

**Development Review Committee
Staff Report**
June 15, 2016



Case No:	16WAIVER1011
Request:	To allow more than a 50% overlap of an existing utility easement into the required 15' ft. LBA.
Project Name:	6600 Paramount Park LBA Waiver
Location:	6600 Paramount Park Drive
Owner:	Gurmit Advani
Applicant:	Spencer Heuke – Heritage Engineering, LLC.
Representative:	Spencer Heuke – Heritage Engineering, LLC.
Jurisdiction:	Louisville Metro
Council District:	21 – Dan Johnson
Case Manager:	Ross Allen – Planner I

REQUEST

- Waiver from LDC section 10.2.4.B to allow more than a 50% overlap of an existing utility easement into the required 15' ft. LBA.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 64,000 sf. hotel (Category 2b staff approvable) in a zoned EZ-1 parcel in a Suburban Workplace Form District. The applicant has applied for a waiver as the result of a 50' ft. public utility, sewer, drainage, and private access easement located to the east of the proposed hotel where a required 15' ft. VUA LBA is proposed. The proposed 15' ft. VUA LBA is overlapped by the utility easement by more than 50%.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	EZ-1	Suburban Workplace
Proposed	Commercial	EZ-1	Suburban Workplace
Surrounding Properties			
North	Commercial	EZ-1	Suburban Workplace
South	Commercial	EZ-1	Suburban Workplace
East	Commercial	EZ-1	Suburban Workplace
West	Commercial	EZ-1	Suburban Workplace

PREVIOUS CASES ON SITE

14MINORPLAT1127
16DEVPLAN1013
16LSCAPE1045

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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

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

STAFF: The waiver will not adversely affect adjacent property owners since the VUA LBA is located along a private access road that leads to a mini-storage warehouse located to the rear of the applicant's property.

- (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. The general vicinity is occupied by all commercial land use types and has a mini-storage warehouse to the rear, a vacant lot to the east, and a hotel to the northeast.

- (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 the 50' ft. public utility, sewer, drainage, and private access easement predates the proposed plan for the hotel. As a result, the waiver is the necessary to afford relief to the applicant.

- (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 applicant would be unable to meet the LDC section 10.2.4.requirements for providing a LBA for the explicit purpose of screening their VUA.

TECHNICAL REVIEW

- No agency comments for development plan review.

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 a LDC Landscape Waiver from section 10.2.4.B as established in the Land Development Code.

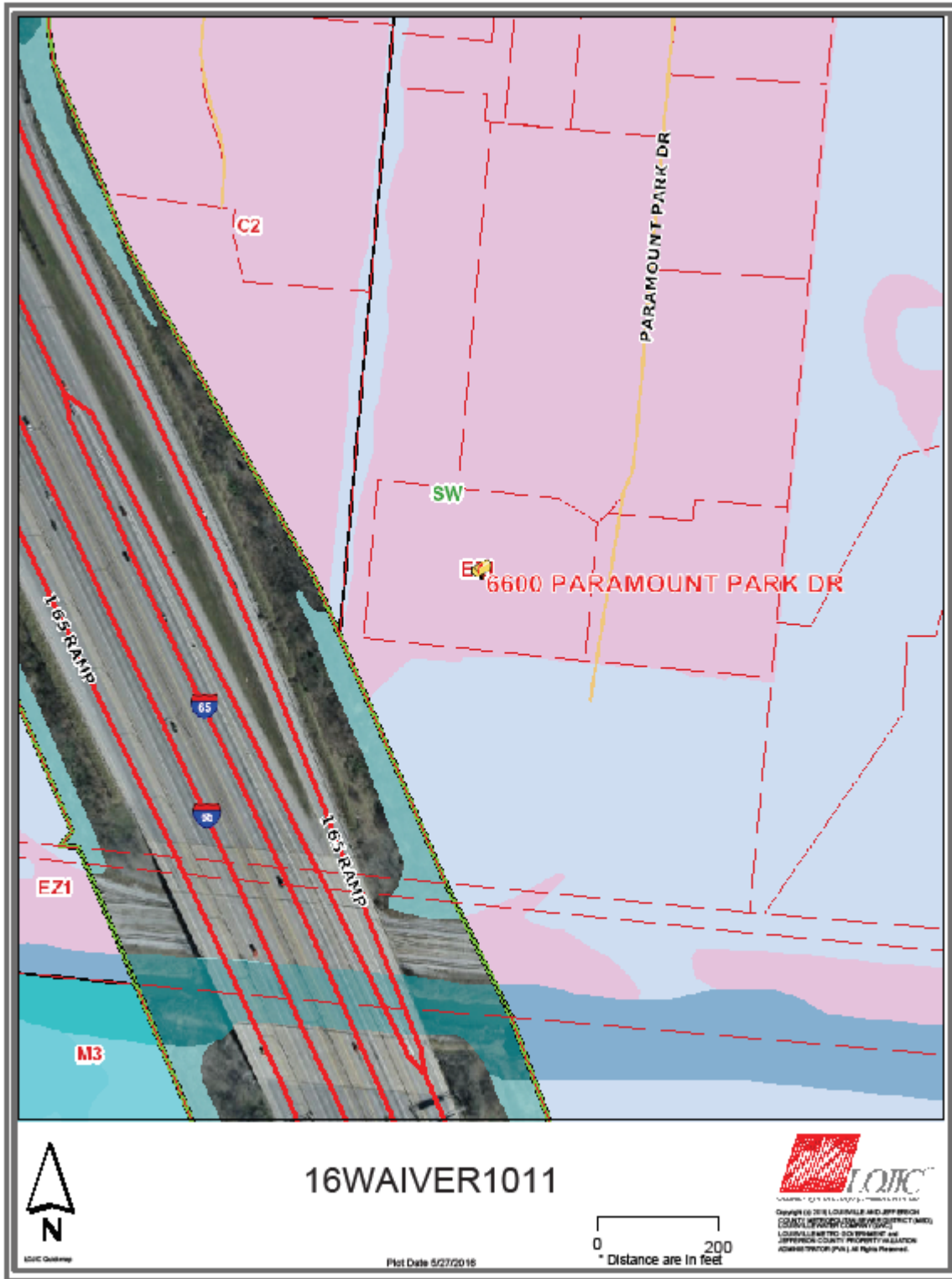
NOTIFICATION

Date	Purpose of Notice	Recipients
June 3, 2016	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 21 Notification of Development Proposals

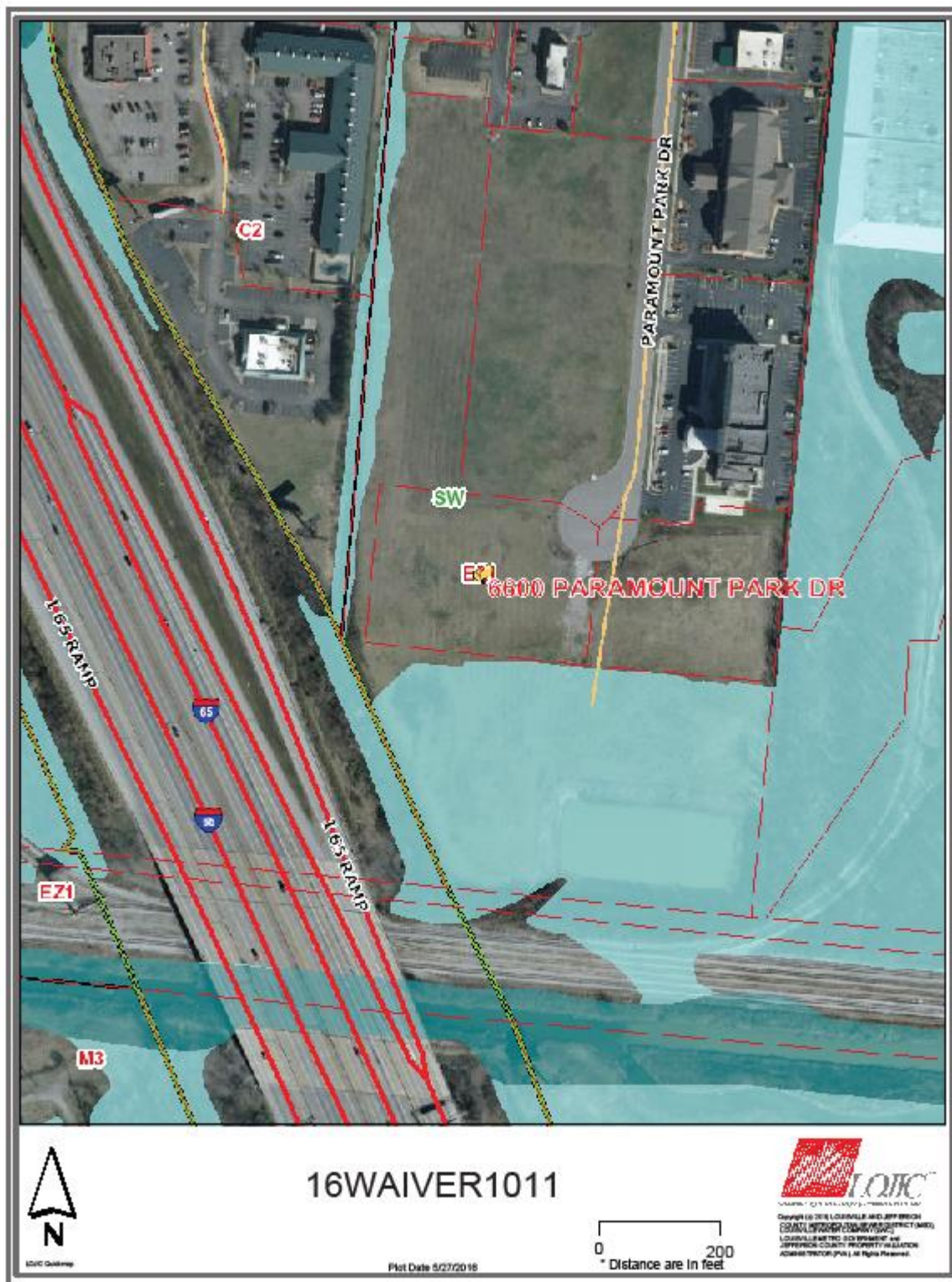
ATTACHMENTS

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

1.



2. Aerial Photograph



3. Landscape Plan

