

**DEMONSTRATION OF APPROPRIATENESS
1104 CENTRAL AVENUE
PROPOSED CONDITIONAL USE PERMIT
LAND DEVELOPMENT CODE § 4.2.39
OFF-STREET PARKING AREAS**

The Applicant, Taylor & Central, LLC proposes a condition use permit for off-street parking areas pursuant to Land Development Code ("LDC") § 4.2.39 at 1104 Central Avenue in Louisville, Kentucky. If granted, the conditional use permit would for [fifteen (15)] parking spaces as shown on the condition use permit plan (hereinafter the "Site Plan") prepared by BTM Engineering, Inc., to serve the associated retail use on the parcel located adjacent to the subject lot with an address of 3100 Taylor Boulevard (the "Taylor Parcel"). The subject lot is approximately .15-acre and situated in the R-6 Zoning District and the Traditional Neighborhood Form District.

The proposed Conditional Use Permit for Off-Street Parking (i) will not have an adverse effect on neighboring property, (ii) is not in conflict with the goals and plan elements of the Comprehensive Plan, (iii) is essential to or will promote the public health, safety and general welfare in one or more zones, and (iv) is in compliance with the listed standards in Land Development Code ("LDC") Section 4.2.39, as is demonstrated in this Justification Statement.

LDC Section 4.2.1 Requirements

The proposal will not have an adverse effect on neighboring property. The .15-acre subject lot is being proposed for parking facilities for the associated retail use on the Taylor Parcel. The subject property has been used as a gravel parking area for the adjacent businesses for many years and is overgrown with weeds, making it unsightly and an eyesore for the adjacent property owners. The gravel lot is separated from the adjacent property to the west by a chain link fence which is approximately six feet in height. The adjacent properties across the alleyway to the east-southeast are utilized as commercial retail, with the adjacent property to the west used as single family residential (the "RAH Site"), and the adjacent property to the south-southwest (the "Hibbs Site") used as office residential and single family residential. The Applicant will install all landscaping and screening required under the LDC, including the removal of the existing chain link fencing and the installation of a wooden privacy fence, and is proposing to pave and stripe the existing gravel lot. Thus, the requested waiver will not adversely affect the RAH site, the Hibbs Site, nor any other adjacent property owners and will result in the beautification of the existing gravel parking area from its current state.

The proposal is not in conflict with the goals and plan elements of the Comprehensive Plan. See Comprehensive Plan Justification below.

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The proposal is essential to or will promote the public health, safety and general welfare in one or more zones. The Taylor Parcel is currently legally non-conforming with respect to parking, with only 7 on-street spaces and 1 space in the rear of the building for a total of 8 spaces serving the 6,500 square foot building on the Taylor Parcel. The 15 parking spaces to be provided on the subject lot, when added together with the existing on street parking spaces serving the Taylor Parcel will put the Taylor Parcel in compliance with the parking requirements of the Code as the total number of spaces serving the Taylor Parcel will be both above the minimum provided by Code (13 spaces), but well below the maximum (33 spaces).

In addition, to the beautification of the existing gravel lot through paving and stripping the same and installing all landscaping and screening required under the LDC, the creation of these new parking spaces will relieve the congestion on the streets surrounding the Taylor Parcel and the adjacent properties, including both Central Avenue and Taylor Boulevard

The proposal is in compliance with all listed standards in LDC Section 4.2.39.

LDC Section 4.2.39 Requirements

Even though the actual number of parking spaces serving the Taylor Parcel is legally non-conforming, the location of these on-street parking spaces is not necessarily adequate considering the location of the parking in relation to the building that they serve.

Thus, the provision of the proposed additional 15 parking spaces will materially relieve traffic congestion on the streets. Considering the immediate location of the proposed parking spaces near the building they are intended to accommodate, the proposed parking will serve a use for which sufficient parking would otherwise not be available at critical times.

Comprehensive Plan Justification

The proposal conforms to all applicable Goals, Objectives, Guidelines and Policies of the Comprehensive Plan. Applicable Guidelines and Policies are detailed in this Justification.

Community Form Guideline 1. The proposal conforms to Community Form Guideline 1 and all applicable Policies adopted thereunder, including Policy 1.B.3. The proposal is located in the Traditional Neighborhood Form District and conforms to the Traditional Neighborhood Form District definition and provisions in that it seeks to provide needed additional parking for the Taylor Parcel while protecting adjacent residential uses on the RAH Site, Hibbs Site and other adjacent properties through the installation of all landscaping and screening required under the LDC including the replacement of the existing chain link fence separating the subject lot from the RAH and Hibbs Sites with a six foot wooden privacy fence.

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Compatibility Guideline 3. The proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 3.1, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9, 3.12, 3.22, 3.23, 3.24. and 3.28. The resurfacing and striping of this existing gravel parking area and the installation of related improvements will allow these spaces to qualify as a permissible off-street parking area for the Taylor Parcel under Chapter 4.2.3.9 of the LDC and will thereby materially relieve congestion and mitigate adverse traffic impacts on the surrounding streets. The installation of all screening and landscaping required under the LDC, including the installation of a wooden privacy fence along the adjacent RAH and Hibbs Sites will help to protect the residential character of those adjacent properties. In addition, the parking area is located behind the Taylor Parcel and will utilize the existing alleyway between the Taylor Parcel and the subject property and the existing sidewalks along Central Avenue to provide access to this parking area from the Taylor Parcel which configuration is encouraged for properties located within the Traditional Neighborhood Form Districted under Policy 3.24. No signs, with the possible exception of reserved parking signs, are proposed. No odor or air quality degradation will result from the parking facilities. The proposal will not generate noise or traffic in the area that would not otherwise be anticipated, and lighting will be limited to that which is permitted by the Land Development Code. All facilities will meet all federal, state and local requirements for access by persons with disabilities. Adequate Landscape Buffer Areas around the perimeter of the site, wherever required, will be implemented in accordance with the Land Development Code specifications except that a waiver will be request to allow encroachment of the parking improvements into the Buffer areas along the property lines with the adjacent RAH and Hibbs, site; provided that such encroachment will not reduce the amount of landscaping materials which are required under the LDC. All minimum setback requirements will be observed.

Circulation Guideline 7. The proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policy 7.10. The additional parking to be provided by the proposal will be between the minimum and maximum allowed by the Land Development Code and are appropriate for the shopping center development.

Bicycle, Pedestrian and Transit Guideline 9. The proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies thereunder, including Policy 9.1. Sidewalks will be appropriately located between the parking facility to the building on the Taylor Parcel.

Flooding and Stormwater Guideline 10. The proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 10.1, 10.2, 10.4, 10.6, 10.7, 10.10 and 10.11. It is anticipated that the Metropolitan Sewer District ("MSD") will approve the Conditional Use Plan. MSD approval of the Conditional Use Plan indicates that the proposal will not adversely impact any MSD watershed plan, that the development will not adversely impact the regulatory floodplain reflecting the full development potential of the watershed, that stormwater runoff on the property is appropriately accommodated, that the "through"

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drainage system will be accommodated, and that peak stormwater runoff rates post-construction will not exceed pre-construction rates.

Air Quality Guideline 12. The proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policies 12.1, 12.8, and 12.9. It is anticipated that the Air Pollution Control District will approve the proposal. This approval will indicate that the off-street parking area under consideration will not have an adverse impact to ambient air quality standards for carbon monoxide. Sidewalks are provided as an alternative mode of transportation.

Infrastructure Guideline 14. The proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 14.2, 14.3, 14.4, 14.6 and 14.7. The proposal has adequate service for all necessary utilities. An adequate water supply for domestic and fire-fighting purposes serves the site. New utilities will be located underground wherever possible and will be situated where recommended by each utility for appropriate maintenance and repair access.

Community Facilities Guideline 15. The proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 15.9. Fire fighting services will be adequately provided by the Louisville Fire District #3.

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