

# Development Review Committee

## Staff Report

October 3, 2018



<b>Case No:</b>	18DEVPLAN1033
<b>Project Name:</b>	Grocers' Ice & Cold Storage Building
<b>Location:</b>	601 E. Main Street
<b>Owner(s):</b>	Commonwealth of Kentucky FBO Trans Cabinet
<b>Applicant:</b>	Denton Floyd Real Estate Group
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Barbara Sexton Smith
<b>Case Manager:</b>	Zach Schwager, Planner I

### REQUESTS

- **Waivers:**
  1. **Waiver** from Louisville Metro Land Development Code section 5.5.1.B.1.a.i and 5.5.1.B.1.a.ii to allow the proposed parking to be constructed along E. Main Street and N. Hancock Street.
  2. **Waiver** from Louisville Metro Land Development Code section 10.2.10.B to allow the vehicle use area landscape buffer area to be located within the right-of-way and for shrubs to not be provided for any areas directly under the Interstate-65 overpass.
  3. **Waiver** from Louisville Metro Land Development Code sections 10.2.12 and 10.2.13 to waive interior landscape area and tree planting requirements for the proposed 15 space parking lot to be located directly under the Interstate-65 overpass.

### CASE SUMMARY/BACKGROUND

The subject property is in the Butchertown historic preservation district in the Industrial Character Area. There is an existing vacant two-story structure that is proposed to be renovated into a multi-family development with 77 units. The applicant proposes to construct two new parking lots for the apartments, and the construction of any parking spaces in the Downtown Form District requires a Category 2B review. The parking lot on the same parcel as the existing building will contain 19 spaces (three ADA spaces) and the parking lot adjacent to the site will contain 15 spaces. The applicant therefore requests three waivers from the Louisville Metro Land Development Code. The first waiver is to allow the proposed parking to be constructed along E. Main Street and N. Hancock Street. The second waiver is to allow a landscape buffer area (LBA) associated with a vehicle use area (VUA) to be located within the right-of-way and for shrubs to not be provided for any areas directly under the Interstate-65 overpass. The third waiver is to waive interior landscape area and tree planting requirements for the proposed 15 space parking lot to be located directly under the Interstate-65 overpass.

### STAFF FINDING

The applicant requests three waivers, and staff finds that the waivers are adequately justified and meets the standard of review due to the location of the property and the fact that both parking lots are either completely or partially located under an interstate overpass.

## TECHNICAL REVIEW

The plan has received preliminary approval from all applicable agencies.

## INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.5.1.B.1.a.i and 5.5.1.B.1.a.ii (1)

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

STAFF: The waiver will not adversely affect adjacent property owners as the parking lots will either be mostly obscured by the existing building or the infrastructure of the overpass. The proposed parking lot behind the existing structure is in the only feasible part of the lot. Each parking lot will have a three ft. high brick wall to help screening along E. Main Street and N. Hancock Street.

- (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. The requested waiver will not violate this policy as the parking lots will be mostly obscured by either the existing building or the overpass infrastructure, as well as three ft. high brick walls. Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. The requested waiver will not violate this policy as the parking lots will be mostly obscured by either the existing building or the overpass infrastructure, as well as three ft. high brick walls.

- (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 as the parking lots are mostly obscured by the existing building and interstate infrastructure. A three ft. high brick wall will be added to provide additional screening. Also, the proposed parking lot behind the existing building is the only feasible location on the lot and will be accessed from the rear of the property.

- (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 by providing three ft. high brick walls around both parking lots.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.10.B (2)**

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

STAFF: The waiver will not adversely affect adjacent property owners as the VUA LBA is being placed within the right-of-way and the applicant will obtain a KYTC air-rights permit. Shrubs will also not be provided beneath the overpass; however, the overpass infrastructure will provide some screening. Also, a three ft. high brick wall will provide additional screening.

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

STAFF: Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. The requested waiver will not violate this policy as the parking lots will be mostly obscured by either the existing building or the overpass infrastructure, as well as three ft. high brick walls. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The requested waiver will not violate this policy as landscaping will be provided by shrubs in areas that are not directly under the overpass.

- (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 as the VUA LBA will be in the right-of-way pending a KYTC air-rights permit. Shrubs will be provided except for areas beneath the overpass, where a three ft. high brick wall will add screening in addition to the overpass infrastructure.

- (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 may deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by reducing the amount of parking needed for the residents of the apartments.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.12 and 10.2.13 (3)**

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

STAFF: The waiver will not adversely affect adjacent property owners as the parking lot will be located underneath an overpass and will be screened by the existing infrastructure and a proposed three ft. high brick wall. Also, VUA ILAs would not be feasible in this location.

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

STAFF: Guideline 3, Policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize impacts from noise, lights and other

potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. The requested waiver will not violate this policy as the parking lots will be mostly obscured by either the existing building or the overpass infrastructure, as well as three ft. high brick walls. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The requested waiver will not violate this policy as landscaping will be provided by shrubs in areas that are not directly under the overpass.

- (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 as the parking lot is located underneath an overpass and it is not reasonable to provide VUA ILAs.

- (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 may deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant by requiring VUA ILAs underneath an overpass.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waivers**

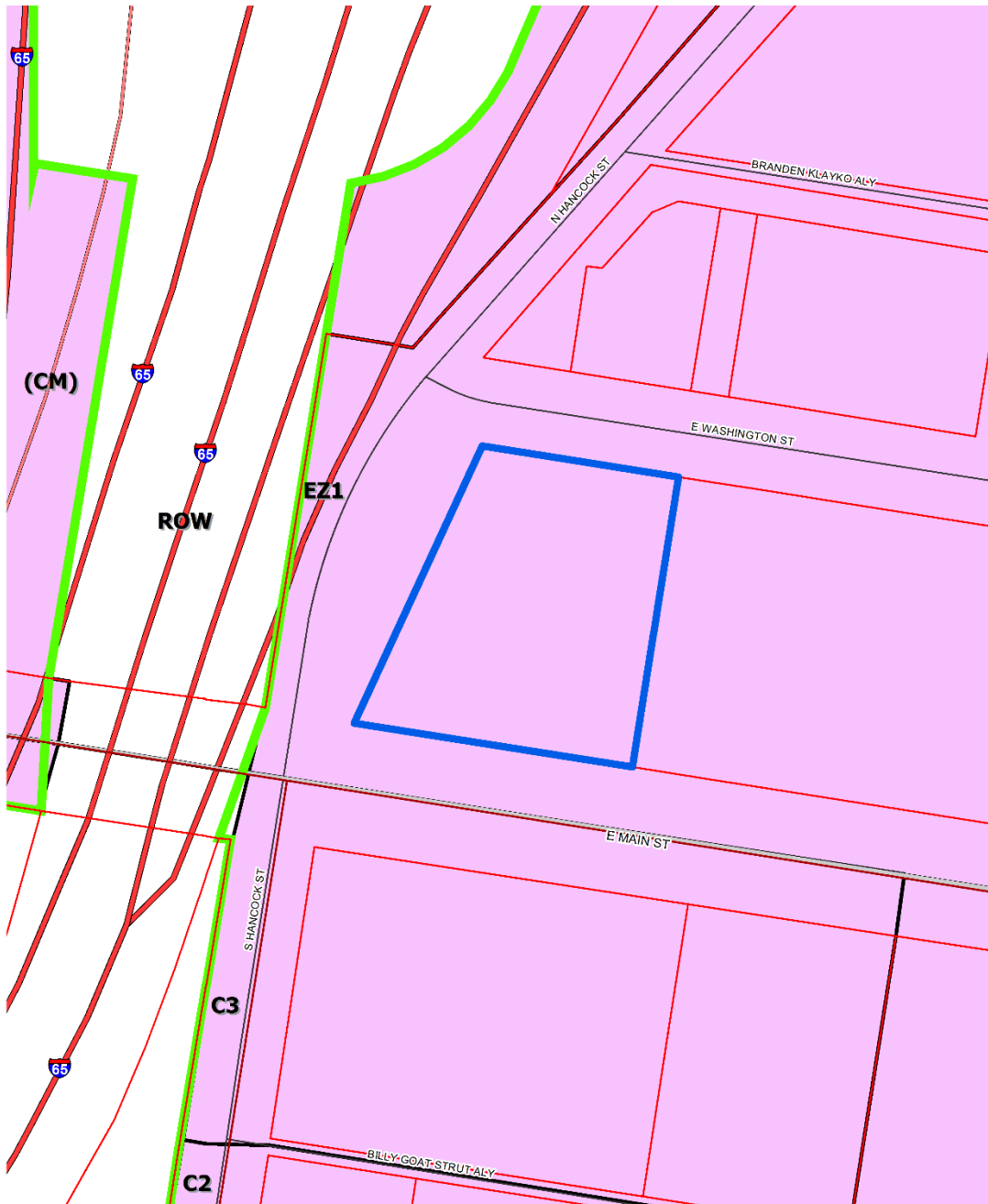
**NOTIFICATION**

Date	Purpose of Notice	Recipients
09/19/2018	DRC Public Meeting	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4

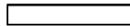
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



601 E. Main Street  
feet



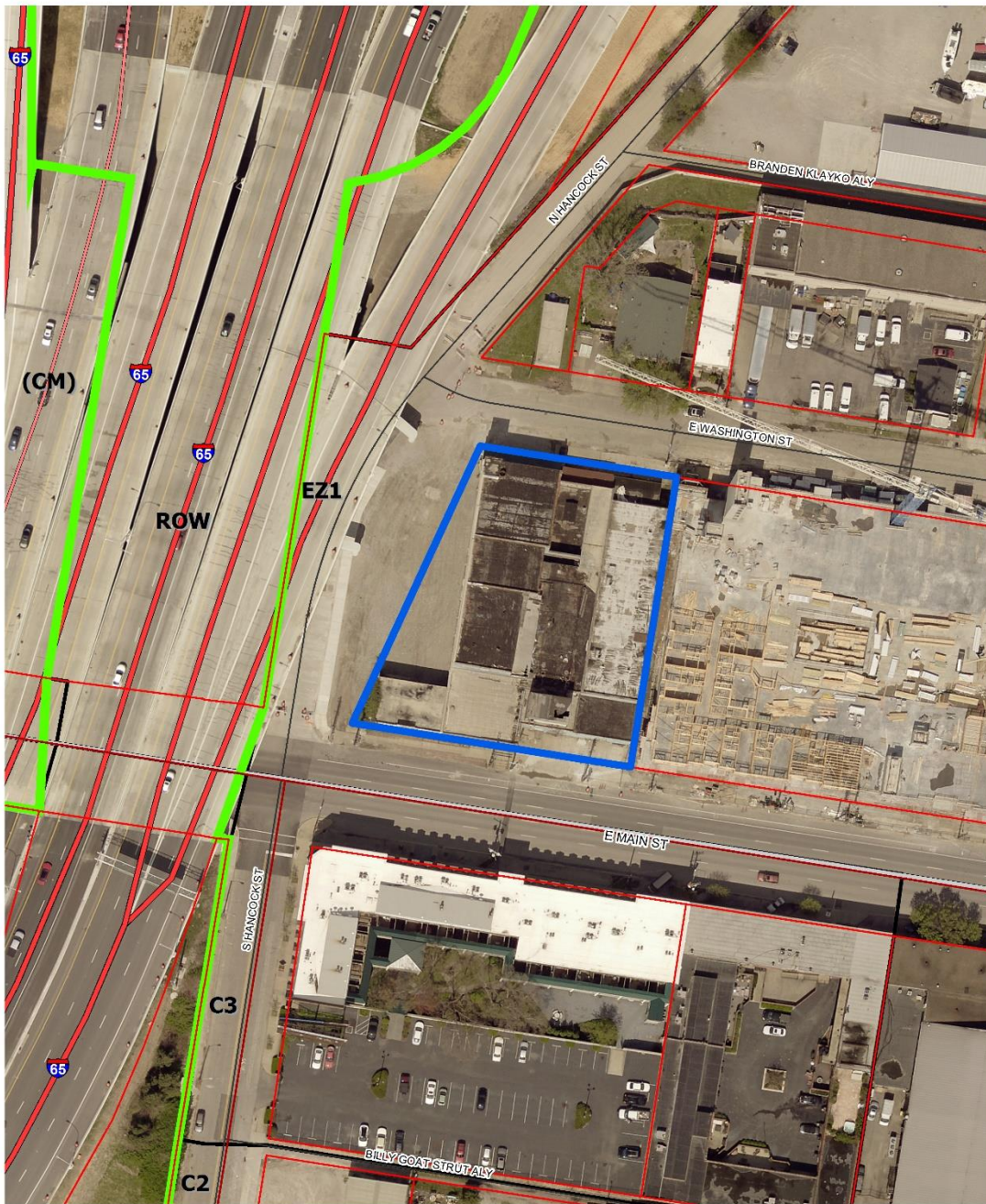
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Map Created: 9/20/2018

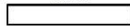


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2. Aerial Photograph



601 E. Main Street  
feet



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Map Created: 9/20/2018



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