

Development Review Committee

Staff Report

May 20, 2015



Case No:	15Waiver1008
Project Name:	Coit vehicle & Equipment Building
Location:	2741 & 2743 New High Street
Owner(s):	Mark Krish, Coit Company
Applicant:	Gary Parrish, Parrish Construction Company
Representative(s):	Gary Parrish
Existing Zoning District:	EZ-1
Existing Form District:	SW
Jurisdiction:	Louisville Metro
Council District:	15 – Marianne Butler
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide the required sidewalks along the New High Street frontage.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property, zoned EZ-1 in the Suburban Workplace Form District, is located on the east side of New High Street just north of Central Avenue, west of Crittenden Drive and east of South Floyd Street. The applicant is constructing a canopy at the rear of an existing building and adding additional pavement for employee parking, truck equipment storage, and truck maneuvering. Due to the site and building improvements a sidewalk is required to be provided along the New High Street frontage. These site and building improvements were reviewed and approved as a Category 2B Development in November 2014. Construction plans were reviewed and approved along with the building permit being issued November 2014. The building addition and proposed site improvements, with the exception of the required sidewalk, were completed January 2015. A construction bond was issued for the sidewalk prior to construction beginning. The applicant is request the sidewalk to be waived so the construction bond can be released. However, Transportation Planning has requested the sidewalks be constructed.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Commercial	EZ-1	SW
Surrounding Properties			
North	Commercial	EZ-1	SW
South	Commercial, Industrial, & Warehouse	EZ-1	SW
East	Hotel & Manufacturing	EZ-1	SW
West	Across New High Street, Vacant & Industrial	EZ-1	SW

PREVIOUS CASES ON SITE

2-38-14 - Category 2B Development Plan approved on November 7, 2014.

14LSCAPE1164 – Landscape Plan approved on November 7, 2014.

Const920314 – MSD/ Storm line Construction Permit approved on October 20, 2014.

BL920183 – Foundation only permit issued on October 17, 2014.

BL922974 – Building construction permit issued on November 7, 2014. Certificate of Occupancy (COO) issued on January, 15, 2015.

HV928333 – HVAC Final approval on January 21, 2015.

EL928458 – Electrical permit approved on January 12, 2015.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide the required sidewalks along the New High Street frontage.

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

STAFF: The waiver will not adversely affect adjacent property owners since there are no existing sidewalks along New High Street. However, there are sidewalks along Central Avenue which connect to sidewalks along South Floyd Street and Crittenden Drive. There are bus routes along both South Floyd and Crittenden Drive with several transit stops close to this development.

- (b) The waiver will violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver request does violate the comprehensive plan guidelines. A sidewalk can be constructed as required since there are no physical restraints preventing compliance with the regulations to be waived. Plus a sidewalk construction bond was issued for the construction of the sidewalk which was approved as a part of the construction approval.

- (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 not the minimum necessary to afford relief to the applicant since there are no physical restraints preventing compliance with the regulations to be waived.

- (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 not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would not deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the development can be built on the site while complying with the requirements requested to be waived.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development Transportation Committee must determine if the proposal meets the standards for granting a sidewalk waiver established in the Land Development Code.

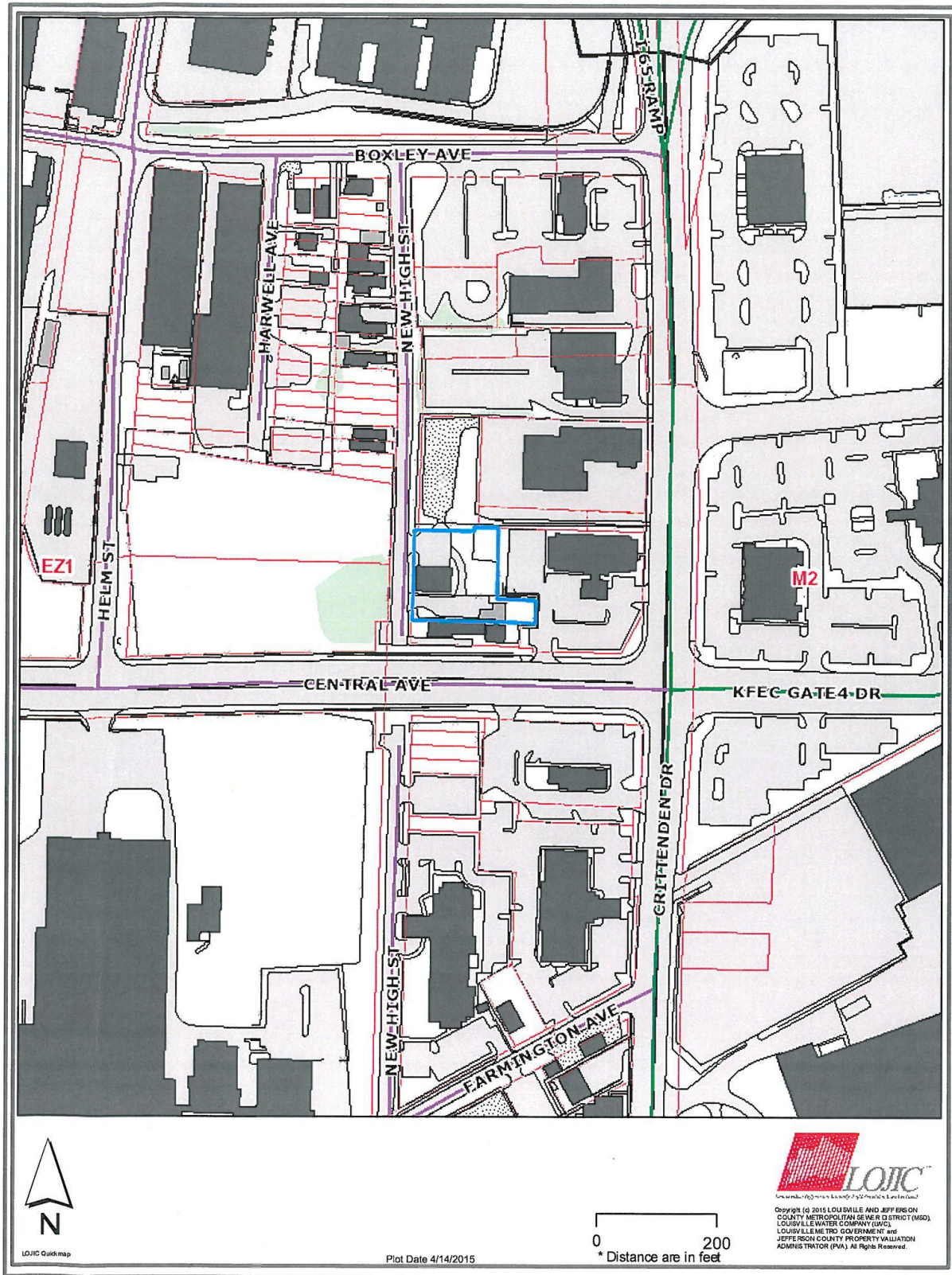
NOTIFICATION

Date	Purpose of Notice	Recipients
05/08/2015	Hearing before DRC on 05/20/2015	Subscribers of Council District 15 Notification of Development Proposals.
05/11/2015	Hearing before DRC on 05/20/2015	1 st tier adjoining property owners.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph – Overall Area
3. Site Plan
4. Applicant's Justification

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph





Attachment 5: Applicants Justification

Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

This Application is consistent with the Plan as this is the vehicle by which it will be reviewed.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

Given the Street was closed to thru traffic when Central Ave was connected to Crittenden Drive it is now isolated from pedestrians.

3. What impacts will granting of the waiver have on adjacent property owners?

None we can consider substantial.

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4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

It would exacerbate the security issue we have with the equipment stored here.

SUMMARY