

Development Review Committee
Staff Report
11/1/2018



Case No:	18DEVPLAN1138
Project Name:	Speedway
Location:	4239 Poplar Level Road
Owner(s):	Speedway, Superamerica LLC
Applicant:	Rob Sweet
Jurisdiction:	Louisville
Council District:	4—Barbara Sexton Smith
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Variance** from Land Development Code section 8.3.3.10.a.i to allow a sign to exceed 15 sq. ft. and 6 ft.
- **Variance** from Land Development Code section 5.3.4.D.3.a to allow a structure to exceed a variable front yard setback.
- **Waiver** from Land Development Code section 5.6.1.B to allow primary facades to have less than 60 % of the horizontal length consists of animating features.
- **Waiver** from Land Development Code section 5.6.1.C to allow buildings to have less than 50% of wall surfaces at street level

CASE SUMMARY/BACKGROUND

The subject property is located on the corner of Poplar Level Road, and Lincoln Avenue. The applicant is proposing to construct a gas station on the lot that includes a canopy, and signage. The site in which the applicant is requesting is approximately 1.22 acres, located in the C-2 zoning district in the Suburban Workplace form district. The applicant is requesting a waiver to allow the principal building entrance to not face the primary street serving the development. The applicant requests a variance to exceed signage sq. ft. and height; the applicant requests a variance to exceed the front yard setback, as shown on the plan; the applicant is also requesting a waiver to allow the primary façade to have less than the required number of animating features

STAFF FINDING

Staff finds that the requested variances, and waiver are adequately justified and meet the standard of review, and they do meet the guidelines of the guidelines of the Comprehensive Plan and requirements of the Land Development Code.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

No interested parties contacted staff concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 8.3.2

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the signs will comply with the Land Development Code in all aspects except for its size, with the result that the signage is unlikely to distract drivers or pedestrians and adversely affect public safety.

- (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 as the property is located in a commercial, which also consists of other commercial uses in close proximity. Although the proposed signage may differ from other signage in the immediate vicinity, it will be in character of the Suburban Workplace form district.

- (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 as the proposed larger sign will provide visibility to the store for customers exiting the I-264 interchange. The use of the sign will also eliminate visual clutter along Lincoln Avenue.

- (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 the zoning regulations as the property is located across from Camp Taylor Park from the Neighborhood form district, which has less restrictive signage allowances. Although the signs would also be out of compliance with the requirements of this form district, the required variance would be reduced if this form district applied to this property. Additionally, the sign complies with the Suburban Workplace design guidelines with respect to signage of site design standards which states that the quality of design of individual sites is consistent with the character and function of the workplace district, and encourages innovation and flexibility in site design.

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 because the property is adjacent to a property that is commercial but is in a Neighborhood form district.

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 may deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the applicant would have to place a sign on both frontages, eliminating visibility from passers-by.

3. The circumstances are not 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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

Chapter 5.3.4 to exceed the 25 maximum street-side setbacks

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the proposal will comply with all aspects of the Land Development Code in all aspects except the small portion of the proposal having to encroach into the setback.

- (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 as the property is located in a commercial, which also consists of other commercial uses in close proximity. Although the proposed building may extend beyond the required setback, it will be buffered from adjacent residential use.

- (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 building will be buffered where it is adjacent to residential.

- (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 the zoning regulations since the proposal will be buffered from the adjacent property. Although the portion of the building would extend beyond the required street-side setback, the proposal complies with the Suburban Workplace design guidelines with respect to site design standards which states that the quality of design of individual sites is consistent with the character and function of the workplace district, and encourages innovation and flexibility in site design.

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 request does not arise from any special circumstances.

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 land since the proposal continues the existing pattern of the site.

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 not the result of actions taken.

4. The circumstances are not 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 not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Chapter 5.6.1.B to allow primary facades to have less than 60 % of the horizontal length consists of animating features.

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

STAFF: The requested waiver will not affect adjacent property owners as the existing surrounding commercial properties do not meet this design standard, and all other site design elements will be provided.

- (b) **The waiver will violate specific guidelines of Cornerstone 2020; and**

STAFF: Guideline 3, Policies 1 and 2 calls for the 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. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than...

- (c) **The extent of the waiver of the regulation is not 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, because the façade articulation and window height requirements cannot be provided in areas where the restrooms, and food storage we to be located.

- (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 has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived by providing taller windows that would allow for better visibility into the store and on the fuel dispensers. The applicant will also install windows on the sales floor area. The applicant also proposed to mitigate the impact of the reduced glazing by providing a pronounced entry feature and a third entry on the rear of the building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Chapter 5.6.1.C to allow buildings to have less than 50% of wall surfaces at street level

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

STAFF: The requested waiver will not affect adjacent property owners as the existing surrounding commercial properties do not meet this design standard, and all other site design elements will be provided.

(b) **The waiver will violate specific guidelines of Cornerstone 2020; and**

STAFF: Guideline 3, Policies 1 and 2 calls for the 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. The type of building materials may be considered as a mitigation measure and may also be considered in circumstances specified in the Land Development Code. When assessing compatibility, it is appropriate to consider the choice of building materials in the following circumstances: (1) projects involving residential infill; (2) projects involving non-residential uses; and (3) when specified in the Land Development Code. The proposal is for a non-residential use. The Land Development Code provides building design standards for non-residential and mixed use buildings. The purpose of the regulation is to provide visual interest and a human scale that are representative of the form district through the use of windows, columns, pilasters, piers, variation of material, entrances, storefront windows, and other animating features along no less than...

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STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, because the façade articulation and window height requirements cannot be provided in areas where the restrooms, and food storage we to be located.

(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 will also install windows on the sales floor area. The applicant also proposed to mitigate the impact of the reduced glazing by providing a pronounced entry feature and a third entry on the rear of the building.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Variance**
- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Waiver**

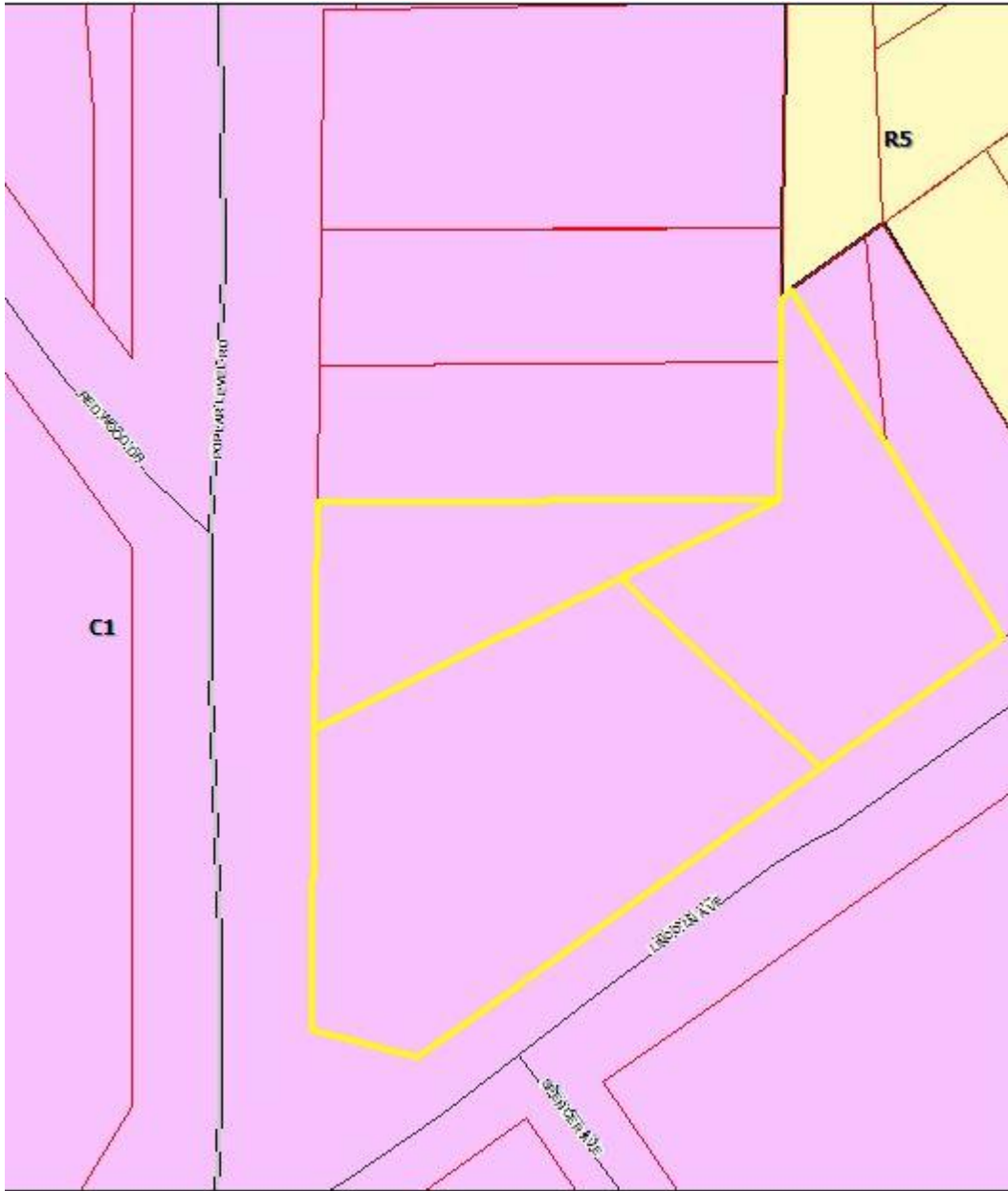
NOTIFICATION

Date	Purpose of Notice	Recipients
11/5/2018	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

