

Development Review Committee
Staff Report
July 17, 2019



Case No:	19WAIVER1027
Project Name:	Landscape Waiver
Location:	11506 Shelbyville Rd
Owner(s):	Brent Beanblossom
Applicant:	Alex Rosenberg, AL Engineering
Jurisdiction:	Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST(S)

1. **Waiver** of Land Development Code section 10.2 to allow parking within the 25 foot scenic corridor landscape buffer area along Shelbyville Road

CASE SUMMARY/BACKGROUND

The applicant is proposing a 220 square foot coffee kiosk in the C-1 Commercial zoning district and the Town Center form district. The applicant is requesting a waiver to allow on-site parking to encroach into the 25 foot Shelbyville Road scenic corridor landscape buffer area. The subject site is currently vacant, with no structures but a paved parking area.

The subject site is bordered on all sides by C-1 zoned properties, except across the street on the north side of Shelbyville Road there is a combination of C-2 and R-6 zoned properties.

STAFF FINDING

The waiver requests are adequately justified and meet the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

Staff has received two emails from one party who is in opposition to this waiver request. The emails are included with the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2 TO ALLOW PARKING WITHIN THE 25 FOOT SCENIC CORRIDOR LANDSCAPE BUFFER AREA ALONG SHELBYVILLE ROAD

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

STAFF: The waiver will not adversely affect adjacent property owners since there is currently parking in the scenic corridor on the subject site, and many sites in the vicinity of the subject site.

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

STAFF: Community Form Goal 1, Policy 20 calls for the mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Community Form Goal 1, Policy 9 calls for the insurance of appropriate transitions between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Community Form Goal 2, Policy 2.1 states that proposed uses, density and design are compatible with adjacent uses and meet Form District guidelines.

This site abuts similarly zoned and used properties, so the difference in intensity or density of development is not substantial in scale. The proposed plan decreases the impervious surface area on the subject site by 3,600 square feet, and provides 613 square feet more ILA than is required (2.5% of the Vehicle Use Area is required and the applicant proposes 8.79%).

- (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, according to the justification statement, given the relatively small size of the subject site (16,806 square feet), a 25 foot landscape buffer limits access and parking. Additionally, there is currently parking in the scenic corridor on the subject site, and many sites in the vicinity of the subject site.

- (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 since the small size of the subject site already somewhat restricts development, which the 25 foot scenic corridor further restricts.

REQUIRED ACTIONS:

- **Recommend APPROVAL or DENIAL of the Waiver to Middletown**

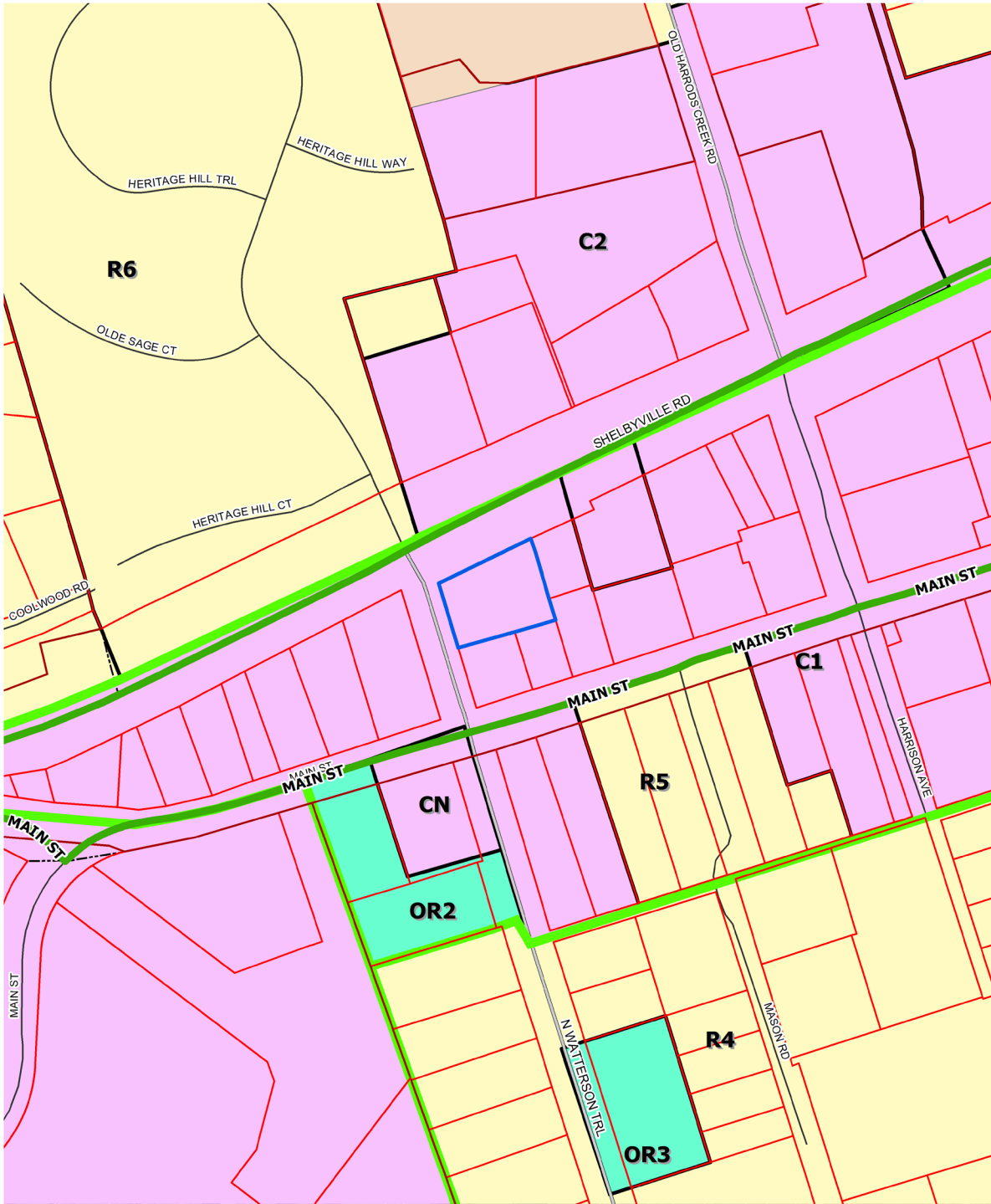
NOTIFICATION

Date	Purpose of Notice	Recipients
7-17-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

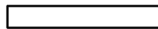
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



11506 SHELBYVILLE RD

feet



190

Map Created: 7/8/2019



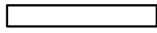
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2. Aerial Photograph



11506 SHELBYVILLE RD

feet



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Map Created: 7/8/2019



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