

Development Review Committee Staff Report

April 19, 2017



Case No:	16DEVPLAN1224
Request:	Category 2B Development Plan for Office Building and Commercial Tenant
Project Name:	Luckett and Farley Offices
Location:	741 S. Third Street
Owner:	3rd and York LLC
Applicant:	Steve Greseth, Luckett and Farley
Representative:	Jarred Cook
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Burcum Keeton, Architectural Projects Coordinator Brian Davis, AICP, Planning Manager

REQUEST

- **Waiver #1: Street Tree Plantings**

Waiver of the SoBro PDD Chapter IV., Part B.2.4,e to allow for applicant to plant street trees at which time the proposed streetscape plan is defined so that the trees can be cohesively installed in a uniform manner with the rest of the proposed 3rd Street streetscape.

- **Waiver #2: Parking Lot Screening**

Waiver of the SoBro PDD Chapter IV., Part B.3.1,a to allow for applicant to not implement parking lot screening at the location of the existing parking lot.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant seeks approval to renovate the existing office buildings located at 737 and 741 South Third Street. A small (53SF) building addition will be created to provide for a new entry vestibule, and a small (159SF) 'bump-out' addition will be located on the second floor.

A portion of the existing asphalt parking lot will remain with the remainder removed to create new landscape beds and entrance sidewalks. The surface parking lot located at the intersection of York and South Floyd Street will have added landscape elements. Existing asphalt will remain and be resealed and striped. Six (6) existing trees along the building facing York Street are proposed to be removed.

The street trees are requested to be waived, as the applicant is working with Metro Government to propose a comprehensive streetscape plan for the 3rd Street SoBro corridor. The applicant intends to implement street trees at a later date, at which time the proposed streetscape plan is defined so that the trees can be cohesively installed in a uniform manner with the rest of the proposed 3rd Street streetscape.

The project is located within the Downtown Development Overlay District. The project received approval from Overlay Staff on March 24, 2017.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Office	PD	Downtown, Core Broadway Overlay
Proposed	Office, Commercial Tenant	PD	Downtown, Core Broadway Overlay
Surrounding Properties			
North	Office, Commercial Tenant	PD	Downtown, Core Broadway Overlay
South	Office, Commercial Tenant	PD	Downtown, Core Broadway Overlay
East	Office, Commercial Tenant	PD	Downtown, Core Broadway Overlay
West	Institutional	PD	Downtown, Core Broadway Overlay

PREVIOUS CASES ON SITE

16DDRO1024: Overlay Staff reviewed the proposal and approved the application as submitted on March 24, 2017.

INTERESTED PARTY COMMENTS

None

APPLICABLE PLANS AND POLICIES

Land Development Code
SoBro PDD

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A Waiver of the SoBro PDD Chapter IV., Part B.2.4,e to allow for applicant to plant street trees at which time the proposed streetscape plan is defined so that the trees can be cohesively installed in a uniform manner with the rest of the proposed 3rd Street streetscape.

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

STAFF: The waiver will not adversely affect adjacent property owners as the waiver does not alter the existing condition that has been an existing condition for decades, dating as far back as 1928.

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

STAFF: The waiver does not violate the Comprehensive Plan. However, the waivers are violating the requirements of the SoBro PD. The project does not meet the thresholds of applicability for the planting requirements as interpreted by the LDC, Chapter 5.5.B.1,a,iii and Chapter 10.

- (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 since the proposed development meets or exceeds all other applicable regulations of the Land Development Code.

- (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 land or create an unnecessary hardship as the applicant is currently working with the district to develop a proposed SoBro 3rd Street corridor streetscape, which would exceed the minimum requirements of the districts. Additionally, the strict application of the regulations at this time would deprive the applicant of reasonable use of the lands, as it would require losing use of the existing parking lot in order to install street trees along York Street, due to the narrow 5'-0" sidewalk and right of way width.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A Waiver of the SoBro PDD Chapter IV., Part B.3.1, a a to allow for applicant to not implement parking lot screening at the location of the existing parking lot.

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

STAFF: The waiver will not adversely affect adjacent property owners as the waiver does not alter the existing condition that has been an existing condition for decades, dating as far back as 1928.

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

STAFF: The waiver does not violate the Comprehensive Plan. However, the waivers are violating the requirements of the SoBro PD. The project does not meet the thresholds of applicability for the planting requirements as interpreted by the LDC, Chapter 5.5.B.1,a,iii and Chapter 10.

- (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 since the proposed development meets or exceeds all other applicable regulations of the Land Development Code.

- (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 land or create an unnecessary hardship as the applicant is currently working with the district to develop a proposed SoBro 3rd Street corridor streetscape, which would exceed the minimum requirements of the districts.

The extent of the waiver is the minimum necessary to afford relief to the applicant. The sidewalk at York Street is only 5' wide, with the property line located at the edge of the sidewalk. Therefore, any buffer plantings and screening would have to be located inside the property line, requiring the applicant to demolish and relinquish a 5'-0" strip of the existing parking lot. This would decrease the applicants use of their existing parking area that predates the SoBro PDD.

TECHNICAL REVIEW

- All technical comments have been addressed.

STAFF CONCLUSIONS

The applicant is not altering the existing parking lot at this time, and the requirement of street tree planting and parking lot screening would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant. The proposed development meets or exceeds all other applicable regulations of the Land Development Code. Approval of the waivers will not adversely affect adjacent property owners or violate the Comprehensive Plan.

REQUIRED ACTIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposed waivers for the Category 2B Development Plan meet the standards as established in the Land Development Code.

- **APPROVE** or **DENY** the waiver of SoBro PDD Chapter IV., Part B.2.4,e
- **APPROVE** or **DENY** the waiver of SoBro PDD Chapter IV., Part B.3.1, a

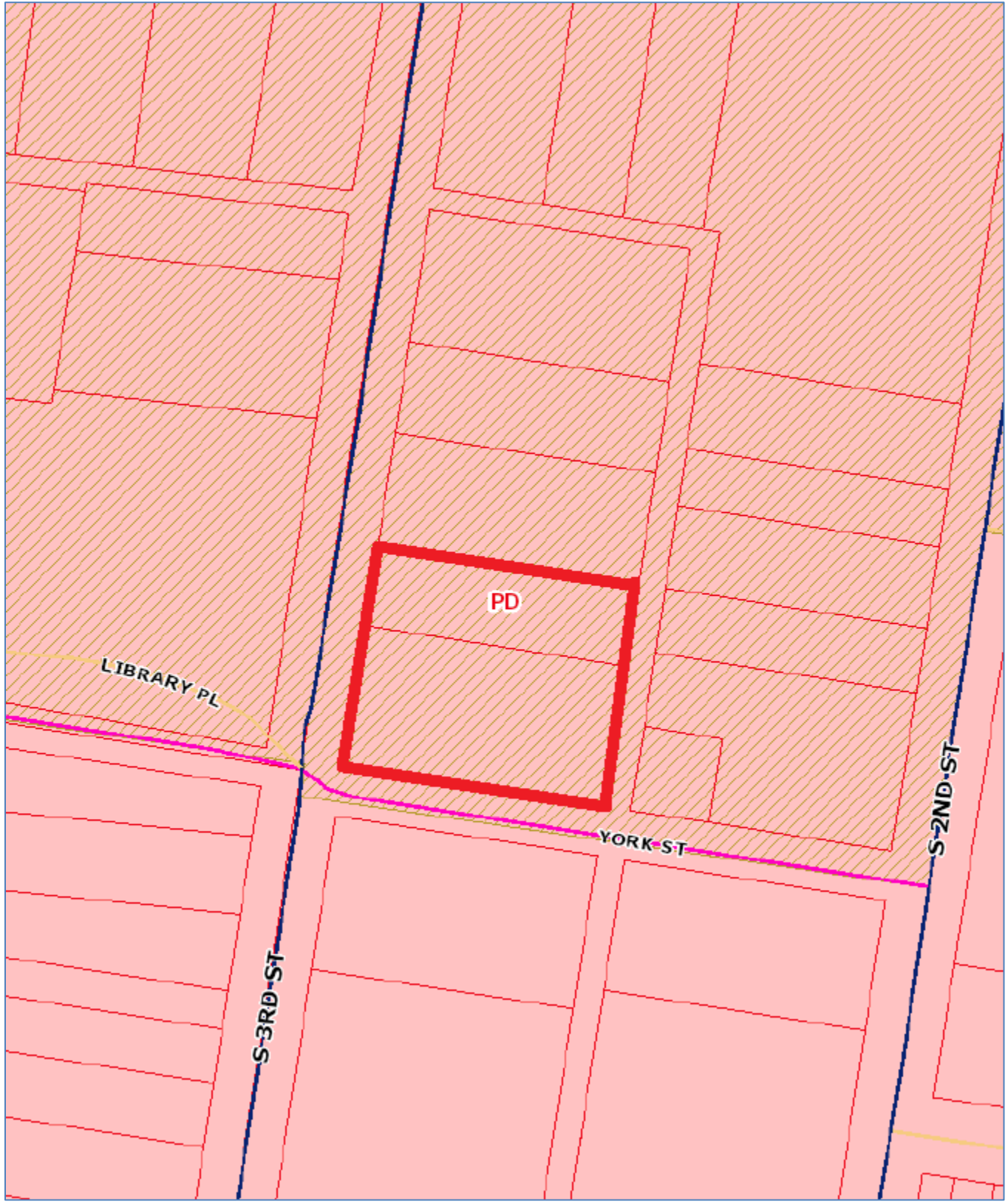
NOTIFICATION

Date	Purpose of Notice	Recipients
4/19/2017	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

