

# Development Review Committee

## Staff Report

March 31, 2021



<b>Case No:</b>	20-CAT2-0035
<b>Project Name:</b>	CVS Pharmacy
<b>Location:</b>	7845 & 7847 Preston Hwy
<b>Owner(s):</b>	The Nance Realty Group
<b>Applicant:</b>	David Norris & John Rhodes, Foresite Group
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	24 – Madonna Flood
<b>Case Manager:</b>	Molly Clark, Planner I

### REQUEST(S)

- Waivers:
  1. Waiver from table 10.3.1 from the Land Development Code to only provide a 5 foot parkway buffer instead of the required 30 foot buffer (21-Waiver-0029).
  2. Waiver from 10.3.5.A.3 to allow vehicle use area/ parking in the required 15 foot parkway buffer along Preston Hwy (21-Waiver-0029).
  3. Waiver from 5.5.2.A.1 from the Land Development Code to not provide consistent building design and materials on each façade facing a public street. (21-Waiver-0030)
  4. Waiver from 5.6.1.C.1 and 5.6.1.B.1 from the Land Development Code for the proposed building to not provide 50% minimum of clear windows and doors and to not provide the 60% minimum of variation of detail facing a public street (21-Waiver-0030).

### CASE SUMMARY/BACKGROUND

The site is on the corner of Preston Hwy and Outer Loop and currently has a vacant Shell gas station. The site also used to have a shopping center that has since been demolished. The site is located in the C-1 Zoning District and Suburban Marketplace Corridor Form District. The applicant is proposing a 9,618 square foot CVS Pharmacy on a 1.14 acre proposed lot. Outer Loop is considered a parkway making this site subject to Parkway requirements. The waivers presented in this staff report are related to a category 2B plan under case number 20-CAT2-0035. The applicant is proposing the residual lot to have a crossover access/shared parking agreement that will allow the proposed CVS to access Lone Oak Drive and Carol Drive.

### STAFF FINDING

Staff finds that the proposal does not meet the guidelines of the Comprehensive Plan and requirements of the Land Development Code. The parkway waiver along Outer Loop being does not meet the standard of review with the reduction in the parkway buffer from 30 feet to 5 feet and is not consistent with the other corner lots landscaping provided within the Outer Loop Preston Hwy intersection. This intersection acts as a major corridor for the Okolona area. Not providing the full buffer is further adding

to the issue of increased impervious surface in an area with a great amount of surface parking. This area needs greenscape because of heat islands caused by surface parking in older developments.

Proposal does not meet the guidelines of the Comprehensive Plan and requirements of the Land Development Code. The building design waivers being requested does not meet the standard of review. Staff finds that the proposed renderings does not provide a quality of design that fits nearby developments in the area which is not consistent with the Comprehensive Plan 2040. Staff finds it concerning to not provide little to no windows and a lack of building material diversity along 3 out of the 4 facades.

The committee should discuss the buffering along Outer Loop Parkway buffer and extension of that buffer along Preston Hwy to determine if further mitigation is necessary. The committee should discuss the building elevations, specifically the left, rear, and right side proposed elevations and whether or not these elevations are compatible with other nearby developments. The proposed building will be facing 4 public roads, Preston Hwy, Outer Loop and technically Lone Oak Drive and Carol Avenue (the applicant is proposing to redevelop the residual tract in the future).

### **TECHNICAL REVIEW**

Transportation Planning and MSD have preliminarily approved the proposal.

KYTC has preliminarily approved the plan pending a Traffic Study.

Application still pending owner signature. Wrong property owner listed on the plan.

ILA's are calculated Incorrectly on the plan.

### **INTERESTED PARTY COMMENTS**

Staff has not received interested party comments.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of table 10.3.1, Parkway Development Standards, to reduce the required parkway buffer from 30 feet to 5 feet:**

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

STAFF: The waiver will adversely affect adjacent property owners because it is not consistent with nearby development.

- (b) The waiver will violate specific guidelines of Plan 2040; and

STAFF: Guideline 1, policy 4 states that new development and redevelopment are compatible with the scale and site design of nearby existing development. This development is not providing the same level of landscaping that the other corner lots in the intersection have provided. The same guideline and policy also states that quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This proposed development does not enhance compatibility, specifically for the Outer Loop designated parkway. Other developments in the area are providing buffering along Outer Loop. Guideline 34, policy 15 states that parking in activity centers should reflect the area's associated

Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. This site is not providing enough environmental and aesthetic considerations. Eliminating a majority of a required parkway buffer removes the opportunity to provide green spaces in an area that has a lot of surface parking. The other corners of this intersection have provided more buffers/plantings than the proposed pharmacy. Guideline 41, policy 7 encourages natural features to be integrated within the prescribed pattern of development. Again, the proposed development provides natural features along Preston Hwy but not on the actual corner of the intersection or along the Outer Loop frontage.

- (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 could provide the buffer and redesign the site but the applicant does not want to move the building back from Outer Loop and provide the required parkway buffer. The applicant is proposing future development on the residual tract where the since demolitions shopping center used to be.

- (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 form district or compensated for non-compliance. The applicant is proposing future development for the residual lot and is working with a lot with limited space. They are not mitigating the reduction in the parkway buffer.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.3.5.A.3, Parkway Development Standards, to allow parking to encroach in the required 15 foot parkway buffer along Preston Hwy:**

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

STAFF: The waiver will not adversely affect adjacent property owners since a large ILA and buffer is being provided along Preston Hwy. The applicant will be meeting/exceeding the required Tree Canopy plantings.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: Guideline 41, Policy 7 of Plan 2040 encourages natural features to be integrated within the prescribed pattern of development. The applicant is proposing ILA along a majority of the Preston Hwy road frontage. The proposed parking spaces encroaching into the required 15 foot parkway buffer along Preston Hwy is only impacting a very small area within the buffer. Guideline 62, policy 9 states that developments develop, preserve and maintain an interconnected system of scenic corridors and parkways. This site is at least maintaining most of the buffers on the Preston Hwy road frontage.

- (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 they are mitigating the buffer by proposing ILA along the Preston Hwy road frontage. They are also meeting/exceeding the tree canopy requirements.

- (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 reasonable use of the land since the applicant is providing almost all of the required buffers along Preston Hwy. The proposed parking is only impacting a very small portion of 15 foot required parkway buffer. They are providing ILA between the parking lot and Preston Hwy road frontage but there is not mitigation for the Outer Loop frontage.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from section 5.5.2.A.1 to not provide the same level of detail on all facades facing public streets:**

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

STAFF: The waiver will adversely affect adjacent property owners since it is not consistent with nearby development as other developments in the area have provided windows and doors and other animating features facing the public road. This site is located at the intersection of two major roads and will be visible to many drivers. This area is an important intersection for the Okolona Neighborhood.

- (b) The waiver will violate specific guidelines of Plan 2040.

STAFF: Guideline 1, policy 4 states that redevelopment should be compatible with the scale and site design of nearby existing development. The guideline also states that quality design and building materials should be promoted to enhance compatibility of development. This proposal is proposing primarily blank walls and has a lack of windows. This does not match other developments in the area. The walls facing public roads have a lack in variety of detail and all facades facing public streets do not match each other in terms of level of detail.

- (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 according to the applicant because windows, doors and differing materials can be placed on all the facades facing public streets.

- (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 measure that compensates for non-compliance. A majority of the elevations provide little variety of detail or windows affording into the business. They are not providing mitigation for the lack of building design.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.6.1.B.1 and 5.6.1.C.1 to waive the 60% minimum variety in detail and 50% clear windows and doors on building facades facing public streets:**

- (a) The waiver will adversely affect adjacent property owners; and

STAFF: The requested waiver will adversely affect adjacent property owners since it is not consistent with nearby development. There is also a TARC stop in front of this development where the left side elevation will be facing. This elevation has a very small window near the main entrance but has primarily a blank wall with little to no detail. This elevation will be visible from the TARC stop.

- (b) The waiver will violate specific guidelines of Plan 2040.

STAFF: Guideline 5, policy 9 talks about developments having appropriate transition between uses that are different in scale by having compatible building design and materials. This site does not match the building design of nearby developments. Adjacent to this proposed site is residential houses, other shopping centers, banks, restuarants and offices. The proposed elevations are not providing the same level of windows and detail as the other buildings nearby.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant because they can provide windows, doors and differing materials can be places on all the facades facing public streets.

- (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 form district or has compensated for non-compliance with the requirements to be waived. Each proposed elevation except for the front elevation, is not providing enough variety in detail or windows/clear doors affording into the business. There are not any plantings being provided in front of the proposed elevations and only 3 different materials are being used throughout the entire building.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver** to only provide a 5 foot parkway buffer instead of the required 30 foot buffer (21-Waiver-0029).
- **APPROVE** or **DENY** the **Waiver** to allow vehicle use area/ parking in the required 15 foot parkway buffer along Preston Hwy (21-Waiver-0029).
- **APPROVE** or **DENY** the **Waiver** to not provide consistent building design and materials on each façade facing a public street (21-Waiver-0030)
- **APPROVE** or **DENY** the **Waiver** to allow a proposed building to not provide enough level of detail (60% minimum variation of detail required) and to not provide 50% minimum of clear windows and doors facing a public street. (21-Waiver-0030)

**NOTIFICATION**

Date	Purpose of Notice	Recipients
3-17-21	Hearing before 3-31-21	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 24

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph



2. Aerial Photograph

