

Development Review Committee

Staff Report

August 17, 2016



Case No:	16DEVPLAN1140
Request:	Proposed Private Parking Lot
Project Name:	Story Avenue Parking
Location:	1311, 1315, 1317 Story Avenue
Area:	.4 acres
Owner:	Andy Blieden – Butcher Story LLC.
Applicant:	Kelli Jones – Sabak, Wilson, and Lingo Inc.
Representative:	Kelli Jones – 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 10.2.12.B to allow 128’ feet between landscape islands.
- Waiver #2: from LDC section 10.2.13 to provide one half of the trees required in the landscape islands.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a surface parking lot with a proposed VUA of 14, 213 sf. on three parcels located between Story Avenue and Bowles Avenue Alley. The three lots are currently used as a gravel parking lot with a wooden fence surrounding the properties. Two rear ingresses/egresses are present along Bowles Avenue Alley and a single ingress/egress along Story Ave. The proposed surface parking lot has one interior landscape area with two tree plantings (Type A) and contains a total of 47 parking spaces. There are another three Type A tree plantings at the rear along Bowles Avenue Alley with shrubs for screening the VUA. Along Story Avenue there are four Type C trees in the 5’ ft. VUA LBA with a 3 ft. high masonry wall to screen VUA.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE: Lot 1

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial Vacant	C-1	Traditional Marketplace Corridor
Proposed	Commercial Parking Lot	C-1	Traditional Marketplace Corridor
Surrounding Properties			
North	Residential Single Family	R-6	Traditional Neighborhood
South	Industrial; Public and Semi-Public	M-3;EZ-1	Traditional Marketplace Corridor
East	Multi-Family	C-1	Traditional Marketplace Corridor
West	Commercial - Restaurant	C-1	Traditional Marketplace Corridor

PREVIOUS CASES ON SITE

No related zoning cases or enforcement actions associated with the subject property.

INTERESTED PARTY COMMENTS

Staff received no public comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of section 10.2.12.B to allow more than 120 feet between Interior Landscape Areas, a total of 128 feet, as shown on the plan:

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

STAFF: The waiver will not adversely affect adjacent property owners since the VUA buffers are being provided and the applicant is proposing two and a half times the required tree canopy, there are currently no trees on site and the site is currently a wooden fenced gravel lot.

- (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 ILA's are located in the rear and in the front of the proposed surface parking lot. There is one ILA that is located interior to the site towards the front of the proposed surface parking lot and by providing another ILA with the reduction of two spaces can meet the tree canopy requirement as requested in the second waiver.

- (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 ILA's found at the four corners are where the applicant is requesting the waiver. The applicant would not have sufficient space to provide ILA's along each side of the proposed parking since the parcel is abutting another parking lot on the south side and a multifamily unit on the north side restricting space available for the plantings.

- (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 (net beneficial effect) since the applicant is providing more square footage (2.5 times more) of tree canopy than required by the regulation.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.13 to provide half of the required trees in the landscaping Islands:

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

STAFF: The waiver will not adversely affect adjacent property owners since the requirement would be four trees per the VUA square footage. However, the applicant is requesting to provide only two trees in the ILA interior to the proposed surface parking lot and reduction of two spaces for additional ILA with the two trees as required by regulation would help in reducing the Urban Heat Island.

- (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 reduction of two parking spaces to provide an additional ILA with tree plantings will help break up the impervious surface within the proposed parking lot.

- (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 not the minimum necessary to afford relief to the applicant since the reduction in two parking spaces would result in the applicant providing an additional ILA along with the two required trees by regulation.

- (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 (net beneficial effect) since the applicant is proposing to provide 2.5 times more tree canopy than required by code. However, the applicant could reduce the amount of impervious surface by providing the additional ILA by a reduction in two parking spaces and providing the two additional trees.

TECHNICAL REVIEW

No Technical Review has been conducted.

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 Waivers from section 10.2.12.B and 10.2.13 as established in the Land Development Code.

NOTIFICATION

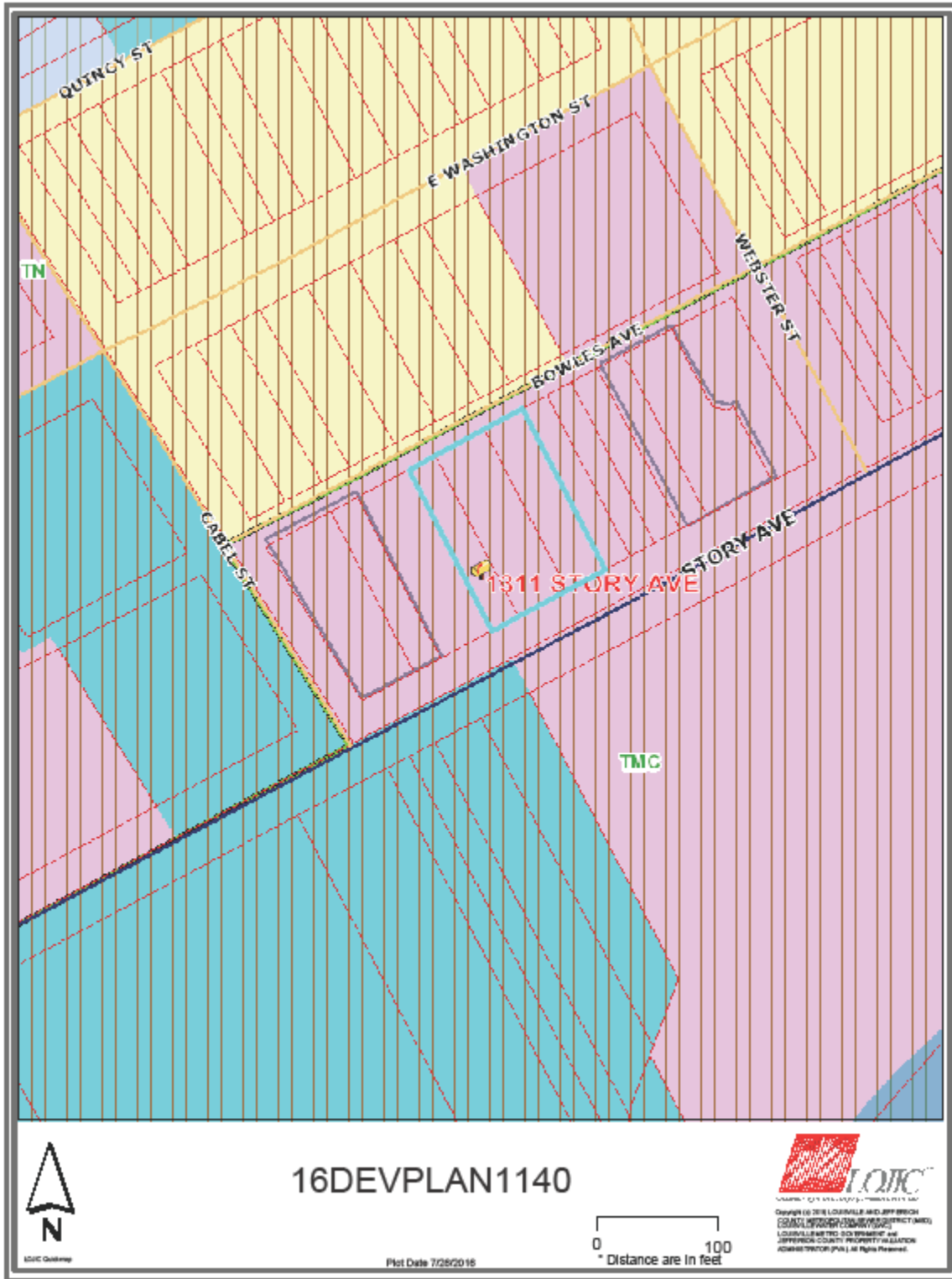
Date	Purpose of Notice	Recipients
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August 9, 2016	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 4 Notification of Development Proposals
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ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Development Plan
4. Applicant's Justification

1. Zoning Map



2. Aerial Photograph



4. Applicant's Justification



SABAK, WILSON & LINGO, INC.
ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS
THE HENRY CLAY • 608 S. THIRD STREET
LOUISVILLE, KY 40202
PHONE : (502) 584-6271 • FAX : (502) 584-6292

June 27, 2016

Ms. Emily Liu
Louisville Metro Planning & Design Services
444 S. 5th Street, 3rd Floor
Louisville, KY 40202

**RE: Story Avenue Parking
1311-1317 Story Avenue**

Ms. Liu,

Enclosed please find applications for a Category 2B Plan, Waiver and Landmarks review for the above mentioned site. As you know, parking is somewhat limited in the Butchertown area. The applicant is proposing a 47 space parking lot on an existing vacant lot that is currently informally used for parking. A new curb cut is proposed on Story Avenue with a 3' masonry wall that runs the length of the Story Avenue frontage. The applicant is also proposing to plant 25% tree canopy on a site where only 10% is required.

As a part of this project, the applicant is requesting two waivers. The first waiver is from LDC 10.2.12.B to allow more than 120' between interior landscape islands. The entire depth of the parking lot is 127' so the effects of this waiver are negligible. Sufficient ILA is still being provided as required.

The second waiver is from LDC 10.2.13 to allow half of the trees required by the LDC. Due to the layout of the site, there isn't room to plant all 4 trees that would be required in the interior landscape islands without crowding the plantings in the required VUA LBAs. Even with this waiver, the applicant is still providing 25% tree canopy on a site where only 10% is required.

With regard to the justification for the landscape waivers, please note the following:

1. **Will the waiver adversely affect adjacent property owners?**
No. The waivers will allow the applicant to provide much needed parking in the Butchertown neighborhood. Since the extent of the waivers are negligible, all VUA buffers are being provided, and the applicant is proposing 2.5 times the amount of tree canopy required for this site (on a site where there are currently no trees), there will be no adverse impact on adjoining property owners.
2. **Will the waiver violate the Comprehensive Plan?**
No. The waiver will not violate the Comprehensive Plan because all landscape buffers are being provided and the applicant is providing 2.5 times the tree canopy required...thereby meeting the intent of the regulations.

RECEIVED

JUN 27 2016

PLANNING &
DESIGN SERVICES

PATRICK R. DOMINIK, Landscape Architect • DAVID J. SEDLAR, Civil Engineer • DENNIS L. KRAUS, Land Surveyor
ERIC W. PENLAND, Civil Engineer • JOSEPH S. MARSHALL, Civil Engineer • DAVID W. SIPES, Civil Engineer

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3. **Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**
Yes. The applicant is meeting all other requirements on site and the amount of the waiver request is negligible. Therefore, the extent of this waiver is the minimum necessary to afford relief to the applicant.

4. **Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

The strict application of this regulation would require the applicant to remove at least two parking spaces in an area that needs parking. In addition, the applicant is providing 2.5 times the amount of tree canopy required by the regulation.

Please contact me with any questions regarding this project. I can be reached at 584-6271 or kelli.jones@swlinc.com.

Sincerely,



Kelli Jones, RLA/ASLA

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DESIGN SERVICES

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