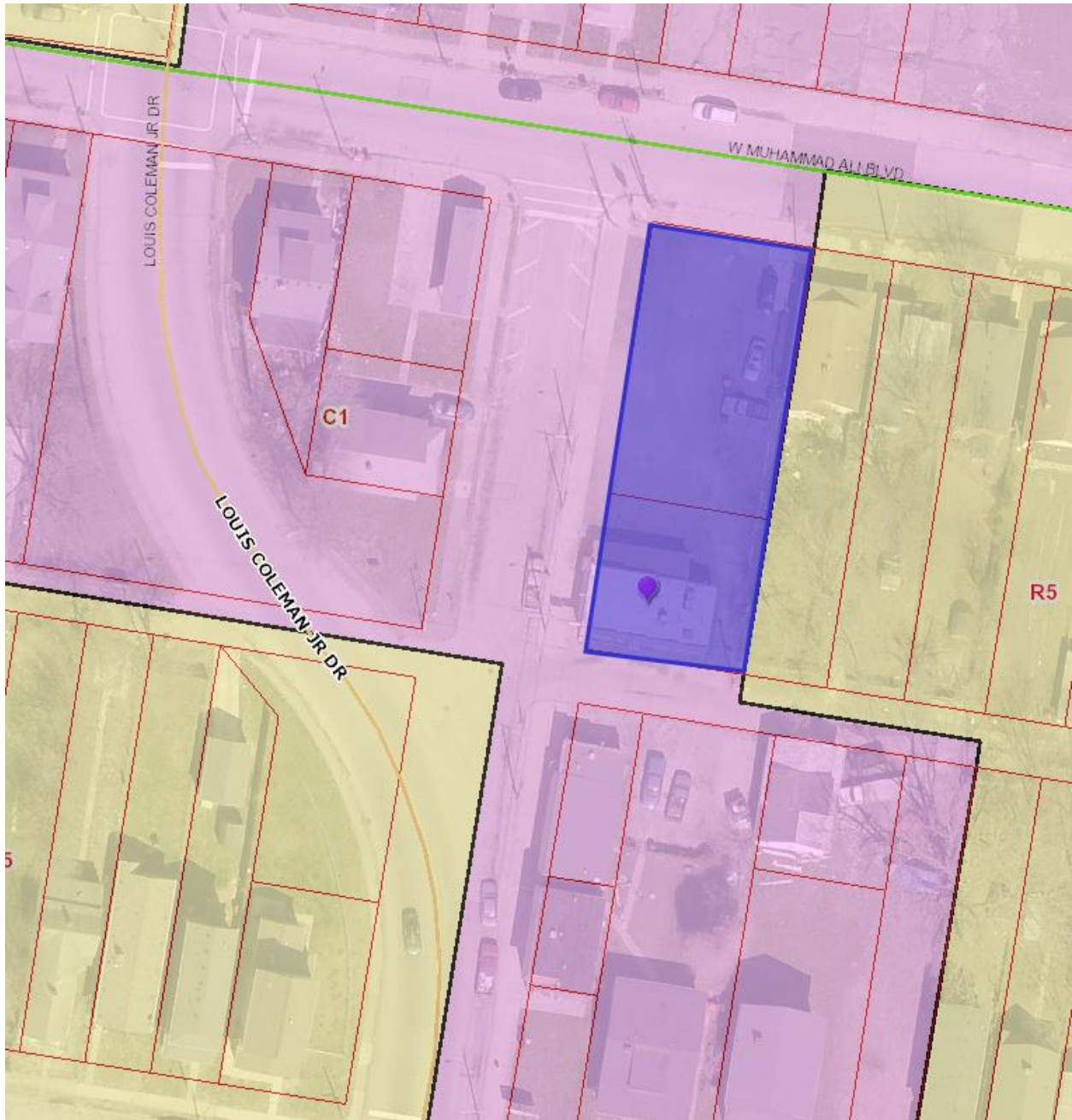
NOTIFICATION

Date	Purpose of Notice	Recipients
5/22/19	Hearing before DRC	1 st tier adjoining property owners. Registered Neighborhood Groups in Council District 5

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

