

Development Review Committee

Staff Report

June 15, 2016



Case No:	16DEVPLAN1078
Request:	Proposed parking expansion.
Project Name:	Parking Expansion Sojourn
Location:	11412 Taylorsville Road
Area:	14.41590 acres
Owner:	Patrick Steward
Applicant:	Ashley Bartley – Qk4
Representative:	Ashley Bartley – Qk4
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Ross Allen, Planner I

REQUEST

- Landscape Waiver #1: from LDC section 10.2.4.B to allow the utility easement to encroach into as much as 50% of the required width of the LBA.
- Sidewalk Waiver#2: from LDC section 5.8.1.B to not provide sidewalks in the abutting right of way to serve the entrance of the development site.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is located at 11412 Taylorsville Road within Louisville Metro. The applicant is proposing to add 79 new parking spaces with a sidewalk connection in an R-4 zoned parcel within a Neighborhood Form District. The new parking spaces would be added to the northern portion of the existing parking lot to the east of the church, a total of 27 spaces, and north of the pond in a newly constructed parking lot containing 52 new spaces. As a result of the parking expansion a sidewalk would be required from the public right-of-way along Taylorsville Road leading to the church entrance and on the eastern side of the parcel it was determined by staff that the landscape buffer area is overlapped by an existing 150' ft. LG&E electric transmission easement.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Public and Semi-Public	R-4	Neighborhood
Proposed	Public and Semi-Public	R-4	Neighborhood
<i>Surrounding Properties</i>			
North	Single Family/Industry/Farmland	R-4	Neighborhood
South	Single Family	R-4	Neighborhood
East	Single Family/Parks and Open Space	R-4	Neighborhood
West	Vacant	R-4	Neighborhood

PREVIOUS CASES ON SITE

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

INTERESTED PARTY COMMENTS

Comments have not been received by any interested parties concerning this case.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4.B to allow a utility easement to encroach more than 50% into the landscape buffer area on the eastern side of the parcel:

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

STAFF: The waiver will not adversely affect adjacent property owners since residential uses found along the eastern side of the parcel are currently screened by existing tree stands abutting the Sojourn Community Church property. Furthermore, the existing dense vegetation will remain intact providing perimeter buffering the easement has no effect upon the landscape buffer area.

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

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate 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 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. 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 air borne and water borne pollutants. A single family dwelling currently blocks the view of the Church along Taylorsville Road, there are no residential uses to the west of the subject site, and the electric easement along the eastern property boundary acts as a buffer from both vehicular use areas and church.

- (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 as previously stated the easement provides a landscape buffer mitigating the impact upon adjacent uses.

- (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 since the existing screening along the eastern property boundary is in excess of what is required by LDC, particularly in the electrical easement along the eastern side of the property.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B.
to provide sidewalks from the abutting right of way (along Taylorsville Road) to
serve the development site.**

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant is proposing to provide a sidewalk from the southern side of Falling Brook Drive (Bolling Brook Subdivision) on the eastern side entering the Sojourn Community Church site where sidewalks currently exist. The applicant justification states that the connection from Bolling Brook Drive will provide more access to potential church goers than people arriving on foot via Taylorsville Road since no sidewalks currently exist along either side of Taylorsville Road.

- (b) The waiver will not 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 church is located approximately 1,230 feet to the rear of the parcel, from Taylorsville Road, requiring the construction of a long and potentially costly sidewalk. The applicant has stated that the addition of a sidewalk from Taylorsville Road could "invite" trespassers to enter the site and use the pond, which is considered a nuisance in fact.

- (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 the minimum necessary to afford relief to the applicant since adjacent property owners may access the site from Bolling Brook Drive and sidewalks are not present along either the north or south side of Taylorsville Road.

- (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 create an unnecessary hardship on the applicant since the sidewalk would increase accessibility of the subject site for trespassers and the potential damage of property. As a result of the secluded nature of the development providing a sidewalk connection from Taylorsville Road encourages trespassing onto the property and would place

a financial burden on the church to construct a lengthy sidewalk to the rear of the property where the church is located.

TECHNICAL REVIEW

- No technical review was performed for the subject site.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting the Landscape Waivers and Sidewalk Waiver as established in the Land Development Code.

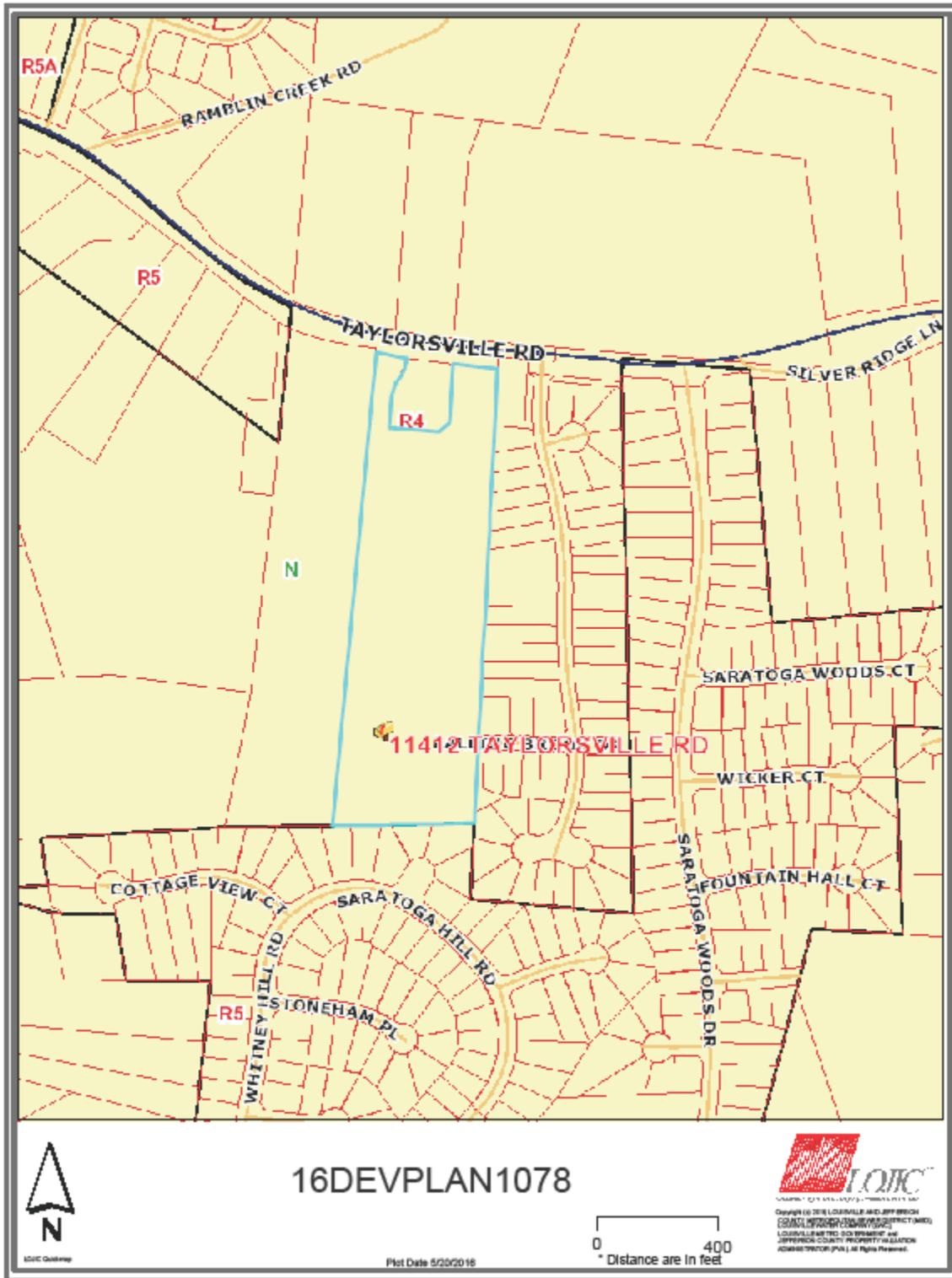
NOTIFICATION

Date	Purpose of Notice	Recipients
May 20, 2016	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 20 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan

1. Zoning Map



2. Aerial Photograph



