

Land Development and Transportation Committee Staff Report November 10, 2022



Case No:	22-WAIVER-0140 and 22-WAIVER-0141
Project Name:	Taylor Blvd Office
Location:	4127 Taylor Blvd
Owner(s):	Mike Brooks
Applicant:	Ross Smallwood
Jurisdiction:	Louisville Metro
Council District:	21- Nicole Geroqe
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- Waivers:
 1. Waiver from 10.2.4 to allow a driveway to encroach in the entire property perimeter landscape buffer, to not provide the required plantings and reduce the screening height. (22-WAIVER-0140)
 2. Waiver from 5.5.1.A.3.a. & 5.9.2.C.4 to allow parking to be located in the front of the building and to not provide a 3 ft masonry wall (22-WAIVER-0141)

CASE SUMMARY/BACKGROUND

This site is zoned C-1 commercial in the Traditional Neighborhood Form District. The applicant has constructed a 30 x 29.50 garage in the rear of the property as well as installed new parking between the existing structure and the right of way. The applicant is proposing to use what was once a single family home, as a office for a paper shredding business that will store the medium sized trucks on site in the rear.

STAFF FINDING

Staff finds that the waiver requests are adequately justified and meet the standards of review. There are other properties on the block with parking located between the primary structure and the ROW.

TECHNICAL REVIEW

There are no outstanding technical issues with this request.

INTERESTED PARTY COMMENTS

Staff has received several emails from Metro Council Person Nicole George's office regarding the related zoning enforcement case and property maintenance case.

RELATED CASES

ENF-ZON-20-001531

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 10.2.4 for the encroachment into Property Perimeter LBA (22-WAIVER-0140)

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant will still be providing screening although the screening height is being reduced. Additional plantings will be provided on the northern portion of the site.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. This site, although located in the Town Center Form District, is surround primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This site is being proposed next to another hotel and will be surround by other commercial developments without displacing any current residents. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant will still be providing screening with a fence.

- (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 property is narrow and has very limited area for a driveway. There will be plantings provided along the northern portion of the property.

- (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 would create an unnecessary hardship on the applicant since the applicant is still providing screening with a fence and the property has very limited area on where a drive can be placed on the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.5.1.A.3.a. and 5.9.2.C.4. to allow the parking lot to be located in front of the building and to not provide a 3 foot masonry, stone or concrete wall (22-WAIVER-0141):

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

STAFF: The waiver will not adversely affect adjacent property owners since there are other properties next door and on the same block with parking in the front of the building.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. There are other properties on the same block with parking located in the front of the building rather than in the rear.

- (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 there are no physical restraints preventing compliance with the regulations to be waived.

- (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

STAFF: The applicant has incorporated other design measures such as providing the required VUA/LBA along the front property line between the parking and the sidewalk.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **WAIVER** from 10.2.4 to allow a driveway to encroach in the entire property perimeter landscape buffer, to not provide the required plantings and reduce the screening height. (22-WAIVER-0140)
- **APPROVE** or **DENY** the **WAIVER** from 5.5.1.A.3.a. & 5.9.2.C.4 to allow parking to be located in the front of the building and to not provide a 3 ft masonry wall (22-WAIVER-0141)

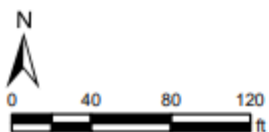
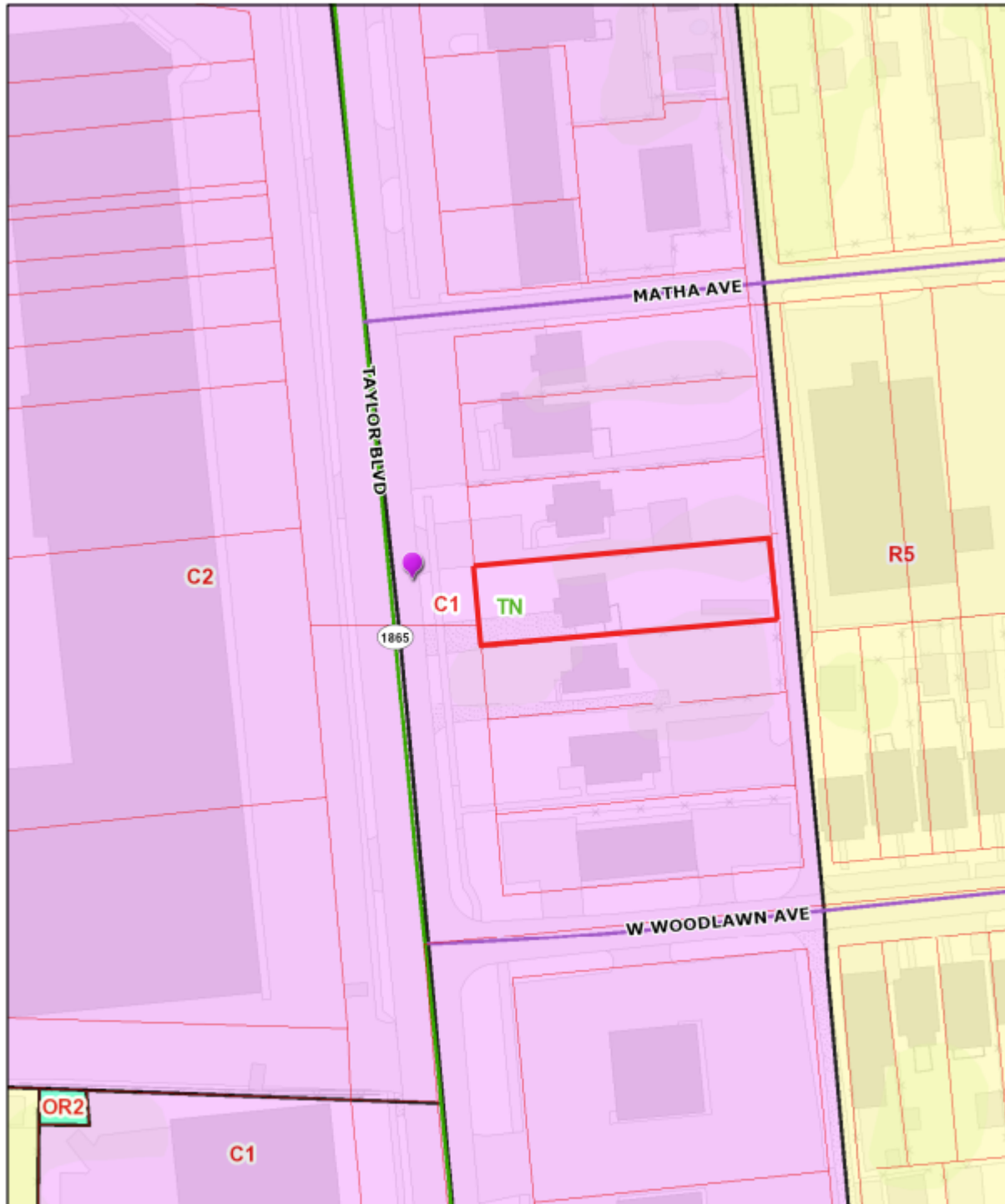
NOTIFICATION

Date	Purpose of Notice	Recipients
10-28-22	Hearing before LD&T	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 21__

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



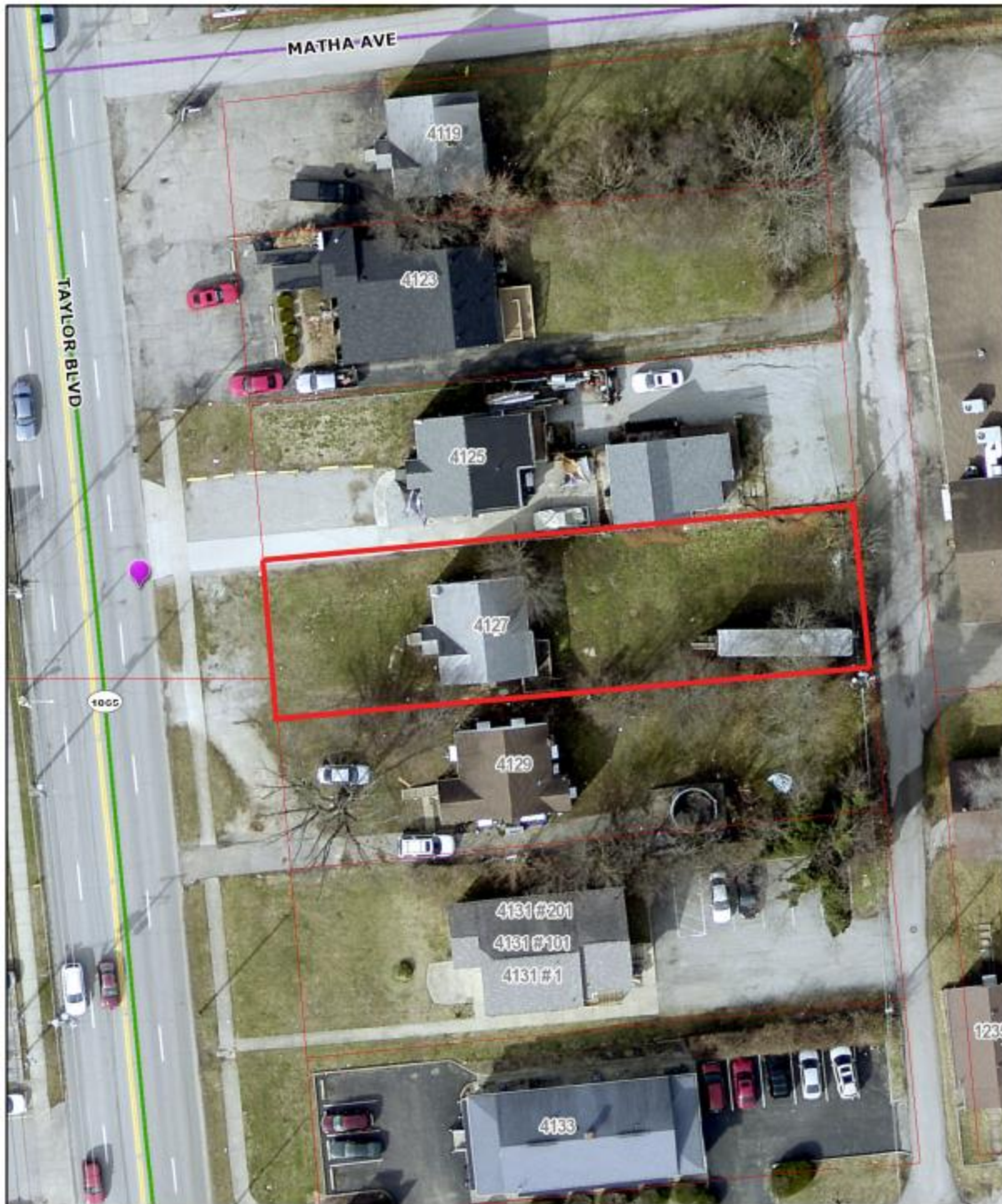
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2. Aerial Photograph



0 20 40 60
ft

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