

# Development Review Committee

## Staff Report

February 17<sup>th</sup>, 2021



<b>Case No:</b>	20-CAT2-0033
<b>Project Name:</b>	Louisville Dive Center
<b>Location:</b>	4265 Roosevelt Ave & 1301-1303 Durrett Lane
<b>Owner(s):</b>	CSN Lancaster Properties, LLC
<b>Applicant:</b>	Kelli Jones, Sabak Wilson & Lingo, INC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	21 – Nicole George
<b>Case Manager:</b>	Molly Clark, Planner I

### REQUEST(S)

- Waiver from section 5.5.2.A.1 (20-WAIVER-0123) from the Land Development Code to waive the requirement for display windows or windows affording views into the business which face the abutting public street serving the development.
- Waiver from Table 10.2.3 (20-WAIVER-0123) from the Land Development Code to waive the required 15 foot Expressway Buffer.
- Waiver from section 10.2.12 (20-WAIVER-0123) from the Land Development Code to waive the required 5% ILA.

### CASE SUMMARY/BACKGROUND

The applicant is proposing a large addition to the existing Louisville Dive Center Building. The new addition of 4,610 square feet will include an indoor pool, scuba shop, new entry, and garage. The applicant is proposing to keep the existing building that is already located in the expressway buffer area which is why they are requesting a waiver. They are also not able to provide windows along Roosevelt Avenue because the addition facing this street is for the indoor pool. They also are only providing 4% ILAs rather than the required 5%. They are proposing to plant 7, 669 square feet of tree canopy to meet the required 35% making improvements from the existing 0% tree canopy on the site.

### STAFF FINDING

Staff finds that the requests are adequately justified and meets the standards of review. The proposed changes to the existing commercial site are improving the site and increasing tree canopy.

Based upon the information in the staff report, the testimony, and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards for approving the waivers from Section 5.5.2.A.1; 10.2.3; and 10.2.12 as established in the LDC.

## **TECHNICAL REVIEW**

The category 2B development plan has received preliminary approvals from MSD and Transportation Planning.

## **INTERESTED PARTY COMMENTS**

Staff has not received any formal comments.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.A.1. to waive the required windows on proposed building façade facing ROW:**

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

STAFF: The requested waiver will not adversely affect adjacent property owners. All the surrounding property owners are commercial developments. Roosevelt Avenue also dead ends into the expressway thus this area does not have much pedestrian or vehicular traffic.

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

STAFF: : Guideline 1, Policy 3 of Plan 2040 calls for new development and redevelopment that are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. The applicant is proposing to use different types of building materials with the proposed façade as well as plantings along the existing ROW of Roosevelt Avenue. Guideline 7, Policy 11 of Plan 2040 also calls for developments to ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines. The proposed development meets infill for building height and meets all setbacks.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant since they are providing more landscaping to improve the site such as 35% tree canopy on 0% tree canopy and providing almost all the ILA required. They

- (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 adjacent ROW is a dead end road that ends at the adjacent expressway. There are not a lot of vehicular and pedestrian traffic in this area. Windows are being provided on the other facades of the development. The entrance is also not located in the front of the building facing the ROW.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.3. to allow an existing building to encroach in the required 15 foot expressway buffer:**

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

STAFF: The waiver will not adversely affect adjacent property owners since they are also proposing to provide cross access to adjacent properties in order to maintain vehicular flow between developments. They are also providing almost all landscaping requirements.

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

STAFF: Guideline 27, Policy 9 encourages that new developments and rehabilitation of builds provide commercial, office and/or residential uses. The applicant is proposing to add a commercial element to the existing development which would support Plan 2040. They are also using an existing structure. Guideline 32, Policy 14 also encourages adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. The applicant is proposing cross access with adjacent properties to create vehicular circulation and reduce more curb cuts on Durrett Lane and Roosevelt Avenue.

- (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 tearing down the existing building would be very costly and would create more disturbance on the land. They applicant is dealing with existing conditions that is encroaching on the required expressway buffer. They also still want to use the existing building for their business.

- (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 applicant is proposing to provide the required tree canopy requirements changing the site from 0% tree canopy to 35% tree canopy. They are providing other landscaping that will improve the site. They also have existing conditions where it would be very costly to tear down the existing building in the required 15 ft expressway buffer.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of section 10.2.12 to allow a reduction of ILA from 5% to 4%:**

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

STAFF: The waiver will not adversely affect adjacent property owners since they are also proposing to provide cross access to adjacent properties in order to maintain vehicular flow between developments. They are proposing the current layout to be able to provide vehicular flow and pedestrian connection to adjacent ROWs. They are still providing almost all the

required ILAs for this site. They are also improving the site by adding 35% tree canopy in a site with 0% tree canopy

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

STAFF: Guideline 41, policy 7 encourages natural features to be integrated within the prescribed pattern of development. The applicant is proposing to plant 35% tree canopy on a site that has 0% tree canopy. Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage.

- (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 site is very limited in size and vehicular access. In order for the applicant to provide vehicular access and pedestrian connection between sites, the parking lot has to be situated in a certain way. The applicant is providing 35% tree canopy on a site that has 0% thus improving the site.

- (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: In order to provide the required ILA, parking spaces would need to be taken away in which this site has multiple uses that has a requirement of 23 spaces to provide parking for customers for the scuba shop, students who are training, and employees. The applicant is also proposing to meet the required tree canopy requirements on a site that has 0% tree canopy.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waivers** from **Section 5.5.2.A.1** regarding windows on the building façade; **10.2.3** regarding the expressway buffer; and **10.2.12** regarding the required ILAs as established in the LDC.

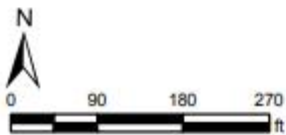
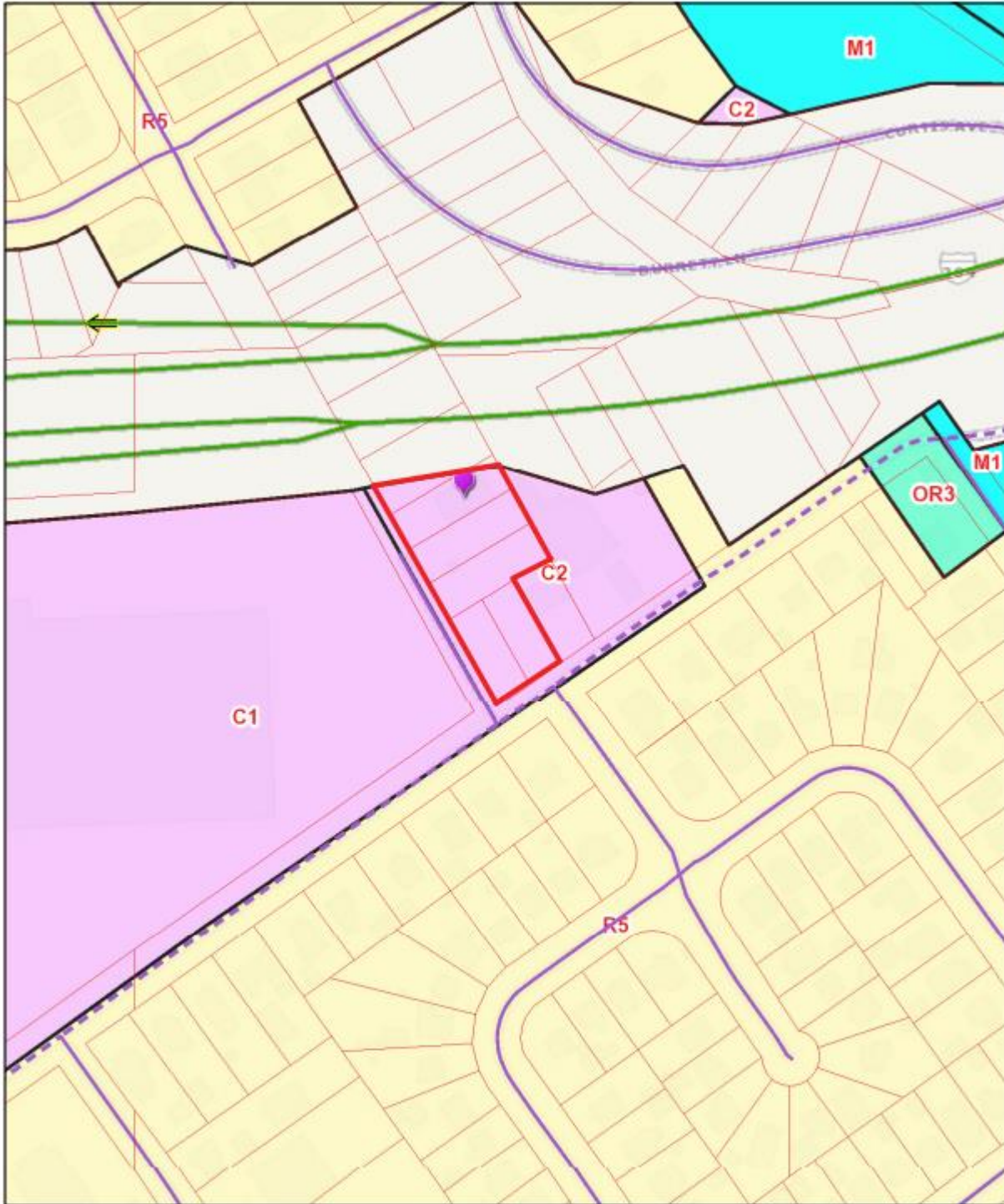
**NOTIFICATION**

Date	Purpose of Notice	Recipients
2/3/21	Hearing before DRC 2/17/21	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 21

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



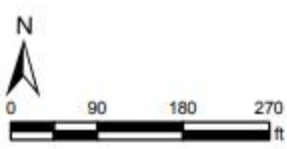
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2. Aerial Photograph



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