

Development Review Committee

Staff Report

Dec. 14, 2016



Case No:	16WAIVER1051
Request:	To waive the 5' ft. rear LBA requirement and to not provide an entrance along the secondary street.
Project Name:	1033 West Market Street Waiver
Location:	1033 West Market Street
Owner:	Karyn Hascal – The Healing Place Inc.
Applicant:	Karyn Hascal – The Healing Place Inc.
Representative:	Matt Wolff – Sabak, Wilson, and Lingo Inc.
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Ross Allen – Planner I

REQUEST

- Waiver #1 from LDC section 10.2.4.B to not provide a 5' ft. LBA and plantings along the rear property line.
- Waiver #2 from LDC 5.5.1.A.1.b to not provide an entrance on the secondary street frontage (South 11th Street).

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 7,638 sf. 2 story building (3,819 sf. footprint) located at the corner of West Market St. and South 11th Street on two parcels with a combined total area of approximately 6,167.847 sf. or 5.730 acres. The applicant would need to consolidate the two C-1 zoned parcels in the Traditional Workplace Form District. The building is being constructed for a single tenant, the administrative staff of The Healing Place. Safety and security of the staff that occupy this proposed structure will occur on a 24 hour basis and having a single controlled entry point that can be monitored, providing the best layout for the proposed construction of The Healing Place Men's Campus. The applicant has proposed to construct the building at the corner of West Market St. and South 11th Street defining the street wall. Second, The Healing Place has provided a significant glass design element as an architectural feature of the corner please see Exhibit E in the waiver justification.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Parking Lot	C-1	Traditional Workplace
Proposed	Rehabilitation Office	C-1	Traditional Workplace
Surrounding Properties			
North	Commercial – Parking lot	EZ-1	Traditional Workplace
South	Commercial	C-2	Traditional Workplace
East	Public and Semi-Public – Parking Lot	C-1	Traditional Workplace
West	Commercial	M-2	Traditional Workplace

PREVIOUS CASES ON SITE

- 16DEVPLAN1194: Category 2b development plan, staff approvable, based on the condition that DRC approves the waivers requested under case no. 16WAIVER1051.
- 14CUP1026: CUP to allow a rehabilitation home, a variance to allow the proposed building to encroach into the required 20 ft. rear yard, a variance to allow the proposed building to exceed 45 ft. height, and a waiver to not provide trees in the required rear LBA.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (2004)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER of section 5.5.1.A.1.b to not provide a secondary entrance along South 11th Street:

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

STAFF: The waiver will not adversely affect adjacent property owners since the primary entrance is located on Market Street and a secondary entrance is on the north façade (rear of the building) of the building facing an adjacent parking lot. Architectural detail and emphasis has been provided on the two primary facades (South 11th Street and West Market St.) with the placement of two story glazing at the building corner.

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

STAFF: Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The proposed plan is compatible with surrounding development and per Guideline 6, Policy 3 is a reinvestment in an older neighborhood west of 9th street. The new building will provide a much needed architectural corner to the existing intersection of 11th street and Market Streets and help balance the existing two buildings on the southeast and southwest corners.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the waiver will allow the applicant to construct the administrative building that meets their particular security needs and meets the intent of the LDC by implementing an architectural detail that emphasizes and strengthens the street corner.

- (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 the land or would create an unnecessary hardship on the applicant since LDC would either require the applicant to add an entrance along the 11th Street façade which would require a redesign of the building's interior and increase issues with security as a result of multiple entry points. The applicant has proposed to have a primary entrance with a canopy and signage on Market Street and is providing the placement of a two-story glazing at the building corner.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4.B to not provide the required 5' ft. rear Landscape Buffer Area and to not provide the required plantings in the rear LBA:

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

STAFF: The waiver will not adversely affect adjacent property owners since the subject property is a lower intensity use and would not warrant a buffer from the adjacent higher intensity use. The proposed building's north façade (rear) does not contain windows which blocks views from the north, a parking lot.

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

STAFF: Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Since the applicant is located within the Traditional Workplace Form District space is limited with parking lots on the north and east sides and right of way to the west and south. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. However, screening in the applicant's case is a result of the existing parking lot to the north not providing screening as defined in LDC Chapter 10.2.4 .B Explanatory Text and Exceptions, "The landscape material and buffer area required generally shall be provided by the property owner of the higher intensity activity. If the higher intensity use is already developed and the landscape material and buffer area, required in Chapter 10 has not been provided, the lower intensity use shall provide the required landscaping." As a result of the buildings proximity to the northern property line the needed secondary access and the removal of windows along the north building façade the buffer is not needed. Per guideline 10, policy 3; the applicant's proposal mitigates the removal of the 5 ft. landscape buffer by increasing the overall area of the site by approximately 40%. The applicant is installing trees and shrubs within the lawn area and one street tree along West Market and two along South 11th Street.

- (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 northern property is an existing parking lot which has not provided the screening for their Landscape Buffer Area, as a result the lower intensity use, applicant's site, would be required to provide the 5 foot LBA with planting requirements. The applicant is proposing to use this five foot area as a rear entrance to the site which leads to a courtyard area along the eastern side of the proposed building. The applicant's proposal mitigates the removal of the 5 ft. landscape buffer by increasing the overall area of the site by approximately 40%. The applicant is installing trees and shrubs within the lawn area and one street tree along West Market and two along South 11th Street.

- (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 the land or would create an unnecessary hardship on the applicant since the applicant would not provide a rear entrance to the site off of South 11th Street and the LBA and required plantings would be interior to a chain link fence. The secured perimeter of the building would require the reduction of the building in length along South 11th Street to allow for the required LBA and plantings. Last, The applicant's proposal mitigates the removal of the 5 ft. landscape buffer by increasing the overall area of the site by approximately 40%. The applicant is installing trees and shrubs within the lawn area and one street tree along West Market and two along South 11th Street.

TECHNICAL REVIEW

- No agency comments.

STAFF CONCLUSIONS

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 proposal meets the standards for granting the LDC Landscape Waiver from section 10.2.4.B to not provide the 5' ft. landscape buffer area and required plantings and a design waiver from LDC section 5.5.1.A.1.b to not provide a secondary entrance along South 11th Street.

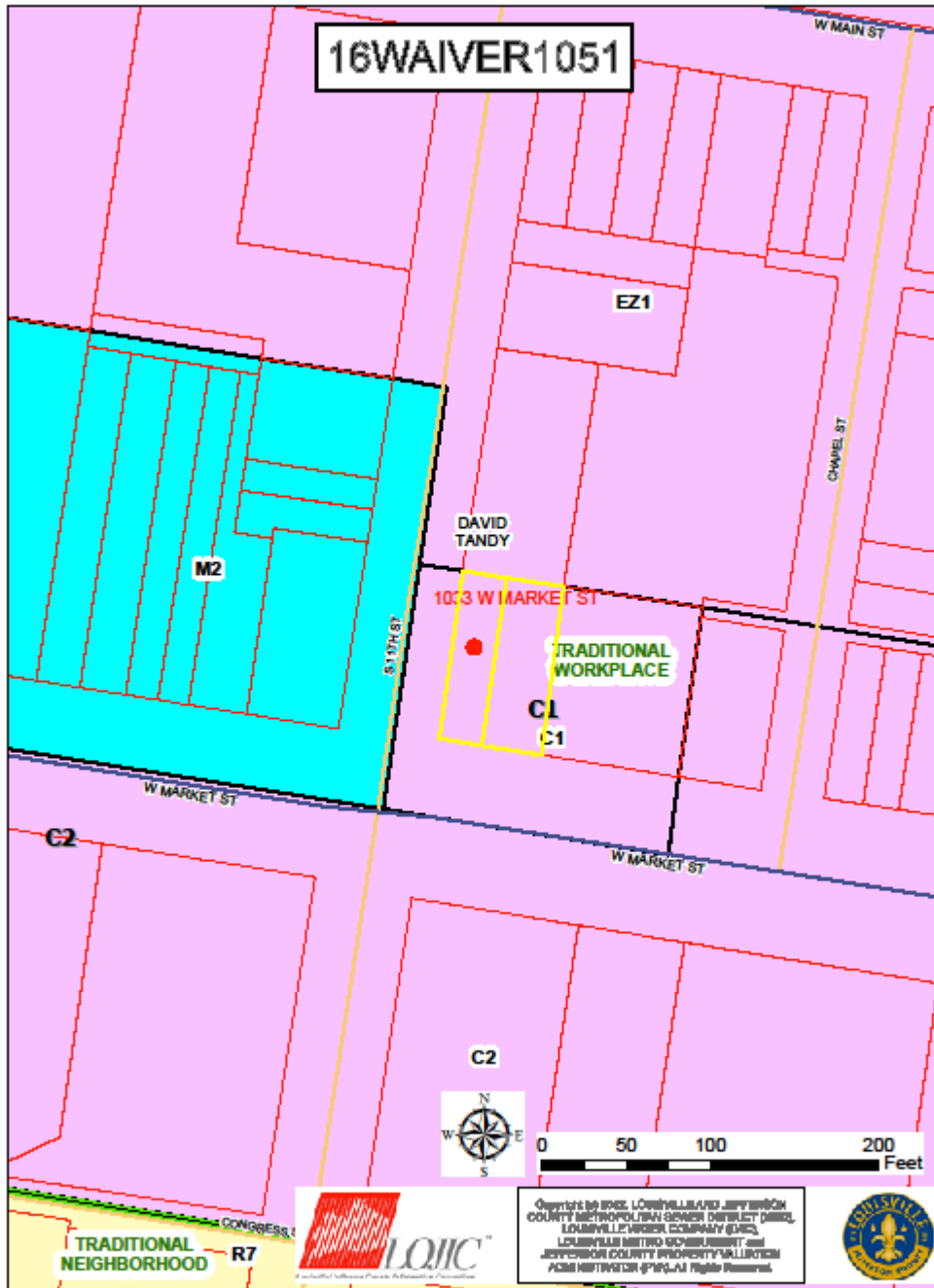
NOTIFICATION

Date	Purpose of Notice	Recipients
Dec. 14, 2016	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

