

Development Review Committee
Staff Report
March 18, 2020



Case No:	19-WAIVER-0080
Project Name:	Landscape Waiver
Location:	2736 Virginia Ave
Owner(s):	Mr. Chauncey Turner, AC Investment, LLC
Applicant:	Mr. Chauncey Turner, AC Investment, LLC
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST:

1. **Waiver** of Land Development Code 10.2 to reduce the required LBA along the western property line abutting a C-2 zoned property from 15 feet to 5 feet

CASE SUMMARY/BACKGROUND

The subject site is zoned C-2 Commercial and R-7 Residential Multi-Family in the Traditional Neighborhood form district. It is located on the south side of Virginia Avenue, east of S 28th Street in the Parkland Historic Preservation District. The C-2 zoned portion of the site (which fronts on S 28th Street) is or was previously used as a restaurant. The existing concrete patio at the rear of the commercial structure is labeled "To Be Removed" on the waiver plan, since it is located on the residentially zoned portion of the subject site.

The applicant is proposing to construct a 1-story, 3,264 square foot studio apartment complex on the residentially zoned portion of the subject site. They are requesting a waiver to reduce the LBA along the western property line abutting a C-2 zoned property from 15 feet to 5 feet. The property to the west is an existing medical center, with a parking lot located behind the building.

STAFF FINDINGS

The waiver request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Staff is recommending the following condition of approval:

1. A sign shall be posted at the proposed parking indicating that it is for use by the proposed apartment complex only. Parking by restaurant patrons is not permitted.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this case.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2 TO REDUCE THE REQUIRED LBA ALONG THE WESTERN PROPERTY LINE ABUTTING A C-2 ZONED PROPERTY FROM 15 FEET TO 5 FEET

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

STAFF: The waiver will not adversely affect adjacent property owners since the property to the west is a commercially zoned property and the area directly adjacent to the subject site is an existing asphalt parking area. Additionally, there is an 8 foot wooden privacy fence between the two properties, and an existing 10 foot landscape area on the adjacent property to the west of the subject site. Additionally, the applicant is proposing to provide a 5 foot LBA along the eastern side of the fence. The proposed structure on the subject site is a one-story apartment complex, which the fence, existing 10 foot LBA and proposed 5 foot LBA should adequately screen.

- (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 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 property to the west of the subject site is zoned commercial, and the area of the site directly adjacent to the subject site is currently used as an asphalt parking lot. Additionally, there is a 10 foot landscaped area on the adjacent site, and an 8 foot wooden privacy fence along the property boundary. Additionally, the applicant is proposing to provide a 5 foot LBA along the eastern side of the fence.

- (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 a fifteen foot LBA on the subject site would limit the buildable space on the lot, which is 52 feet wide. Additionally, the subject site is a lower intensity use than the property to the west, and there is an existing 10 feet of LBA on the adjacent property as well as the 8 foot wooden fence.

- (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. A 15 foot LBA would restrict the buildable space on the lot. Additionally, the subject site is a lower intensity use than the property to the west, and there is an existing 10 feet of LBA on the adjacent property as well as the 8 foot wooden fence which provides a screen between the two properties.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Development Plan** and **Binding Element Amendments**

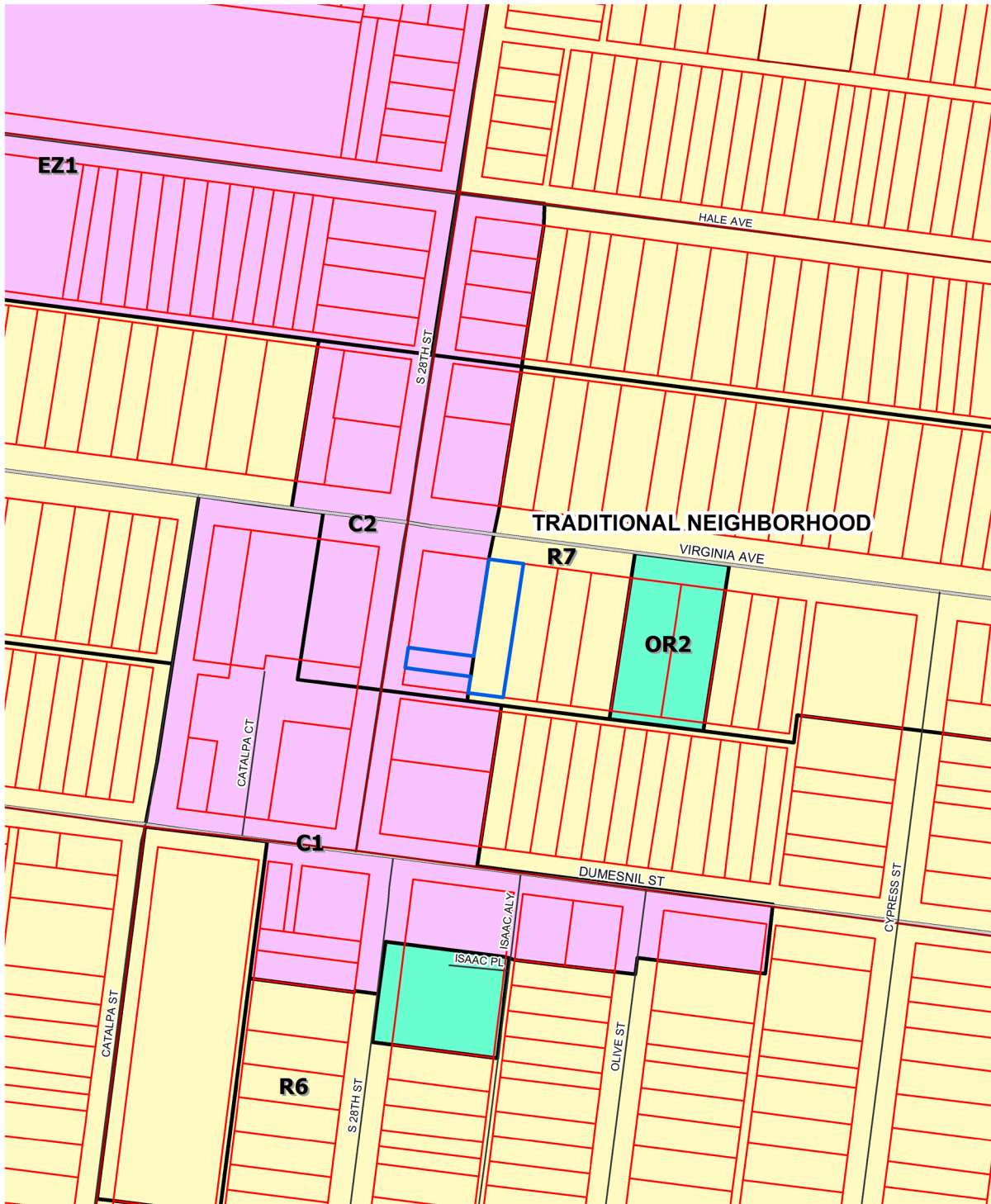
NOTIFICATION

Date	Purpose of Notice	Recipients
3-18-20	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 1

ATTACHMENTS

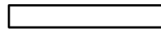
1. Zoning Map
2. Aerial Photograph
3. Proposed Condition of Approval

1. **Zoning Map**



2736 VIRGINIA AVENUE

feet



190

Map Created: 3/6/2020



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2. Aerial Photograph



2736 VIRGINIA AVENUE

feet



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Map Created: 3/6/2020



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3. Proposed Condition of Approval

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