

# Development Review Committee Staff Report

June 28, 2017



<b>Case No:</b>	17WAIVER1016
<b>Request:</b>	General Waiver
<b>Project Name:</b>	18200 Shelbyville Rd.
<b>Location:</b>	18200 Shelbyville Rd.
<b>Zoning:</b>	C-1
<b>Form District:</b>	Neighborhood
<b>Area:</b>	.411 acres or 17,940 sf.
<b>Owner:</b>	Micheal Lundy – BLK Properties LLC.
<b>Applicant:</b>	Micheal Lundy – BLK Properties LLC.
<b>Representative:</b>	Charles Podgursky – C.R.P. AND Associates Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Julie Denton
<b>Case Manager:</b>	Ross Allen, Planner I

## REQUEST

- **Waiver #1:** from LDC Section 10.3.5.A to not provide the required 30 foot setback and 30 foot required buffer area with 1 Type A tree for each 40 feet of road frontage and a visually continuous screen adjacent to the vehicular use area along Shelbyville Road Parkway for an approximate linear distance of 152 feet.
- **Waiver #2:** from LDC Section 10.3.6.A to not provide the required 40 foot setback and to reduce the required buffer area from 25 feet to 10 feet in width along Clark Station Road for an approximate linear distance of 110 feet.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant has requested a review of waivers associated with a Category 2A development plan for landscaping requirements on the subject site. The applicant has proposed to resurface the gravel parking lot with designated nine striped parking spaces (the minimum), the addition of sidewalks along Shelbyville Road (designated Parkway) and Clark Station Road (designated Scenic Corridor), and improvements to ingress/egress from Shelbyville Road. The C-1 zoned parcel currently has two existing buildings, one being a 3,123 sf. two story split level block General/Professional use building, the other being a 2,387 sf. one story block accessory structure for storage. The applicant is providing the required 25 foot landscape buffer area along the southern and eastern property lines with the required 1.5 planting density requirements as shown on the Category 2A development plan. However, the required setbacks and required buffer areas cannot be met as a result of existing conditions on the site. The buildings can be traced back to the year 2000 using historic aerial imagery which pre-dates the parkway and scenic corridor LDC requirements. The applicant is requesting landscape waivers along Shelbyville Road, a parkway, and Clark Station Road, a Scenic Corridor. Last, the applicant is reducing the ingresses/egresses from two to one on Shelbyville Road. previously there were two ingresses/egresses off of Shelbyville Rd.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Vacant	C-1	Neighborhood
<b>Proposed</b>	Commercial	C-1	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Parks and Open Space	R-4	Neighborhood
<b>South</b>	Residential Single Family	R-4	Neighborhood
<b>East</b>	Vacant	R-4	Neighborhood
<b>West</b>	Public and Semi-Public	R-4	Neighborhood

**PREVIOUS CASES ON SITE**

B-193-99: Appeal – refusal of Building Permit issued by Jefferson County Code Enforcement located at 18200 Shelbyville Road. The case was heard by the Jefferson County Board of Zoning Adjustment on September 7, 1999, the appeal was denied to allow a water supply business located in an R-4 zoning district.

14801: A minor plat 18200 and 18206 Shelbyville Road which was withdrawn as of 1/7/2011.

**INTERESTED PARTY COMMENTS**

No comments were received from concerned citizens.

**APPLICABLE PLANS AND POLICIES**

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

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 of section 10.3.5.A, table 10.3.1 Parkway Development Standards for non-residential use, to not provide the required 30 foot setback and 30 foot required buffer area with 1 Type A tree for each 40 feet of road frontage and a visually continuous screen adjacent to the vehicular use area for an approximate linear distance of 152 feet along Shelbyville Road Parkway.**

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

STAFF: No, the waiver will not adversely affect adjacent property owners because the gravel/paved parking lot already exist in the same location. The granting of the wavier will allow for the owner/developer to define the parking lot and its access point to Shelbyville Road and make the property safer for egress/ingress.

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

STAFF: No, because the gravel/paved parking lot already exist in the same location and has been for several years. The Guideline 3, Policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, Policy 7 calls for

protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors.

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

STAFF: Yes, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because without granting the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot.

- (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 because without the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #2 of section 10.3.6.A, table 10.3.2 Scenic Corridor Development Standards for non-residential use, to not provide the required 40 foot setback and to reduce the required buffer area from 25 feet to 12.5 feet for an approximate linear distance of 72 feet along Clark Station Road Scenic Corridor.**

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

STAFF: No, the waiver will not adversely affect adjacent property owners because the existing building and buffer area already exist in the same location. The granting of the waiver will allow for the owner/developer to redevelop the property.

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

STAFF: No, because the existing building and buffer area already exist in the same location and has been for several years. Guideline 13, Policy 7 calls for protection of the character of parkways and scenic byways and corridors through standards for buffers, landscape treatment, lighting and signs. The intent of parkway development standards is to protect existing scenic and aesthetic qualities, to ensure a quality visual experience on developing corridors and to protect and improve the visual experience on established corridors.

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

STAFF: Yes, the extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because without granting the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot.

- (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 because without granting the waiver the owner/developer could not proceed with the project to redevelop and correct the existing parking lot.

#### TECHNICAL REVIEW

None

#### STAFF CONCLUSIONS

Both the variance and waiver request appear to be adequately justified and meet the standard of review. 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 standard of review for granting the following:

**Approve or Deny** Waiver #1 from LDC Section 10.3.5.A, table 10.3.1 Parkway Development Standards for non-residential use, to not provide the required 30 foot setback and 30 foot required buffer area with 1 Type A tree for each 40 feet of road frontage and a visually continuous screen adjacent to the vehicular use area for an approximate linear distance of 152 feet along Shelbyville Road Parkway.

**Approve or Deny** Waiver #2 from LDC Section 10.3.6.A, table 10.3.2 Scenic Corridor Development Standards for non-residential use, to not provide the required 40 foot setback and to reduce the required buffer area from 25 feet to 12.5 feet for an approximate linear distance of 72 feet along Clark Station Road Scenic Corridor.

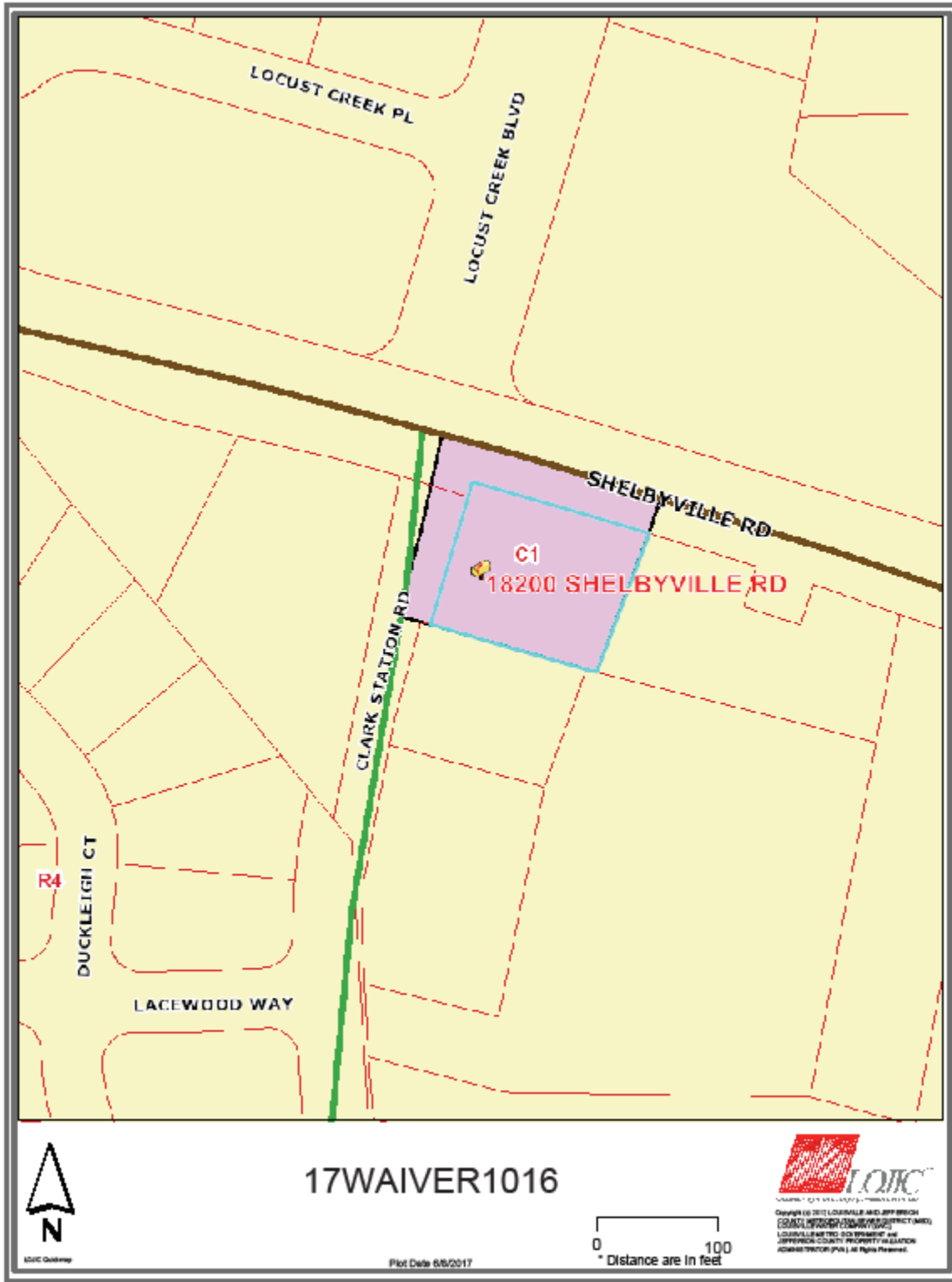
#### NOTIFICATION

Date	Purpose of Notice	Recipients
June 28, 2017	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

