

**Development Review Committee**  
**Staff Report**  
July 20, 2016



<b>Case No:</b>	16WAIVER1015
<b>Request:</b>	To waive the 15' ft. front LBA requirement and to allow ILA's at a distance greater than 120' spacing.
<b>Project Name:</b>	1506 Lake Shore Court Waiver
<b>Location:</b>	1506 Lake Shore Court
<b>Owner:</b>	Tommy Settle – The Palms LLC
<b>Applicant:</b>	Sam Cook – Superior Van and Mobility
<b>Representative:</b>	Christopher Crumpton – Bluestone Engineers PLLC.
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Ross Allen – Planner I

**REQUEST**

- Waiver #1 from LDC (March 2004) section 10.2.9 to not have a 15' ft. LBA and allow the existing parking to remain.
- Waiver #2 from LDC (March 2004) section 10.2.11 to allow spacing of ILA's at a distance greater than 120' ft.

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The applicant is proposing to construct a 20,325 sf. building which is under a Category 2b review in the City of Jeffersontown. The site is for the servicing and showroom of the Superior Van and Mobility which provides vehicles to persons with disabilities. The applicant is requesting two waivers from section 10.2 of the Development Code (2004) per the request by Steve Rusie (Planner for the City of Jeffersontown). The waivers are both from existing conditions that exist on site. Furthermore, the site has a portion that is considered plan certain but the proposed construction will be outside of the plan certain area, meaning no binding elements are applicable to the planned construction.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	C-2	Suburban Marketplace Corridor
<b>Proposed</b>	Automobile repair garage and sales agency	C-2	Suburban Marketplace Corridor
<b>Surrounding Properties</b>			
<b>North</b>	Vacant	C-2	Suburban Marketplace Corridor
<b>South</b>	Interstate Right of Way	R-1	Suburban Marketplace Corridor
<b>East</b>	Vacant	C-2	Suburban Marketplace Corridor
<b>West</b>	Vacant	C-2	Suburban Marketplace Corridor

### PREVIOUS CASES ON SITE

09-070-75 plan certain case file not applicable to the site, less than 20% and no proposed development within plan certain portion of site.  
16DEVPLAN1084 withdrawn

### 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 10.2.9 to not provide the required 15' ft. front Landscape Buffer Area and to allow the existing parking to remain:**

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

STAFF: The waiver will not adversely affect adjacent property owners since the property lies on a cul-de-sac which (Lake Shore Court) has vacant properties to the East, West, and North. The subject property is bounded on the South by I-64, an interstate right of way. The subject site has shrubbery along the southwestern property line adjacent to another vacant restaurant. The site does not have any landscaping along the front entrance from Lake Shore Court.

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

STAFF: The waiver would violate Guideline 3: Compatibility Plan element A. 24 states that screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Therefore the requirement of the 15' ft. LBA for screening of the parking lot from the street is neither present nor proposed by the applicant.

- (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 not the minimum necessary to afford relief to the applicant since providing the landscaping along either side of the ingress/egress would provide screening for the vehicular land use area from Lake Shore Court.

- (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 not deprive the applicant of the reasonable use of the land since the landscaping would provide a screen for the vehicular use area as required by the Development Code (2004) from the street, Lake Shore Court.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of section 10.2.11 to allow more than 120 feet between Interior Landscape Areas, a total of 125 feet, as shown on the plan:**

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

STAFF: The waiver will not adversely affect adjacent property owners since the Interior Landscape Areas are interior to the site and many of the interior landscape areas meet the 120" distance requirement but along the northern property line there are two which do not and area at a greater distance than required by code. The surrounding properties have similar designs as found on the subject site.

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

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. The existing ILA's have some tree plantings but not all, others have lighting which limits the ability to provide a tree.

- (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 some of the existing ILA's have trees while others have lighting. The ILA's with lighting limits tree plantings.

- (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 not all but some of the ILA's have trees planted while others have lighting which limits the ability to provide trees in those areas.

**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
July 20, 2016	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Subscribers of Council District 18 Notification of Development Proposals

## **ATTACHMENTS**

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

1. Zoning Map



**2.**





### 3.

