

Development Review Committee

Staff Report

June 17, 2015



Case No:	15WAIVER1006
Request:	Waivers of the Land Development Code to allow an existing utility easement to encroach more than 50% into the required 10' Landscape Buffer Areas (LBA).
Project Name:	Jim's Express Carwash
Location:	8408 Dixie Highway
Owner:	James E. Howard, Jim's Express Carwash. LLC
Applicant:	Douglas Johnson, Douglas Johnson Surveying LLC
Representative:	Melissa Townsend-Barno, Advanced Civil Solutions
Jurisdiction:	Louisville
Council District:	24 – Madonna Flood
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Waiver of Section 10.2.4.B to allow an existing utility easement to encroach more than 50% into the required 10' Landscape Buffer Area (LBA) along both Preston Highway and Trio Avenue.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 5,400sf carwash on the west side of Preston Highway and north side of Trio Avenue. The site is the former location of the Jerry's restaurant. Construction of the new building requires a 10' Landscape Buffer Area (LBA) be provided along both Preston Highway and Trio Avenue frontages. The applicant is requesting a landscape waiver to allow an existing utility easement to encroach into the required 10' LBA located along the both street frontages. The applicant will be providing the required screening and tree plantings.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The property is zoned C-1 in the Suburban Marketplace Corridor Form District. This property is surrounded by C-1, C-2 and R-7 commercial, institutional, multi-family residential properties in the Suburban Marketplace Corridor and the Neighborhood Form District.

	Land Use	Zoning	Form District
Subject Property			
Existing	Commercial	C1	SMC
Proposed	Commercial	C1	SMC
Surrounding Properties			
North	Commercial	C-1	SMC
South	Commercial, Multi-family Residential	C-1 & R-7	SMC & N
East	Commercial & Institutional (Fire Station)	C-1	SMC
West	Commercial, Multi-family residential & vacant	C-1, R-7 & C-2	SMC & N

CURRENT CASES ON SITE

Case #2-9-15: Category 2B Development Plan proposing new drive-thru carwash, canopied vacuum stations and parking associated with this application. Approval pending.

INTERESTED PARTY COMMENTS

No comments have been received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver of Section 10.2.4.B to allow an existing utility easement to encroach more than 50% into the required 10' Landscape Buffer Area (LBA) along both Preston Highway and Trio Avenue.

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

STAFF: The waiver will not adversely affect adjacent property owners since the easement is existing. Plus the required buffer and trees plantings are being provided.

- (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. Even though there is encroachment of the utility easements into the landscape buffer areas, the applicant is providing the minimum required tree and shrub planting for the street perimeter buffers. Plus the tree canopy requirements are being fulfilled for the site. Therefore the waiver will not violate the comprehensive plan.

- (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 easements are an existing condition. Plus even with the encroachment of the easements into the landscape buffer area, the applicant is providing plantings which meet the minimum

required tree and shrub planting for the perimeter buffers. Plus the tree canopy requirements are being fulfilled for the 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 applicant has not incorporated other design measures that exceed the minimums of the district to compensate for non-compliance with the requirements to be waived. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant since the layout of the site would be required to be modified. The layout modifications could result in possible loss of parking spaces, vacuum stations, or driving lanes.

TECHNICAL REVIEW

No technical review items to address.

STAFF CONCLUSIONS

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

NOTIFICATION

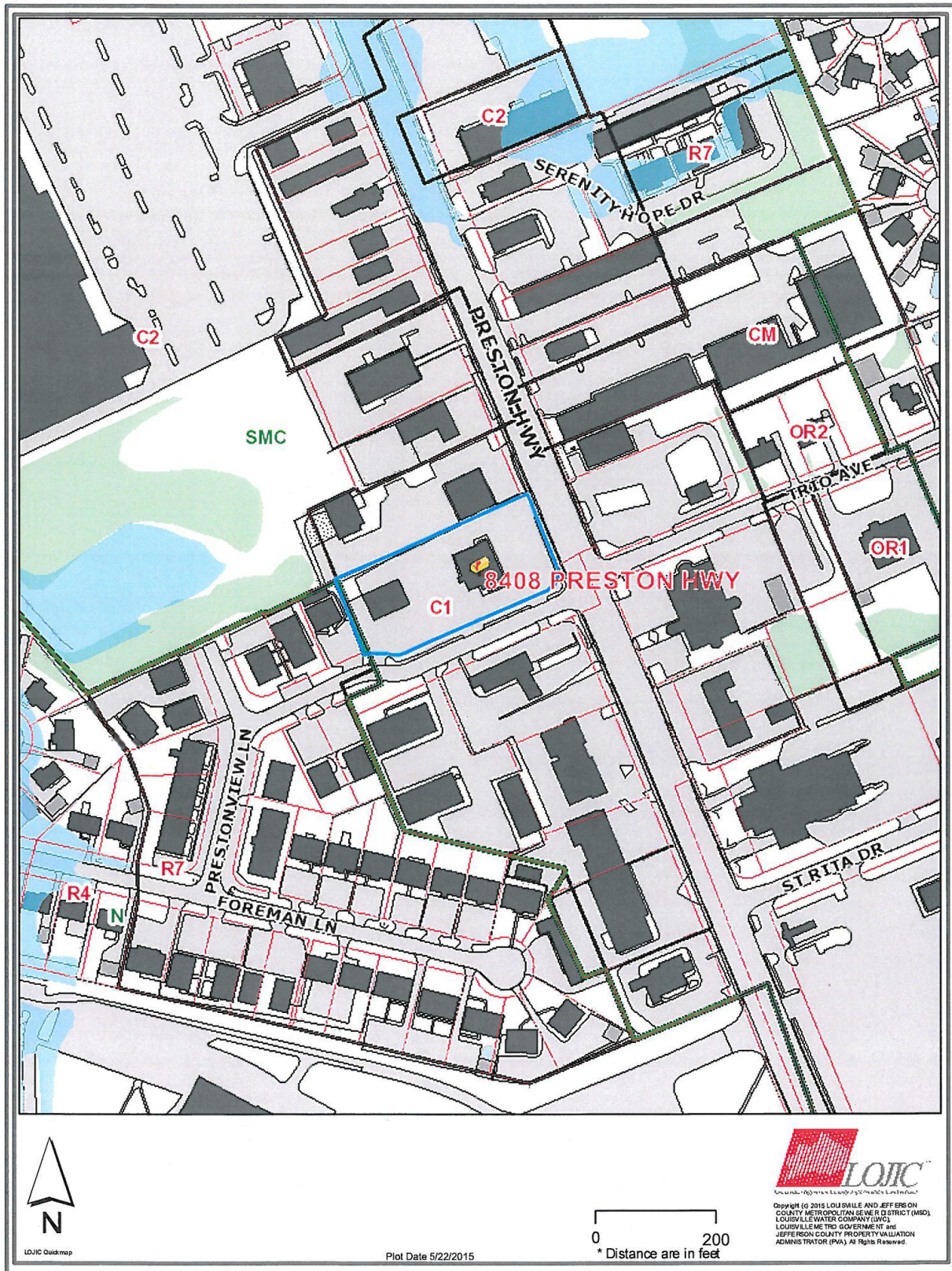
Date	Purpose of Notice	Recipients
06/02/2015	Notification for DRC	Subscribers of Council District 24 Notification of Development Proposals
06/02/2015	Notification for DRC	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photographs
3. Applicant's Justification
4. Site Plan
5. Elevations
6. Site Photographs

ATTACHMENTS

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



RECEIVED

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

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DESIGN SERVICES

1. Will the waiver adversely affect adjacent property owners?

NO. The required 10' LBA along Preston Highway and Trio Avenue and the required screening (or screening option allowed in 10.2.4.B) will still be provided. The requested waiver is to allow existing utility easements to encroach into the LBA more than 50%.

2. Will the waiver violate the Comprehensive Plan?

NO. The required LBA and screening will be provided. If any utility work is required the owner will replace the materials according to the approved landscape plan as outlined in 10.2.4.B.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

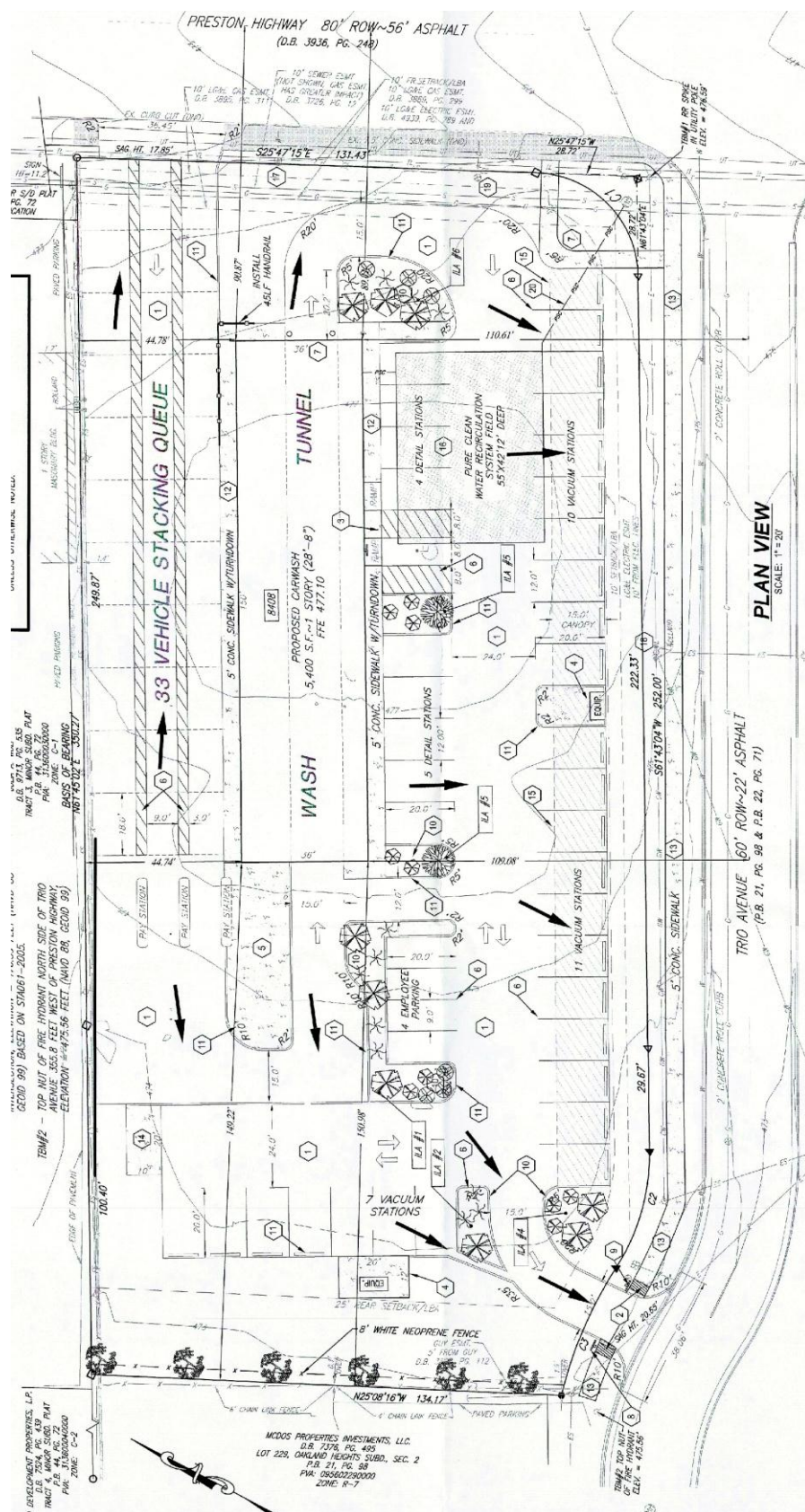
YES. The granting of the waiver will allow the owner to locate drive lanes, parking and vacuum stations as shown on the proposed plans to allow safe and unrestricted traffic flow through the development.

4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

If the waiver is granted the applicant will still be in compliance with the required LBA width and screening. Not granting the waiver will cause a reduction in traffic lane widths causing traffic restriction and decreased maneuverability space within the parking and vacuum station area making access more difficult.

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Attachment 6: Site Photographs







