

Land Development & Transportation Committee

Staff Report

July 28th, 2016



Case No:	16WAIVER1025
Request:	Landscape Waiver
Project Name:	River Breeze South Waiver
Location:	11314 Breeze Circle
Owner:	David Richardson, River Breeze South, LLC
Applicant:	Same
Representative:	Alex Rosenberg, AL Engineering, INC.
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Waiver of Section 10.2.4.B to allow a sewer and drainage easement to encroach into a required Landscape Buffer Area by more than 50%

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site is 6.7 acres and is located southwest of the KY-841/Dixie Hwy exchange in southwest Louisville. It has been approved for an apartment complex under the Category 3 Plan review process. The plan includes a mix of 1, 2 and 3-story apartment buildings with a total of 128 dwelling units and 225 parking spaces. During construction approval, the applicant was required to place a detention basin and MSD drainage easement on the southwest corner of the property, which subsequently will overlap the proposed Landscape Buffer area by 100%.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	N
Proposed	Apartment Complex	C-1	N
Surrounding Properties			
North	Greenbelt Hwy	NA	NA
South	Single Family Residential	R-4	N
East	Greenbelt Ramp/Dixie Hwy	NA	NA
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

13DEVPLAN1038: Category 3 Development Plan for apartment complex. Approved October 3rd, 2013.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER Section 10.2.4.B to allow a sewer and drainage easement to overlap a required LBA by more than 50%

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

STAFF: The waiver will not adversely affect adjacent property owners as the planting and screening requirements will still be met.

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

STAFF: Guideline 3, policy 9 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. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. As the applicant is exceeding the required buffer with planting and screening that will provide a transition to the neighboring residential developments, these policies of Cornerstone 2020 are not violated.

- (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 as the detention basin and easement were required by KYTC and MSD after the Category 3 development plan and construction plans were approved. The applicant had no other options for placement of the basin and easement.

- (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 as the Category

3 Development plan has already been approved and moving the Landscape Buffer Area out of the easement would require plan reconfiguration and re-approval.

TECHNICAL REVIEW

None

STAFF CONCLUSIONS

The Waiver request appears to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development and Transportation Committee must determine if the proposal meets the standards for granting an LDC Waiver established in the Land Development Code.

REQUIRED ACTION

- **APPROVE** or **DENY** the requested waiver of LDC Section 10.2.4.B

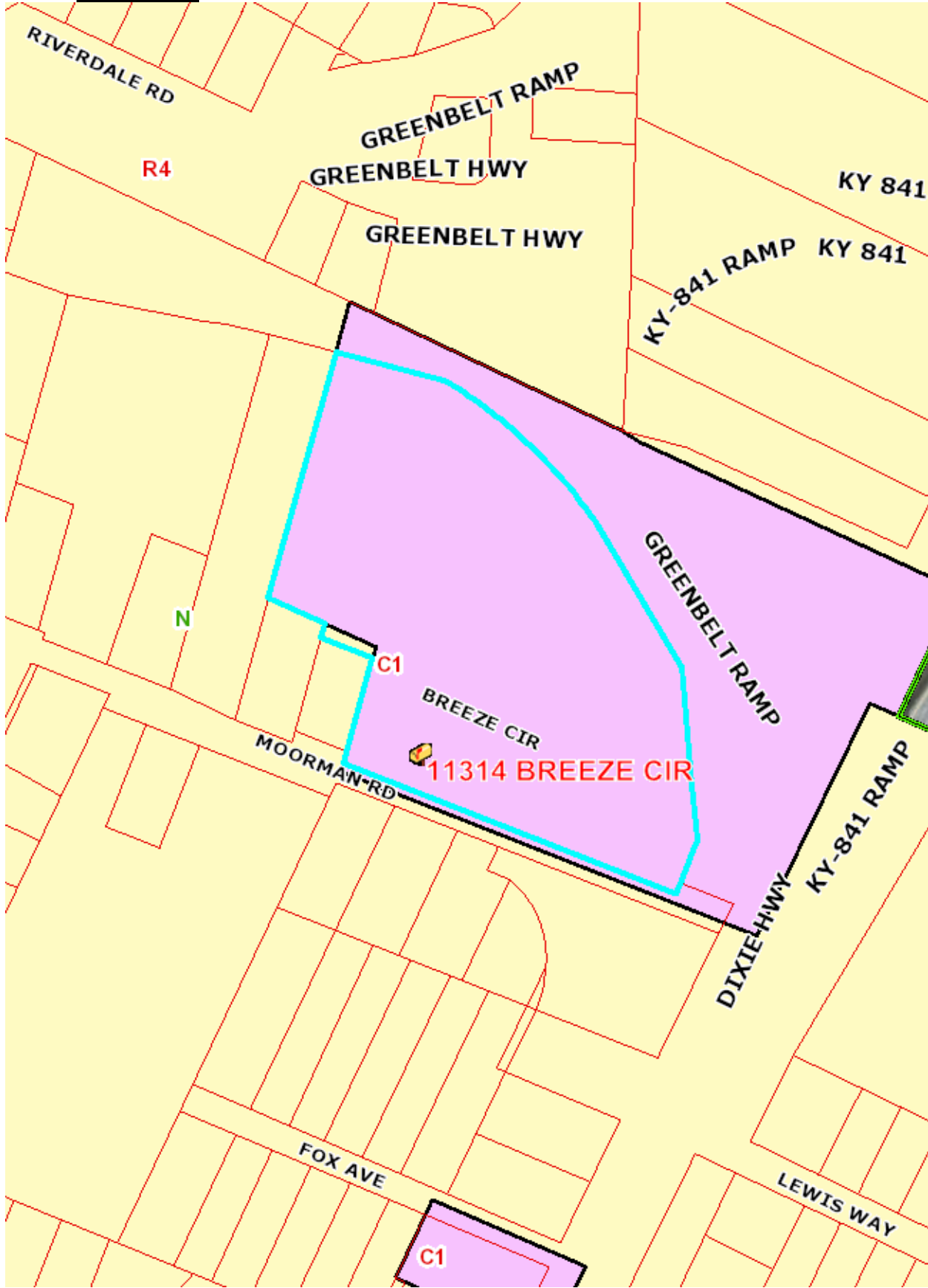
NOTIFICATION

Date	Purpose of Notice	Recipients
7/13/2016	Public Hearing – LD&T	Neighborhood notification recipients
7/13/2016	Public Hearing – LD&T	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

