

Development Review Committee

Staff Report

April 3, 2019



Case No:	19DEVPLAN1053
Project Name:	Louisville Truck and Auto Sales
Location:	535 E Broadway
Owner(s):	Nabil Shalash
Applicant:	Mark Kader
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waiver** of Land Development Code section 5.5.1.A.3.a to allow parking in front of a non-residential structure in the Downtown form district.

CASE SUMMARY/BACKGROUND

The applicant has established an automobile sales facility at a vacant commercial site that formerly housed a bank. Louisville Metro zoning enforcement staff has cited the property owner for parking vehicles between the front façade and the primary street in the Downtown form district under code enforcement case 16PM19153. The applicant has filed a category 2-B development plan in response to the enforcement actions. The site is zoned C-2, which would allow auto sales facilities, subject to the standards of the Downtown form district. An approved category 2-B development plan is required to establish any new parking spaces in the Downtown form district.

STAFF FINDING

The request is not adequately justified and does not meet the standard of review. The property could still be used for an automobile sales facility without granting this waiver. The waiver would allow an unreasonable circumvention of the Downtown form district design standards.

TECHNICAL REVIEW

The applicant has not provided a plan with sufficient details to reasonably analyze the proposed use of the site.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will adversely affect adjacent property owners. The area of the site in question was previously a landscaped area, and was converted to impervious surface without review and approval by MSD or KYTC. It is unknown how this change affected storm water drainage for the site. It is also unknown how vehicles are placed in the area in question without encroaching onto the sidewalk in a way that could create an unsafe situation for pedestrians.

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

STAFF: Community Form goal 1, policy 12 states that we should ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Community Form goal 1, policy 13 states that we should work to integrate parking garage facilities into their surroundings and provide an active inviting street-level appearance. The subject site is non-conforming to the design standards of the Downtown Form district. Allowing new parking in front of the structure is a clear violation of the intent of Downtown form district guidelines.

- (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 is not the minimum necessary to afford relief to the applicant. The site could still operate as an automobile sales facility without granting the waiver to allow parking in this area.

- (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 not deprive the applicant of the reasonable use of the land, as there are a number of commercial uses including automobile sales that would be feasible on the property without granting this waiver.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**

NOTIFICATION

Date	Purpose of Notice	Recipients
3-24-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4

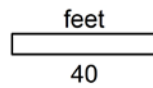
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



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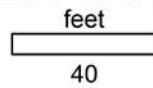


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2. Aerial Photograph



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