

Land Development & Transportation Committee

Staff Report

October 13, 2016



Case No:	16WAIVER1037
Request:	LDC Waivers for Vehicular Connections and Landscape Waiver for Internal Landscape Areas
Project Name:	LAL Center
Location:	9502 Taylorsville Rd
Owner:	Kishin Dodwani, Jhoolay Lal Properties, LLC
Applicant:	Kishin Dodwani, Jhoolay Lal Properties, LLC
Representative:	Missy Legel, Civil Design, Inc
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Waiver of Section 10.2.11 to decrease the Internal Landscape Area requirement.
- Waiver of Section 5.9.2.B to not provide both pedestrian and vehicular connections to adjacent sites.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant has filed for Category 2B approval with the city of Jeffersontown for an 8,627 square foot retail building and 32 on-site parking spaces. The site is currently a vacant gas station, which will be demolished to make way for the new proposal. The applicant has not met the requirements for vehicular and pedestrian connections to abutting sites. The proposal provides a portion of the required Internal Landscape Area and therefore does not meet the 7.5% requirement. As mitigation, the applicant has agreed to plant two Type B trees in an Internal Landscape Area in the middle of the parking lot that did not meet the width requirements for ILAs.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant Gas Station	C-1	SMC
Proposed	Retail	C-1	SMC
<i>Surrounding Properties</i>			
North	Retail	C-1	SMC
South	Office	C-1,C-2	SMC
East	Restaurant	C-2,C-1	SMC
West	Office	C-1	SMC

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of Section 10.2.11 to decrease the Internal Landscape Area requirement.

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

STAFF: The waiver will not adversely affect adjacent property owners as the applicant is proposing more tree plantings than what currently exists on site, therefore potentially decreasing runoff to adjacent properties.

- (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. This policy is not violated as there are currently two trees on site that will be removed that are located along the southeast property line, but the applicant will be providing a net increase of tree canopy. One new tree is proposed in an Internal Landscape Area and nine trees in the Landscape Buffer Area along Taylorsville Road, as well as two Type B trees in the substandard ILA and four trees along the southeastern property line. The number and location of these trees increases the site's natural resources.

- (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 applicant needs the Vehicle Use Area space in order to provide the minimum parking requirement with the desired size of the retail building.

- (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 as sufficient parking could not have been provided while also meeting the Internal Landscape Requirement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 5.9.2.B to not provide both pedestrian and vehicular connections to adjacent sites.

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

STAFF: The waiver will not adversely affect adjacent property owners as ingress and egress is being improved on the proposal site and both adjacent sites have existing access from Taylorsville Road.

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

STAFF: Guideline 2, policy 13 calls to encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, policy 13 calls for the requirement of joint and cross access easements according to standards set forth in the Land Development Code, to reduce traffic on major thoroughfares and to reduce safety hazards. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and to reduce traffic on the main thoroughfare. These policies are not violated as all access points currently exist and the number of access points are not being increased.

- (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 to allow the layout of the parking and building as the use requires.

- (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 by requiring the applicant to lose parking and possibly requiring a parking waiver.

TECHNICAL REVIEW

There are no technical issues.

STAFF CONCLUSIONS

The Landscape Waiver to allow the decrease of the requirement of Internal Landscape Areas is justified and meets the standard of review due to the mitigation efforts by the applicant to provide two additional Type B trees in the non-compliant Internal Landscape Area. The Waiver to not provide vehicular and pedestrian connections to adjacent sites appears to be adequately justified and meets the standard of review as proposed. This is based on the standard of review and staff analysis.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for granting the Waivers established in the Land Development Code.

REQUIRED ACTIONS

Recommend to the City of Jeffersontown:

- **APPROVAL ON CONDITION** that the two additional trees are planted in the non-compliant ILA **or DENIAL** of the Waiver of Section 10.2.11 to eliminate the Internal Landscape Area requirement on an existing parking area.
- **APPROVAL or DENIAL** of the Waiver of Section 5.9.2.B to not provide pedestrian and vehicular connections to adjacent sites.

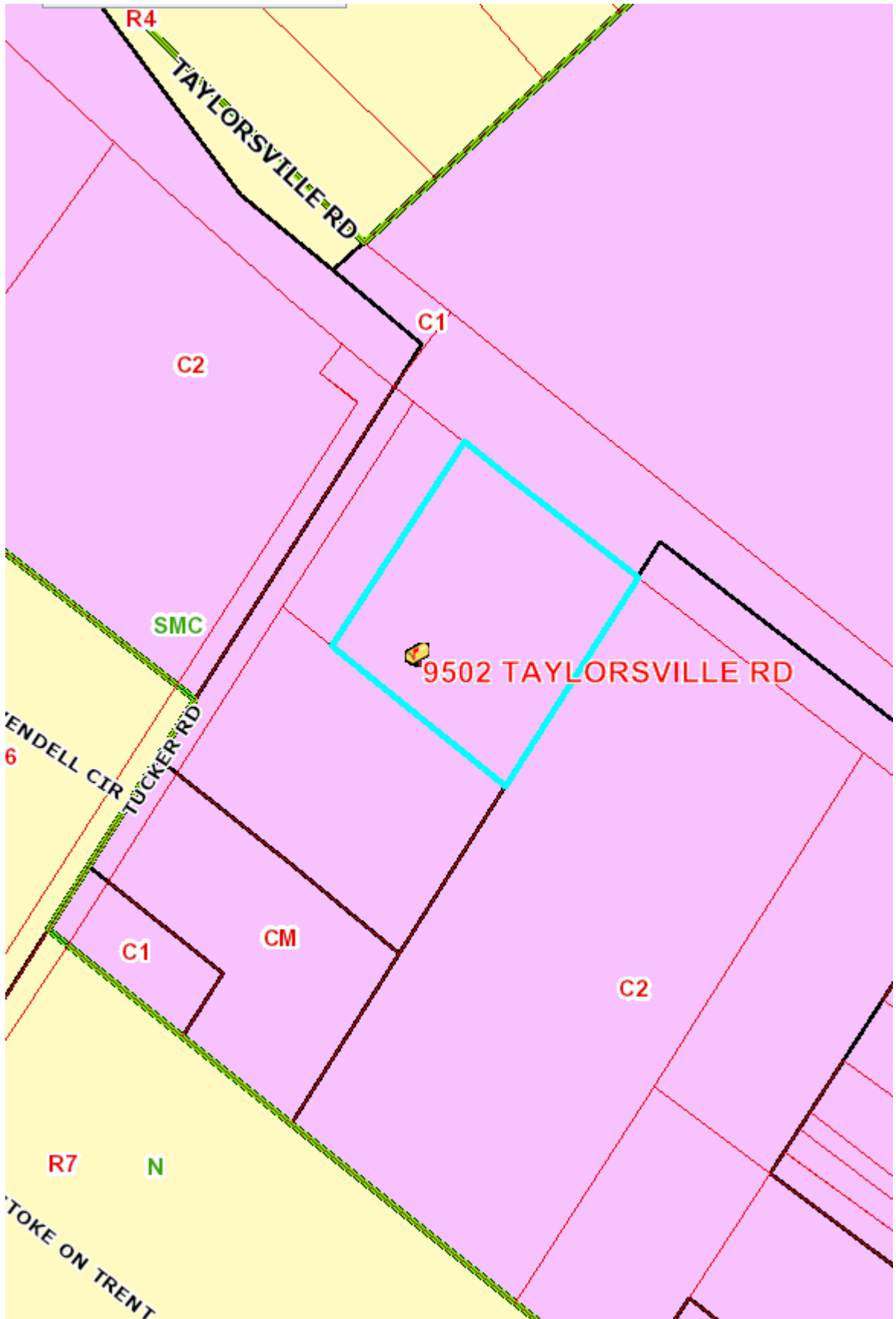
NOTIFICATION

Date	Purpose of Notice	Recipients
9/28/2016	Public Hearing - DRC	Neighborhood notification recipients
9/29/2016	Public Hearing - DRC	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

