

Board of Zoning Adjustment Staff Report

May 21, 2018



Case No.	18CUP1026
Project Name	Jen Care Off-Site Parking
Location	714 S. 24th Street
Owner	Land Bank Authority
Applicant	Jen Care Senior Medical Center
Jurisdiction	Louisville Metro
Council District	6 – David James
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

- Conditional Use Permit for Off-Street Parking Area (LDC 4.2.39)
 - Relief from Condition C. to permit parking within the required 3 ft north side yard
- Waiver of required VUA (Vehicle Use Area) LBA on the north property line (LDC 10.2.10.)
- Waiver of required PP (Property Perimeter) LBA on the south property line (LDC 10.2.4.)
- Waiver of required 3 ft high masonry wall (LDC 5.5.1.A.3.a.)

CASE SUMMARY / BACKGROUND

The proposed parking area will serve the staff of a senior medical clinic on an adjoining site at 2406 W. Broadway. The clinic is located to the north across an alley. The proposal consists of 19 pull-in parking spaces to be accessed via the alley.

The site, along with properties to the south and east, is zoned R-6 in a Traditional Neighborhood form district. Properties to the north and west are zoned C-2 in a Traditional Marketplace Corridor form district. All adjoining properties excepting the clinic to the north are in residential use.

Because the parking spaces are pull-in off the alley, it is not possible to provide the VUA LBA along the north property line and a waiver is requested. The site is not wide enough to provide properly-sized parking spaces and also accommodate the PP LBA along the south property line and a waiver is requested. A waiver of a required wall is also requested. The proposal meets all other LBA and landscaping requirements, and the applicant will be providing a 6 ft high wood privacy fence along the property line adjoining the residential use to the south.

STAFF FINDING

The applicant's request meets the standard of review for the requested CUP. The waivers requested are justified based on specific conditions on the site.

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 standards as established by the Land Development Code for modifying the existing Conditional Use Permit.

TECHNICAL REVIEW

No outstanding technical issues remain to be resolved. The applicant will submit a revised plan document to reflect the required changes to the reliefs and waivers for staff review before application for construction permits.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on April 4, 2018. No comments from interested parties have been received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with Comprehensive Plan policies regarding use for off-site parking.

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 and appearance?

STAFF: The proposed parking area is small in scale and will not create significant negative impacts on the general character of the area.

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

STAFF: The proposal will not create substantial additional public facility requirements for the site.

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.

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 proposal meets this requirement.

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

STAFF: The proposal includes a 6 ft high wood privacy fence to be installed at the property line adjoining the residential use. The applicant is providing all required LBAs and plantings at the front and rear of the property.

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

STAFF: The proposal requires a waiver of the north side yard to provide access to the pull-in parking spaces. All other yard requirements are met.

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 area will be used as staff parking for the adjoining senior medical clinic.

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 approval from Transportation Planning and MSD.

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: The proposal has received preliminary approval from Transportation.

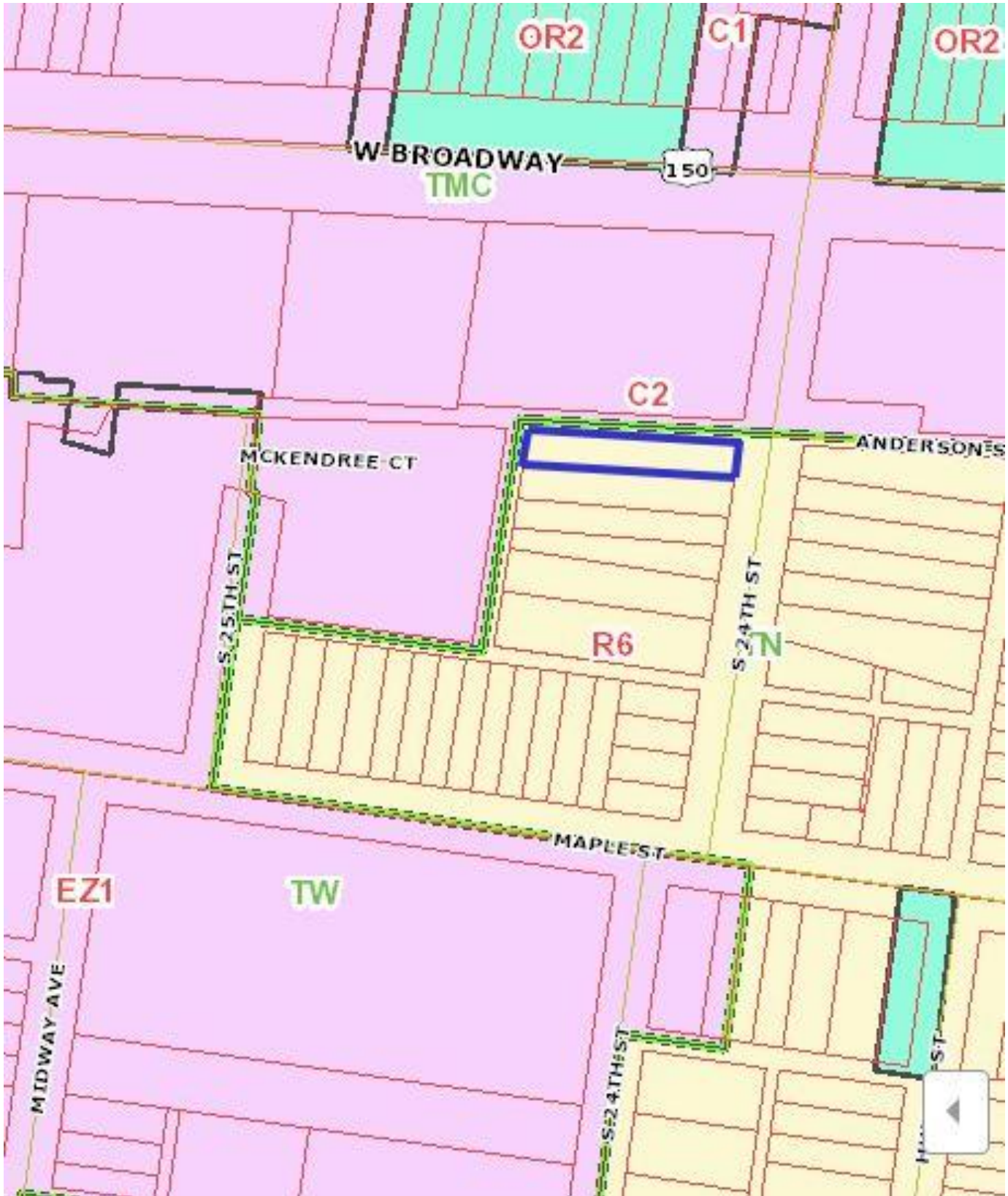
NOTIFICATION

Date	Purpose of Notice	Recipients
5/4/2018	CUP Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 6
		Sign Posting
5/11/2018	Waivers Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 6

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Checklist

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

Traditional Neighborhood: Non-Residential

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.2: The proposal preserves the existing grid pattern of streets, sidewalks and alleys.	✓	The proposal preserves existing patterns.
2	B.2: The proposal introduces an appropriately-located neighborhood center including a mix of neighborhood-serving uses such as offices, shops and restaurants.	NA	The proposal is not a neighborhood center.
3	B.2: The proposal preserves public open spaces, and if the proposal is a higher density use, is located in close proximity to such open space, a center or other public areas.	NA	There is no public open space associated with the proposal.
4	B.2: The proposal preserves and renovates existing buildings if the building design of these structures is consistent with the predominant neighborhood building design.	NA	There are no existing buildings associated with the proposal.
Community Form/Land Use Guideline 2: Centers			
5	A.1/7: The proposal, which will create a new center, includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	The proposal is not a center.
6	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not retail commercial development.
7	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposal is an efficient land use pattern.
8	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	The proposal is not a center.
9	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The proposal is not a center.
10	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a center.
11	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	✓	The proposal will create parking directly adjacent to its proposed use.
12	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	NA	The proposal does not involve these elements.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
13	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal is multi-modally accessible.
Community Form/Land Use Guideline 3: Compatibility			
14	A.2: The proposed building materials increase the new development's compatibility.	NA	The proposal does not include any structures.
15	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.	✓	The potential impact on the neighboring residential use is mitigated by a wood privacy fence.
16	A.5: The proposal mitigates any potential odor or emissions associated with the development.	NA	No impacts of this kind are expected.
17	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	NA	No impacts of this kind are expected.
18	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	NA	No impacts of this kind are expected.
19	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal is near transit facilities and directly adjacent to the associated use.
20	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.	✓	The potential impact on the neighboring residential use is mitigated by a wood privacy fence.
21	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.	✓	The potential impact on the neighboring residential use is mitigated by a wood privacy fence.
22	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	-	A waiver is being requested for LBAs on the north and south sides of the site.
23	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.	✓	The potential impact on the neighboring residential use is mitigated by a wood privacy fence.
24	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.	✓	The potential impact on the neighboring residential use is mitigated by a wood privacy fence.
25	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garage is associated with the proposal.
26	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	No signs are associated with the proposal.
Community Form/Land Use Guideline 4: Open Space			
27	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	The proposal does not include open space requirements.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
28	A.4: Open space design is consistent with the pattern of development in the Traditional Neighborhood form district.	NA	The proposal does not include open space requirements.
29	A.5: The proposal integrates natural features into the pattern of development.	NA	The site does not include these features.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
30	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	The site does not include these features.
31	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	The site does not include these features.
32	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	The site does not include these features.
Marketplace Guideline 6: Economic Growth and Sustainability			
33	A.2: Ensure adequate access between employment centers and population centers.	NA	The site is not an employment center.
34	A.3: Encourage redevelopment, reinvestment and rehabilitation in downtown, older and declining areas that is consistent with the form district pattern.	✓	The site is located in an older downtown area.
35	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not industrial.
36	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	The proposal is not commercial.
37	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not industrial.
Mobility/Transportation Guideline 7: Circulation			
39	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The site is multi-modally accessible.
40	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	NA	This condition does not apply to the proposal.
41	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal does not interfere with existing multi-modal facilities.
42	A.10: The proposal includes adequate parking spaces to support the use.	NA	The proposal is a parking lot.

#	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
43	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	NA	This condition does not apply to the proposal.
Mobility/Transportation Guideline 8: Transportation Facility Design			
44	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	This condition does not apply to the proposal.
45	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	NA	This condition does not apply to the proposal.
46	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	NA	This condition does not apply to the proposal.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
47	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal does not interfere with existing multi-modal facilities.
Livability/Environment Guideline 10: Flooding and Stormwater			
48	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal has received preliminary approval from MSD.
Livability/Environment Guideline 12: Air Quality			
49	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	The proposal is not expected to impact air quality.
Livability/Environment Guideline 13: Landscape Character			
50	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	These conditions do not exist on the site.
Community Facilities Guideline 14: Infrastructure			
51	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The site is currently served by all public facilities.
52	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The site is currently served by all public facilities.
53	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The site is currently served by all public facilities.

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 by and approval of 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 Off-Street Parking without further review by and approval of the Board.