

Board of Zoning Adjustment Staff Report

April 30, 2018



Case No:	17DEVPLAN1180
Project Name:	1701 West Broadway Expansion
Location:	1701 West Broadway
Owner(s):	Kheder Kutmah – Crystal Clean Car Wash Inc.
Applicant:	Chris Schipper – Chris Schipper Engineering
Representative(s):	Chris Schipper – Chris Schipper Engineering
Project Area/Size:	0.56 acres or 24,667 sf.
Zoning:	C-2
Form District:	Traditional Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Ross Allen – Planner I

REQUEST(S)

Variance: from LDC 5.5.1.A.2 (2017a) to allow the proposed 1,610 sf. 2-story structure to be constructed more than 5 feet from the Right of Way line along West Broadway (Primary Street frontage) and South 17th Street (Secondary Street frontage).

Location	Requirement	Request	Variance
ROW along West Broadway Setback (Corner Lot)	No more than 5 ft. from ROW	138 ft.	135 ft.
ROW along South 17th Street Setback (Corner Lot)	No more than 5 ft. from ROW	89 ft.	84 ft.

Waiver #1: from LDC 5.5.1.A.1.a and b (2017a) to not provide a principal building entrance facing the primary street (West Broadway) or a corner entrance.

Waiver #2: from LDC 5.5.1.A.3.a (2017a) to allow an existing vehicular use area/parking to be located to the front (West Broadway and South 17th Street) of the proposed 2-story 1,610 sf. primary structure and to not provide the 3 foot masonry, stone, or concrete wall along South 17th Street.

Waiver #3: from LDC 5.5.1.A.3.b (2017a) to not provide vehicular and parking access to the site from Esquire Alley.

Waiver #4: from LDC 5.5.1.A.3.d (2017a) to not provide vehicular and pedestrian connections/access between the subject site and the Marathon gas station found directly adjacent to the west.

Waiver #5: from LDC 5.9.2.A.1.b.i to not provide a clearly defined safe pedestrian access from the adjacent public right of way along, West Broadway, through the off-street parking area to a non-residential building entrance, neither the existing car wash nor the proposed 2-story 1,610 sf retail/laundry mat.

Waiver #6: from LDC 10.2.4; table 10.2.3 to not provide at minimum a 15 ft. LBA with 1.5 planting density multiplier with 3 Large (Type A) or Medium (Type B) trees with an 8 ft. screen along the rear property line as parallel to Esquire Alley adjacent to the R-6 zoned residential dwellings in a Traditional Neighborhood Form District.

Waiver #7: from LDC 10.2.10/10.2.11 to reduce the required 5 ft. VUA LBA along South 17th Street to 4 ft. and not provide the required 5 ft. VUA LBA along the West Broadway frontage for an approximate distance of 129 ft. and to not provide the required 3 ft. continuous screen along West Broadway.

Waiver #8: from LDC 10.2.12 to not provide the required 5% ILA requirement and as mitigation to provide a 898 sf. 12 ft. x 75 ft. landscaped area interior to the rear property line/5 ft. VUA LBA along Esquire Alley and interior to the 4 ft. VUA LBA along South 17th Street, north of the proposed 5 ft. sidewalk leading to the primary entrance.

CASE SUMMARY/BACKGROUND

The subject site is a corner lot located on the northwestern corner of West Broadway and South 17th Street within the Russell Neighborhood. The subject site is west of Roosevelt Perry Elementary, north of the new Republic Bank Foundation YMCA, east of a Marathon Gas Station, and south of R-6 zoned single family residential housing.

The site has an existing automatic two bay car wash, facing West Broadway, with approximately 3493.84 sf., with 5 bays for self-service/manual car washing, running perpendicular to South 17th Street. The site has operated as a Car Wash prior to 1999 until present with two ingresses/egresses off of West Broadway and one ingress/egress off of South 17th Street all existing prior to the current proposal.

The applicant is proposing to construct a 2-story 1,610 sf. (3,220 gfa) structure with retail as associated with the carwash (accessories) and a laundromat in the northwestern corner of the subject property as adjacent to Esquire Alley. The proposal will decrease the existing VUA from approximately 17,760 sf. to 14,554 sf. a net decrease of 3,206 sf. The VUA will have 11 new parking spaces with a total of 23 parking spaces, including queueing lanes for the automatic/self-service bays and the applicant will utilize the 10% parking reduction since the subject site is within 200 feet of a TARC route (routes x99 and 23).

The proposed structure will have a 5 ft. wide sidewalk leading from the frontage along South 17th Street to the entrance a 898 sf. (12ft. x 75 ft.) landscaped area between the VUA and Esquire Alley. Additionally, the applicant will be providing a mixture of new landscaping along the rear of the property within a 5 ft. VUA LBA and a 898 sf. landscaping area parallel to Esquire Alley where 4 trees are proposed.

Previous Cases:

B-123-99: A variance to allow the fifth bay to encroach into the street side yard (South 17th Street), allowing the proposed bay (bay #5 on the current proposal) to be located 4 ft. from the property line. Approved by the Louisville Board of Zoning Adjustment on June 7, 1999.

16MINORPLAT1165: Consolidation of five tracts into one tract, staff approved on March 15, 2017, by Brian Mabry.

STAFF FINDING / RECOMMENDATION

Variance: from LDC 5.5.1.A.2 (2017a) to allow the proposed 1,610 sf. 2-story structure to be constructed more than 5 feet from the Right of Way line along West Broadway (Primary Street frontage) and South 17th Street (Secondary Street frontage).

STAFF FINDING / RECOMMENDATION (CONTINUED)

Waiver #1: from LDC 5.5.1.A.1.a and b (2017a) to not provide a principal building entrance facing the primary street (West Broadway) or a corner entrance. The applicant has provided connectivity from the closest street South 17th Street.

Waiver #2: from LDC 5.5.1.A.3.a (2017a) to allow an existing vehicular use area/parking to be located to the front (West Broadway and South 17th Street) of the proposed 2-story 1,610 sf. primary structure and to not provide the 3 foot masonry, stone, or concrete wall along South 17th Street. The existing VUA prior to proposal consumed more than 40% of the side along South 17th Street the proposal allows for a 4 foot strip along South 17th Street allowing existing and any new plantings to meet landscaping requirements in place of a three foot masonry wall.

Waiver #3: from LDC 5.5.1.A.3.b (2017a) to not provide vehicular and parking access to the site from Esquire Alley. The existing site access is present and is not changing per the current proposal. An alley access to the site would create a new curb cut and reduce the proposed parking resulting in the need for a parking waiver.

Waiver #4: from LDC 5.5.1.A.3.d (2017a) to not provide vehicular and pedestrian connections/access between the subject site and the Marathon gas station found directly adjacent to the west. The existing site has a concrete block wall resulting in a change of grade between the sites cross access for vehicular may reduce traffic along West Broadway but may result in greater expense to the applicant and no cross access stub exist on the western adjacent Marathon Gas Station site.

Waiver #5: from LDC 5.9.2.A.1.b.i to not provide a clearly defined safe pedestrian access from the adjacent public right of way along, West Broadway, through the off-street parking area to a non-residential building entrance, neither the existing car wash nor proposed 2-story 1,610 sf retail/laundry mat. The existing automatic carwash has two bays with five manual bays for car washing stretching the width of the lot limiting access from West Broadway to the newly proposed structure as located at the rear of the subject site.

Waiver #6: from LDC 10.2.4; table 10.2.3 to not provide at minimum a 15 ft. LBA with 1.5 planting density multiplier with 3 Large (Type A) or Medium (Type B) trees with an 8 ft. screen along the rear property line as parallel to Esquire Alley adjacent to the R-6 zoned residential dwellings in a Traditional Neighborhood Form District. The applicant will provide a 5 ft. VUA LBA along Esquire Alley allowing for screening of the parking area, the 15 ft. LBA would restrict the ability to construct the proposed 2-story structure.

Waiver #7: from LDC 10.2.10/10.2.11 to reduce the required 5 ft. VUA LBA along South 17th Street to 4 ft. and not provide the required 5 ft. VUA LBA along the West Broadway frontage for an approximate distance of 129 ft. and to not provide the required 3 ft. continuous screen along West Broadway. The existing width of the 4 ft. wide planting area along South 17th Street was and currently is wide enough to provide plantings with 3 feet being the minimum planting width as required by LDC.

Waiver #8: from LDC 10.2.12 to not provide the required 5% ILA requirement and as mitigation to provide a 898 sf. 12 ft. x 75 ft. landscaped area interior to the rear property line/5 ft. VUA LBA along Esquire Alley and interior to the 4 ft. VUA LBA along South 17th Street, north of the proposed 5 ft. sidewalk leading to the primary entrance. The applicant is willing to provide a 12 ft. x 75 ft. planting area interior to the site behind the 5 ft. VUA LBA off of Esquire Alley with a total area of 898 sf. to compensate for the lack of ILA as required on the site being 728 sf. with the proposed planting area exceeding the ILA requirement by approximately 170 sf.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial – Car Wash (automatic and self-serve)	C-2	Traditional Marketplace Corridor
Proposed	Commercial – Car Wash (automatic and self-serve)/Laundry Mat and Retail	C-2	Traditional Marketplace Corridor
Surrounding Properties			
North	Single Family Residential and Multi-Family Residential	R-6	Traditional Neighborhood
South	Public and Semi-public - YMCA	EZ-1	Traditional Workplace
East	Public and Semi-public – Roosevelt – Perry Elementary (JCPS)	C-2	Traditional Marketplace Corridor
West	Commercial – Marathon Gas Station	C-2	Traditional Marketplace Corridor

TECHNICAL REVIEW

MSD and Transportation Planning have provided preliminary approvals for the proposal.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Land Development Code (May 2017a)
Comprehensive Plan (Cornerstone 2020)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE from LDC 5.5.1.A.2 (2017a) to allow the proposed 1,610 sf. 2-story structure to be constructed more than 5 feet from the Right of Way line along West Broadway (Primary Street frontage) and South 17th Street (Secondary Street frontage).

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health safety or welfare since the proposed building is located in the rear corner of the lot, and is the farthest location from the public.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since the 2-story structure will be built behind the existing carwash. The view from West Broadway will change very little and the 2-story structure will be visible from South 17th Street.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since the 2-story structure will be built behind the existing carwash. The view from West Broadway will change very little and the 2-story structure will be visible from South 17th Street

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations since the proposed 2-story structure will be located behind the existing carwash structure, the existing streetscape will be preserved.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the existing carwash is located almost 46 ft. interior to the parcel and occupies at least a third of the parcel with limited area for a larger structure to be built. The proposed location allows the applicant to expand the offerings on site while still attempting to mitigate the impact upon surrounding properties.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land since the applicant would require the variance in order to construct the proposed two-story structure.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 from LDC 5.5.1.A.1.a and b (2017a) to not provide a principal building entrance facing the primary street (West Broadway) or a corner entrance.

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

STAFF: The waiver will not adversely affect adjacent property owners since the proposed structure will be located in an existing parking lot. Traffic flow to and from the site will remain in the same locations.

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

STAFF: Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. The proposed 2-story structure is within the pattern of development as found in the general vicinity since residential structures to the north have three stories, the existing building on the southeastern corner of South 17th Street and West Broadway are two stories in height, and a structure as located closer to the corner of South 18th Street and West Broadway is three stories in height on the same block face. The proposed structure would be the only two-story as found along Esquire Alley.

Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Marketplace Corridor the waivers are compatible with the

pattern of development within the form district, and there do appear to be physical restraints, i.e. the existing carwash structure, preventing compliance with the regulations to be waived. Therefore, the requested waivers will not violate specific guidelines and policies of Cornerstone 2020.

- (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 existing car wash structure situation on the parcel consumes a large part of the parcel and limits the ability to construct any building larger than what is proposed. Granting this waiver will allow the owner to construct the proposed building.

- (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: Strict application of the regulations would deprive the owner of reasonable use of the land. The construction of the proposed two-story structure at the corner of West Broadway and South 17th Street would require the removal of several self-service bays on the existing carwash and would be out of character as found in this block face with several of the existing structures pre-dating the regulations with greater setbacks than requested by LDC currently. The proposed site within the subject parcel is the most feasible location with minimum impact upon the road network or character of the general vicinity being in similar height mass and scale as properties north, southeast, and west of the proposal site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 from LDC 5.5.1.A.3.a (2017a) to allow an existing vehicular use area/parking to be located to the front (West Broadway and South 17th Street) of the proposed 2-story 1,610 sf. primary structure and to not provide the 3 foot masonry, stone, or concrete wall along South 17th Street.

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing VUA was already located to the front of the existing carwash along West Broadway and also along South 17th Street. The three foot masonry wall would require the applicant to remove existing plantings and thus the intent of the wall is to screen the VUA. The existing plantings provide a screen from a portion of the VUA along South 17th Street.

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

STAFF: Guideline 2, Policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. The parking existed prior to the current proposal thus the parking location has had no impact upon the immediate vicinity in that time. Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and

transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waivers are compatible with the pattern of development within the form district and are further required resulting from the applicant be located on a corner lot in the Traditional Marketplace Corridor. The three foot masonry wall would require the applicant to remove existing plantings and thus the intent of the wall is to screen the VUA. The existing plantings provide a screen from a portion of the VUA along South 17th Street.

- (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 granting this waiver will allow the owner to construct the proposed building and allow for the continued use of the existing carwash.

- (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: Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since all of the existing VUA was and has been on site. Any proposed change would still require the waiver resulting from site constraints of the existing building and limitations from existing ingresses/egresses on the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #3 from LDC 5.5.1.A.3.b (2017a) to not provide vehicular and parking access to the site from Esquire Alley.

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

STAFF: The waiver will not adversely affect adjacent property owners since the lack of access from Esquire Alley is an existing condition.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since the lack of access from Esquire Alley is an existing condition.

- (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 lack of access from Esquire Alley is the existing condition and ingresses/egresses as found on West Broadway and South 17th Street are existing and provide adequate access to the subject site. If the owner was required to provide access to Esquire Alley this would result in the disruption of traffic flow, reduce parking, and eliminate landscaping.

- (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 resulting in a reduction in the number of parking spaces provided and alterations to the traffic flow.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #4 from LDC 5.5.1.A.3.d (2017a) to not provide vehicular and pedestrian connections/access between the subject site and the Marathon gas station found directly adjacent to the west.

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

STAFF: The waiver will not adversely affect adjacent property owners since this is an existing condition on the subject site. Additionally, there is a concrete wall running in a north-south direction along the western property line with existing vegetation with a green verge on the western property which would result in a stub that has no connection to the western lot on the subject site.

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

STAFF: Guideline 2, Policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Transit exist along West Broadway but consideration in the fact that this subject site is an existing carwash which results in vehicular travel directly to the site. Limitations on providing the cross access are the existing concrete wall and a green verge which is found on the western adjacent site, resulting in a cross access stub which it is unknown to staff at this time if any existing or proposed development on the Marathon Gas Station site would allow for the connectivity. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use, encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. The land use as existing on the subject site is a carwash and thus results in vehicular trips but there are existing bus stops found on the northeastern and southwestern corners of West Broadway and South 17th Street and further west along West Broadway on Routes 23, and 99.

(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 granting the waiver will allow the owner to construct the proposed building and allow for the continued use of the carwash. Providing cross access to the western adjacent property will result in the disruption of traffic flow, reduction in parking spaces, and elimination of landscaping.

(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 further limiting or reducing parking and altering traffic flow. The addition of a cross access to the western adjacent property would be restrained by the existing concrete wall, adjacent green verge, and a change in grade between the two abutting properties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #5 from LDC 5.9.2.A.1.b.i to not provide a clearly defined safe pedestrian access from the adjacent public right of way along, West Broadway, through the off-street parking area to a non-residential building entrance, neither the existing car wash nor proposed 2-story 1,610 sf retail/laundry mat.

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing car wash would block access from West Broadway to the proposed 2-story structure. However, the owner is providing access to the newly proposed structure from South 17th Street via a connection from the existing sidewalk in the public right of way.

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

STAFF: Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with walkways for access to public transportation stops. The owner is providing pedestrian/bicycle access to the newly proposed structure from South 17th Street via a connection from the existing sidewalk in the public right of way. Transit users have access to the site from stops along West Broadway and from the northeastern/southwestern corners along Broadway via transit routes 23 and 99x.

- (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 the minimum necessary to afford relief to the applicant since the existing carwash blocks direct access from the public right of way along West Broadway the owner is proposing pedestrian access from the right of way along South 17th 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 since there is no space to provide a pedestrian access from the West Broadway frontage pedestrians may access the proposed 2-story structure from 17th Street.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #6 from LDC 10.2.4; table 10.2.3 to not provide at minimum a 15 ft. LBA with 1.5 planting density multiplier with 3 Large (Type A) or Medium (Type B) trees with an 8 ft. screen along the rear property line as parallel to Esquire Alley adjacent to the R-6 zoned residential dwellings in a Traditional Neighborhood Form District.

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

STAFF: The waiver will not adversely affect adjacent property owners since the owner is willing to provide a 5 ft. landscape area along the rear property line parallel to Esquire Alley. Additionally, the applicant is willing to provide a 898 sf. landscaped area with 4 trees as found interior to Esquire Alley and exterior to the proposed sidewalk running parallel to the alley.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate.

Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants. The owner is willing to provide a 5 ft. landscape area along the rear property line parallel to Esquire Alley. Additionally, the applicant is willing to provide an 898 sf. landscaped area with 4 trees as found interior to Esquire Alley and exterior to the proposed sidewalk running parallel to the alley.

- (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 owner will reduce the require 15 ft. minimum LBA to 5 ft. but intends to provide screening. Additionally, the applicant is willing to provide an 898 sf. landscaped area with 4 trees as found interior to Esquire Alley and exterior to the proposed sidewalk running parallel to the alley. The applicant states that granting of the waiver will allow the owner to construct the proposed 2 story structure and will provide landscape screening where space permits.

- (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 since the denial of the waiver would prevent the owner from building the proposed 2-story structure. The owner is willing to provide landscaping where space permits along with an 898 sf. landscaped area with 4 trees as found interior to Esquire Alley and exterior to the proposed sidewalk running parallel to the alley.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #7 from LDC 10.2.10/10.2.11 to reduce the required 5 ft. VUA LBA along South 17th Street to 4 ft. and not provide the required 5 ft. VUA LBA along the West Broadway frontage for an approximate distance of 129 ft. and to not provide the required 3 ft. continuous screen along West Broadway.

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

STAFF: The waiver will not adversely affect adjacent property owners since the waiver request is a pre-existing condition on the site and landscaping is already present. The parcel has 4 ft. rather than the required 5 ft. VUA LBA. Any change to the existing condition will result in a minimum gain of one foot along South 17th Street where plantings are already present for screening of the VUA.

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

STAFF: The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The subject site already has partial screening along the South 17th Street VUA.

- (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 most of the existing landscaping is present closer towards West Broadway but the owner will have sufficient space to provide a three foot tall buffering along the remaining portion of the 4 ft. wide VUA LBA excluding the ingress/egress off South 17th 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 the applicant states, "that this would prevent the owner from operating the carwash".

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER #8 from LDC 10.2.12 to not provide the required 5% ILA requirement (727 sf.) and as mitigation to provide a 898 sf. 12 ft. x 75 ft. landscaped area interior to the rear property line/5 ft. VUA LBA along Esquire Alley and interior to the 4 ft. VUA LBA along South 17th Street, north of the proposed 5 ft. sidewalk leading to the primary entrance.

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

STAFF: The waiver will not adversely affect adjacent property owners since the ILA is not being provided nor had been provided that 898 sf. landscaped area with 4 trees as found interior to Esquire Alley and exterior to the proposed sidewalk running parallel to the alley will be provided as compensation.

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

STAFF: 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. The existing tree canopy to be preserved, 1,920 sf., are presently two type A trees found along South 17th Street. The applicant is willing to provide compensation in creating an 898 sf. landscaped area with 4 trees as found interior to Esquire Alley and exterior to the proposed sidewalk running parallel to the alley in place of the ILA requirement. The ILA will be eliminated but green space will be provided and compensated in place of the ILA requirement.

- (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 current proposal will allow for the proposed building, allow sufficient parking and increase green space on the subject 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: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land because if the waiver is not granted it results in the inability for the applicant to construct the proposed two-story structure. The owner is willing to compensate with an 898 sf. landscaped area with 4 trees as found interior to Esquire Alley and exterior to the proposed sidewalk running parallel to the alley in place of the ILA requirement.

REQUIRED ACTIONS

Approve/Deny Variance: from LDC 5.5.1.A.2 (2017a) to allow the proposed 1,610 sf. 2-story structure to be constructed more than 5 feet from the Right of Way line along West Broadway (Primary Street frontage) and South 17th Street (Secondary Street frontage).

Approve/Deny Waiver #1: from LDC 5.5.1.A.1.a and b (2017a) to not provide a principal building entrance facing the primary street (West Broadway) or a corner entrance.

Approve/Deny Waiver #2: from LDC 5.5.1.A.3.a (2017a) to allow an existing vehicular use area/parking to be located to the front (West Broadway and South 17th Street) of the proposed 2-story 1,610 sf. primary structure and to not provide the 3 foot masonry, stone, or concrete wall along South 17th Street.

Approve/Deny Waiver #3: from LDC 5.5.1.A.3.b (2017a) to not provide vehicular and parking access to the site from Esquire Alley.

Approve/Deny Waiver #4: from LDC 5.5.1.A.3.d (2017a) to not provide vehicular and pedestrian connections/access between the subject site and the Marathon gas station found directly adjacent to the west.

Approve/Deny Waiver #5: from LDC 5.9.2.A.1.b.i to not provide a clearly defined safe pedestrian access from the adjacent public right of way along, West Broadway, through the off-street parking area to a non-residential building entrance, neither the existing car wash nor proposed 2-story 1,610 sf retail/laundry mat.

Approve/Deny Waiver #6: from LDC 10.2.4; table 10.2.3 to not provide at minimum a 15 ft. LBA with 1.5 planting density multiplier with 3 Large (Type A) or Medium (Type B) trees with an 8 ft. screen along the rear property line as parallel to Esquire Alley adjacent to the R-6 zoned residential dwellings in a Traditional Neighborhood Form District.

Approve/Deny Waiver #7: from LDC 10.2.10/10.2.11 to reduce the required 5 ft. VUA LBA along South 17th Street to 4 ft. and not provide the required 5 ft. VUA LBA along the West Broadway frontage for an approximate distance of 129 ft. and to not provide the required 3 ft. continuous screen along West Broadway.

Approve/Deny Waiver #8: from LDC 10.2.12 to not provide the required 5% ILA requirement and as mitigation to provide a 898 sf. 12 ft. x 75 ft. landscaped area interior to the rear property line/5 ft. VUA

LBA along Esquire Alley and interior to the 4 ft. VUA LBA along South 17th Street, north of the proposed 5 ft. sidewalk leading to the primary entrance.

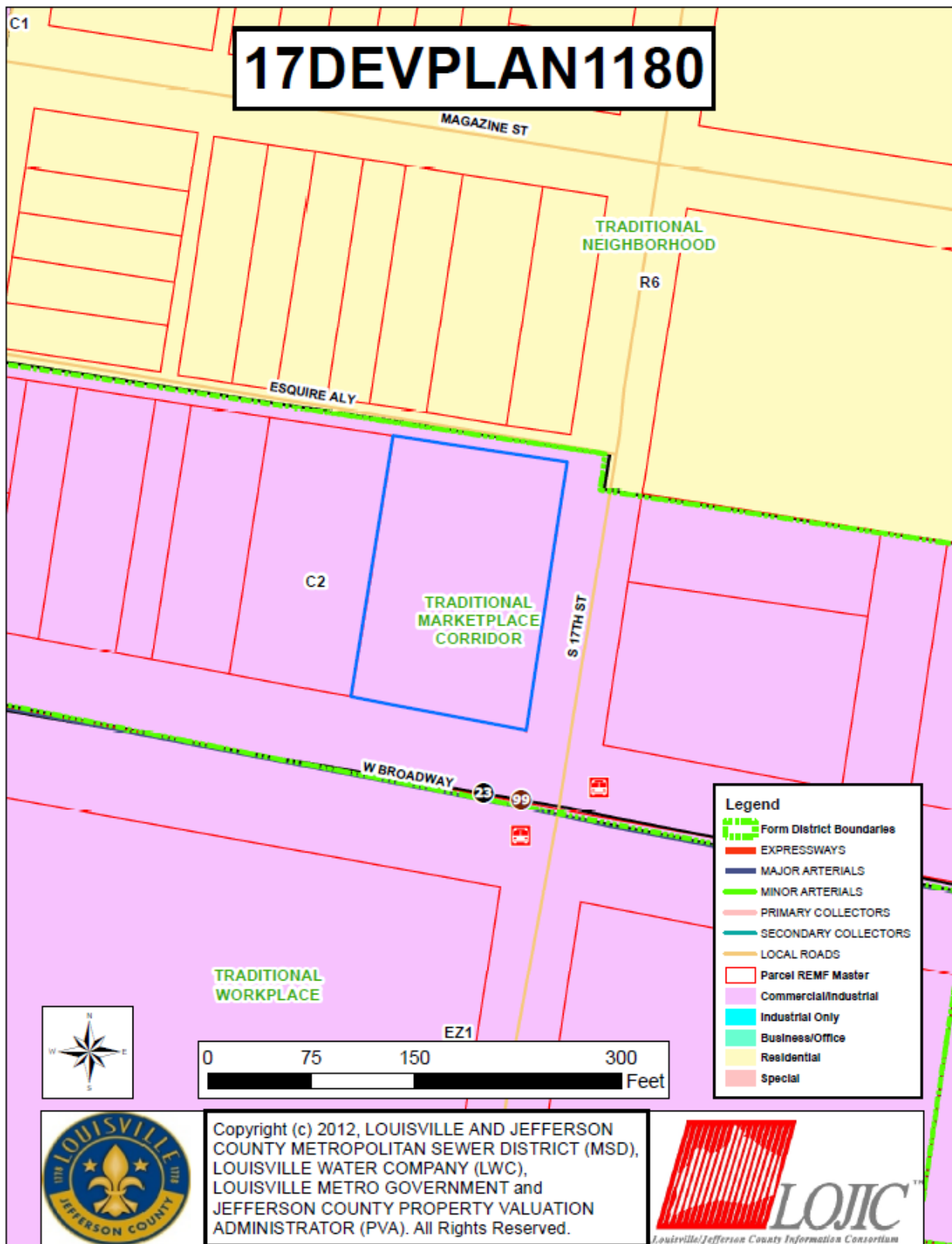
NOTIFICATION

Date	Purpose of Notice	Recipients
4/30/2018	Hearing before BOZA	1st tier adjoining property owners Registered Neighborhood Groups in Council District 4
4/13/2018	Hearing before BOZA	Sign posting on the subject property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

