

Planning Commission

Staff Report

September 3, 2020



Case No:	20-PARKWAIVER-0003, 20-WAIVER-0049, 20-WAIVER-0059
Project Name:	The Hensley Hotel
Location:	1125 and 1131 Bardstown Rd
Owner(s):	Utopia Ventures
Applicant:	Utopia Ventures
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Parking Waiver** to reduce required parking from 45 to 23.
- **Waivers**
 1. Waiver of 5.7.1.B.3 to encroach into the 15-foot required transition zone buffer adjacent to the alley.
 2. Waiver of 5.5.1.A.3 to allow 2 parking spaces to be closer to the right-of-way than the front façade.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 40-room hotel and with a 5,956 SF bar. The site is zoned C-2 in the Traditional Marketplace Corridor form district and within the Bardstown Road Overlay. The site contains approximately 18,050 SF and contains a vacant laundromat structure and parking areas. The waivers are associated with a Category 2B development plan currently being reviewed under docket 20-CAT2-0007.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The parking requirements in the Land Development Code do not reasonably represent the actual parking need for similar uses in this area. The applicant is making a good faith effort to provide as much parking on site as feasible. The buffer waiver and parking lot design waiver are adequately justified, as they allow for the applicant to come as close to compliance with the parking regulations as possible. All required planting and screening will still be provided, and the resulting development will be consistent with the mixed commercial character of the area.

TECHNICAL REVIEW

The Board of Zoning Adjustment will consider a height variance at the 9-14 meeting.

The project has been approved by the Bardstown Road Overlay District.

The parking waiver is being considered using the parking studies completed for cases 19PARK1004 and 19-PARKWAIVER-0009. These are the most recent parking studies conducted along the Baxter Avenue and Bardstown Rd corridors available. The ongoing disruption of economic activity for bars and restaurants due to the Covid-19 virus makes it impossible to gather accurate data for traffic demand along the corridor currently. Staff has concluded that the studies are recent enough and close enough to the subject site to reasonably approximate actual demand.

INTERESTED PARTY COMMENTS

Kris Rawley, a resident at 1114 Cherokee Rd has expressed concerns via email about the proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING WAIVER

- (a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: The proposal would allow for the redevelopment of an existing commercial site within an established activity center. The site is well served by existing transportation networks and is part of a walkable area well served by transit, bike and pedestrian networks. The elimination of parking minimums is consistent with the Traditional Marketplace form district as described in Plan 2040. The Planning Commission has recently recommended approval of revised parking regulations, and the site would be compliant with the new regulations if adopted by Metro Council as recommended.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant has provided as many spaces as possible on the subject site and made a good faith effort to secure agreements with other sites for joint-use parking but was unsuccessful.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use, as they have provided as much as possible on site.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: Adjacent or nearby properties will not be adversely affected, as the development pattern of the area allows for minimum on-site parking for most sites. Businesses in the area are used to sharing public parking facilities and patrons can utilize alternative transportation networks to reach the area.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use; and

STAFF: The requirements found in table 9.1.2 do not accurately depict the parking needs of the proposed use. Patrons of bars and taverns should be discouraged from driving as much as possible. Bars and taverns have a parking requirement in the Land Development Code that is at odds with the public health, safety and welfare. Public transit, pedestrian networks and the wide availability of taxis and ride-sharing services reduce the need for patrons to drive to bars and taverns, thereby mitigating public safety issues traditionally associated with such uses.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand.

STAFF: There is a surplus of on-street and public spaces in the area that can accommodate generated parking demand. All streets near the area have abundant on-street parking available.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as the buffer area is internal to the existing developed site.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow the redevelopment of an existing commercial site within an established activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public.

- c. The extent of 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. All planting and screening will still be provided on the subject site.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as it would further restrict the applicant's ability to comply with parking requirements to the greatest degree possible.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as the overall site design is consistent with other development in the area, and most of the parking areas on the site will be compliant with traditional form district site design standards.

b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow the redevelopment of an existing commercial site within an established activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public.

c. The extent of 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. All other parking spaces will be beside or behind the front facade.

d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as it would further restrict the applicant's ability to comply with parking requirements to the greatest degree possible.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Parking Waiver**
- **APPROVE** or **DENY** the **Waivers**

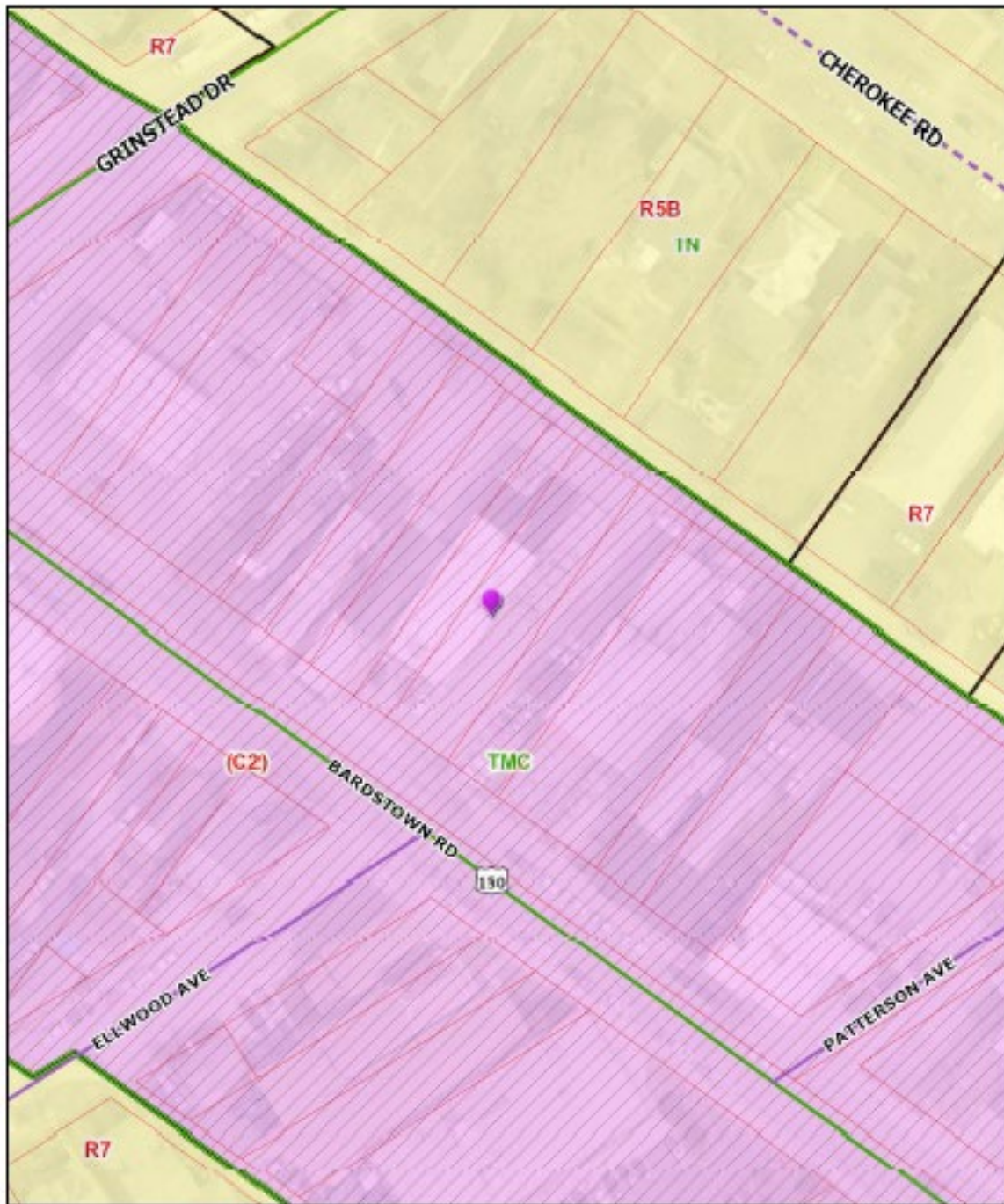
NOTIFICATION

Date	Purpose of Notice	Recipients
8-13-20	Hearing before Planning Commission	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 8

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



20-CAT2-0007

Tuesday, August 25, 2020 | 3:24:51 PM



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20-CAT2-0007

Tuesday, August 25, 2020 | 3:23:46 PM



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2. Aerial Photograph