

Development Review Committee Staff Report

June 1, 2016



Case No:	16DEVPLAN1039
Project Name:	Calvary Christian Church Parking Lot Expansion
Location:	10710 Taylorsville Road
Owner(s):	Calvary Christian Center
Applicant:	Owner
Representative:	Civil Design. Inc.
Project Area/Size:	8.8 acres
Jurisdiction:	Louisville Metro/ Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

Waiver #1: LBA Screen Plantings

Waiver from the Land Development Code, Section 10.2.4, to not provide the required 6' screen along the east, south and west perimeter Landscape Buffer Areas (LBAs).

Waiver #2: Easement Encroachment into LBA

Waiver from the Land Development Code, Section 10.2.4, to allow an existing easement to overlap the required 20' LBA by more than 50%.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This Category 2B Development proposes to reuse an existing 12,500 sf church building; remove a portion of the existing gravel parking area; construct a new larger parking area; and re-align the entrance drive. The applicant is also incorporating the "Alternative Landscape" option to meet the chapter 10 buffer and plantings requirements, with the exception of the request to not provide the 6' screen along the east, south and west perimeters. All the perimeter landscape buffer areas' are being provided as required. The required tree canopy and perimeter tree planting is being provided by preserving existing perimeter trees. Invasive vegetation, along the perimeters, is proposed to be removed along with diseased and damage trees. The required street trees and interior trees are being provided as new tree plantings and the parking lot is being screened from the street by large shrubs.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is zoned R-4 in both the Suburban Marketplace Corridor (SMC) and Neighborhood (N) Form Districts. It is surrounded by R-5 and R-4 zoned property in the Suburban Marketplace Corridor (SMC) and Neighborhood (N) Form Districts.

	Land Use	Zoning	Form District
Subject Property			
Existing	Church	R-4	SMC/N
Proposed	Church	R-4	SMC/N
Surrounding Properties			
North	Church and Park	R-4	SMC/N
South	Single-family	R-4	N
East	Single family	R-4	N
West	Single family	R-4/R-5	SMC/N

PREVIOUS and CURRENT CASES ON SITE

- 2-52-03** Category 2B Development Plan for a new church and parking lot. Approved November 4, 2003
- L-194-03** Landscape Plan for the proposed church and parking lot. Approved November 4, 2003

INTERESTED PARTY COMMENTS

No inquiries have been received concerning the proposed waiver requests.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #1: LBA Screen Plantings

Waiver from the Land Development Code, Section 10.2.4, to not provide the required 6' screen along the east, south and west perimeter Landscape Buffer Areas (LBAs).

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing perimeter vegetation including all the large trees will be preserved to screen the development from the adjacent residential property. Plus the distance of the parking from the perimeter is between 100 and 200 feet. In addition, the building and parking are 18' lower than the residential property to the west. All three perimeters have sufficient existing vegetation screening the property from the residential uses. .

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 waiver request does not violate the comprehensive plan since the existing vegetation will be preserved along the east, south and west perimeters which provides sufficient screening from the adjacent residential property.

- (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 applicant is requesting to not provide the 6' screen but instead preserve the existing vegetation.

- (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 provided plantings in excess of the minimum requirements. Additional trees are being provided on site along the street frontage and in the interior of the proposed parking lot. Plus all the perimeter existing vegetation is being preserved.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver #2: Easement Encroachment into LBA

Waiver from the Land Development Code, Section 10.2.4, to allow an existing easement to overlap the required 20' LBA by more than 50%.

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

STAFF: The waiver will not adversely affect adjacent property owners since the required plantings are being provided in the area of encroachment by preserving the existing vegetation and also planting new trees.

- (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 waiver will not violate the comprehensive plan since the required buffer is being provided. Plus the existing vegetation will be preserved to provide the required screening the tree planting.

- (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 buffer and planting requirements will be provided even with the encroachment.

- (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 provided plantings which exceed the minimum required along all perimeters and within the parking area interior, therefore a net beneficial effect.

TECHNICAL REVIEW

There are no technical review issues.

STAFF CONCLUSIONS

Considering the applicant is exceeding the minimum planting requirements along the perimeter by preserving the existing healthy trees; and also providing new tree and shrub plantings which exceed the minimum street frontage and interior planting requirements both of the requested waivers are supported.

Therefore, based on the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the waivers do not violate the comprehensive plan and also meet the standards established in the Land Development Code.

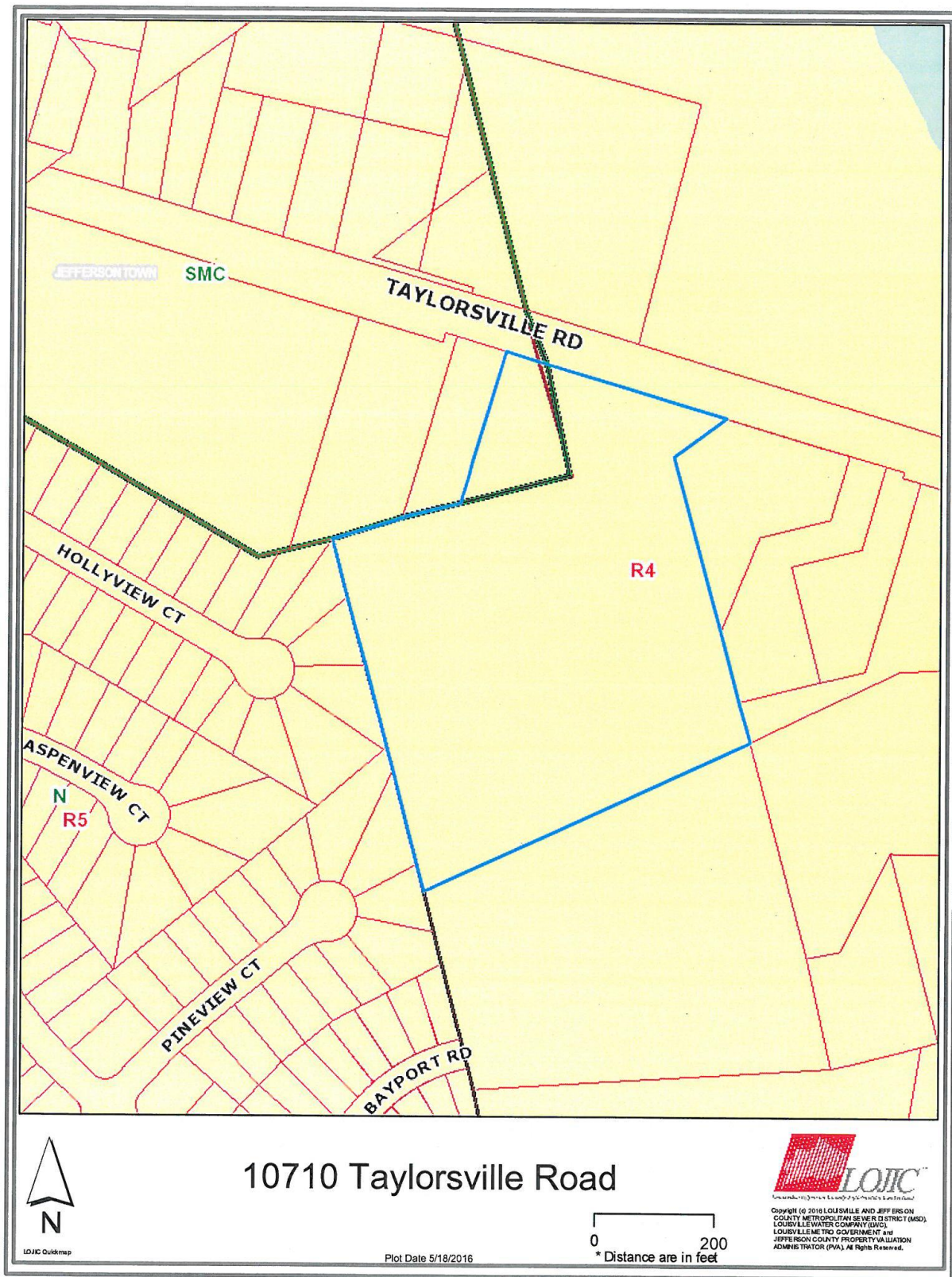
NOTIFICATION

Date	Purpose of Notice	Recipients
05/18/2016	DRC Hearing	Neighborhood notification recipients
05/23/2016	DRC Hearing	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Concept Landscape Plan
4. Applicant's Justifications
5. Site Photographs

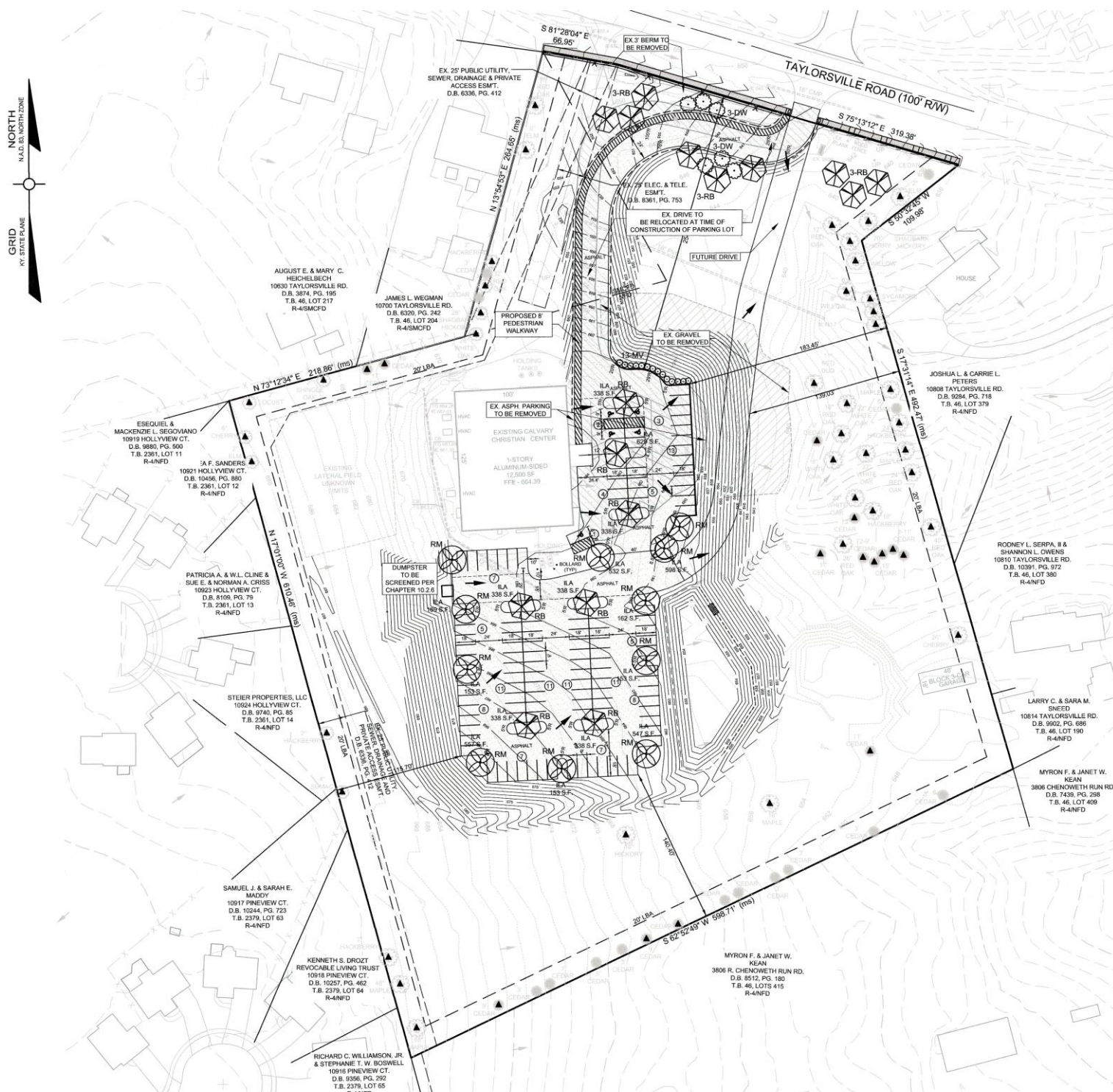
Attachment 1: Zoning Map



Attachment 2: Aerial Photographs



Attachment 3: Concept Landscape Plan



Attachment 4: Applicant's Justifications

Screening Requirement

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.

1. Will the waiver adversely affect adjacent property owners?

The proposed landscape waiver will not adversely affect the adjacent property owners as a good portion of the existing trees on the site will be preserved and will continue to provide screening from the proposed site. The proposed parking lot is 115.70' feet from the west property line; 140.40' from the south property line and 183.45' from the east property line. The properties to the west are 18' higher in elevation so a continuous 6' screening would not be beneficial in this area. The property to the south is currently used as a field for livestock, no residences are on the site. The property to the east will continue to be buffered by the mass of existing trees currently on the church property and the proposed parking will not be visible.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan (3.22) as the site is very well covered in existing trees that are mature and greatly benefit the screening of the proposed parking lot expansion for the church.

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

The waiver is the minimum necessary to afford relief to the client in order to expand their church parking lot, having the existing mature trees that greatly benefit the required screening, allows the church to focus their fund raising efforts in a more cost effective way in order to provide the parking lot expansion for the growth of their congregation.

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?

The applicant has incorporated other design measures that exceed the minimum of the district by providing an additional 7 trees along Taylorsville Rd. to meet the street tree requirement and an additional 4 trees for ILA and by also keeping the proposed parking lot more than 100' feet away from the adjacent properties.

Utility Easement

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.**

1. Will the waiver adversely affect adjacent property owners?

The proposed landscape waiver to allow the Existing 25' Public Utility, Sewer, Drainage and Private Access easement will not affect adjacent property owners as the easement was granted in June of 1993 has been in effect for the past 23 years.

2. Will the waiver violate the Comprehensive Plan?

The waiver will not violate the Comprehensive Plan (3.22). Allowing the Ex. 25' Public Utility, Sewer, Drainage and Public Access easement to encroach more than 50% in the 20' LBA along the west property line will not have a negative effect on the required buffer along the west property lines because of the drastic grade change that exists and the distance from the proposed parking to the property line is at least 115.70'.

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

The waiver is the minimum necessary to afford relief to the client since the Existing 25' Public Utility, Sewer, Drainage and Public Access easement was granted prior to the current LDC that requires the applicant to provide 20' Perimeter LBA's with their proposed new 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?

The strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship as the Existing 25' Public Utility, Sewer, Drainage and Public Access easement was granted prior to the current LDC regulations.

Attachment 5: Site Photographs



View looking south into the site



Street frontage of the site looking east



Existing vegetation along the western perimeter



Existing vegetation along north western perimeter



Existing vegetation along west perimeter



Existing vegetation along eastern and southern perimeter



View from the rear (southern) of the site toward Taylorsville Road



Existing vegetation along western perimeter



View toward Taylorsville Road of existing parking lot. Existing vegetation along western perimeter.



Existing vegetation along western perimeter