

Board of Zoning Adjustment Staff Report

August 29, 2016



Case No:	16CUP1026
Project Name:	Off-Street Parking
Location:	1104 Central Avenue
Owners:	Taylor & Central, LLC
Applicant:	Taylor & Central, LLC
Representative(s):	Chris Brown, Erik Lattig
Project Area/Size:	0.15 acres
Existing Zoning District:	R-6, Residential Multi Family
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	6 – David James
Case Manager:	Jon Crumby, Planning & Design Coordinator

REQUEST

- Conditional Use Permit to allow off-street parking in an R-6 zoning district.
- Landscape waiver to allow proposed off-street parking to encroach into the required LBA along the north property line.

CASE SUMMARY

The applicant is proposing to add 14 off-street parking spaces at the rear of a retail furniture/appliance business. Currently parking exists on site with access off the existing alley.

SITE CONTEXT

The site is irregular in shape and located on the west side of Central Avenue between Montana Avenue and Taylor Boulevard.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant land	R-6	TN
Proposed	Parking	R-6	TN
<i>Surrounding Properties</i>			
North	Residential	R-6	TN
South	Commercial	C-1	TN
East	Commercial	C-1	TN
West	Office, Residential	OR-3, R-6	TN

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on July 12th, 2016 at 6:30 p.m. Two people were present at the meeting. Questions were asked about the availability of the parking for the Central Beer Depot. The parking is for the rental store customers only. Will the parking be chained or gated after hours? The applicant will meet with Public Works to discuss. Does the Central Beer Depot and parking area have the same owner? No the properties have different owners and separate parcels.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the Comprehensive Plan since the parking area will be paved and striped to meet Land Development Code requirements. Landscaping will be provided that will be Land Development Code compliant.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with surrounding land uses with respect to scale, intensity, traffic, drainage. The site has been used for parking for a number of years

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Transportation Planning and the Metropolitan Sewer District have reviewed and approved the plan. The Louisville Fire District #3 did not provide comments on the proposal.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

4.2.39 Off-Street Parking Areas An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements. There are six items and five will be met. The applicant will need to modify item C.

A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking. The required front yard is 15 feet. **The parking will be located approximately 14 feet from the front property line along Central Avenue.**

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to allow parking in the required landscape buffer area along the north property line:

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

STAFF: The waiver will not adversely affect adjacent property owners since the site has been used for parking for a number of years with no landscaping or buffering along the property lines.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 airborne and waterborne pollutants.

- (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 required landscaping will be provide along the property lines.

- (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 application of the reasonable use of the land since the site would not be able to support parking without the waiver.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit and landscape waiver.

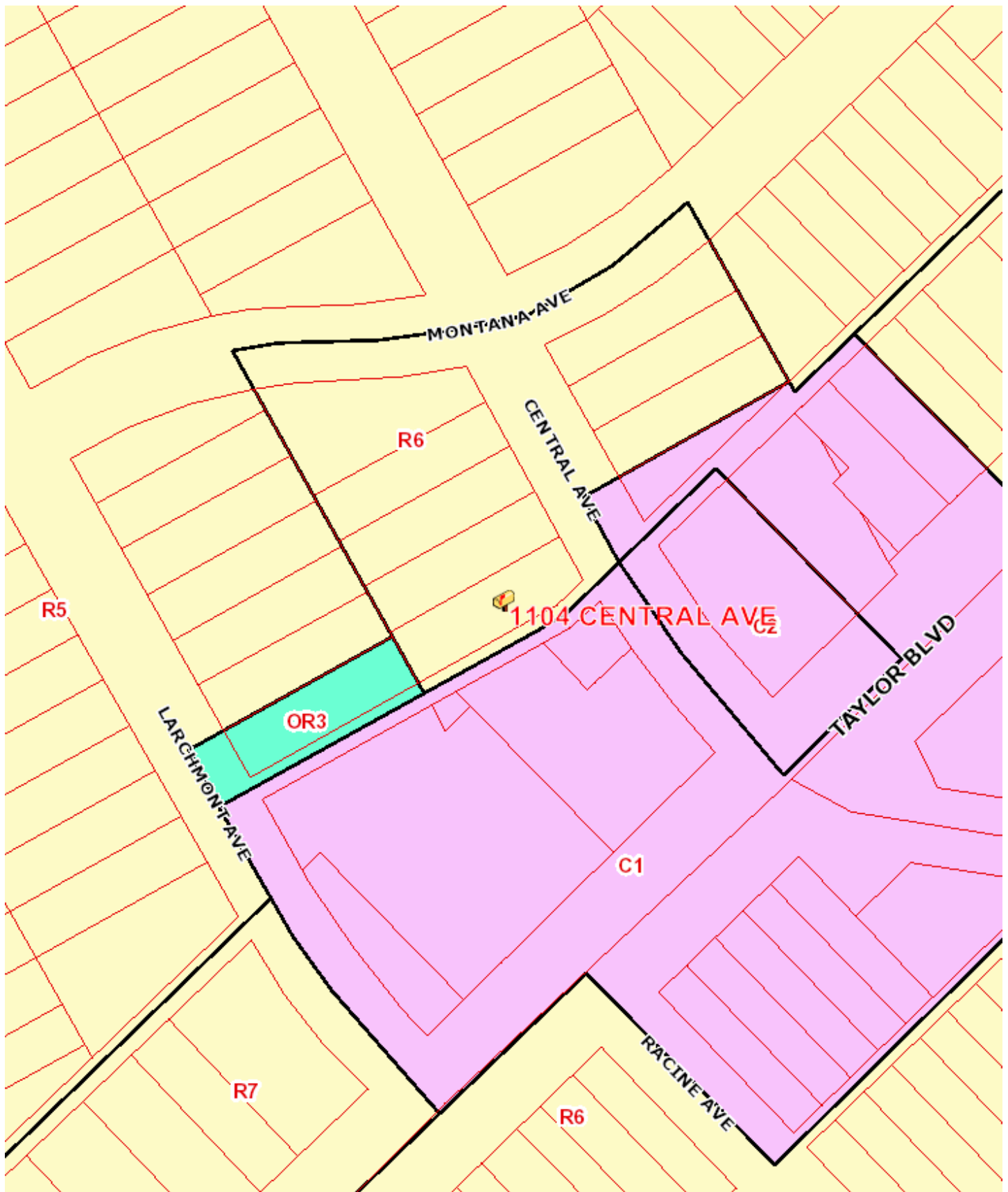
NOTIFICATION

Date	Purpose of Notice	Recipients
8/11/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
8/12/16	Sign Posting	Subject Property

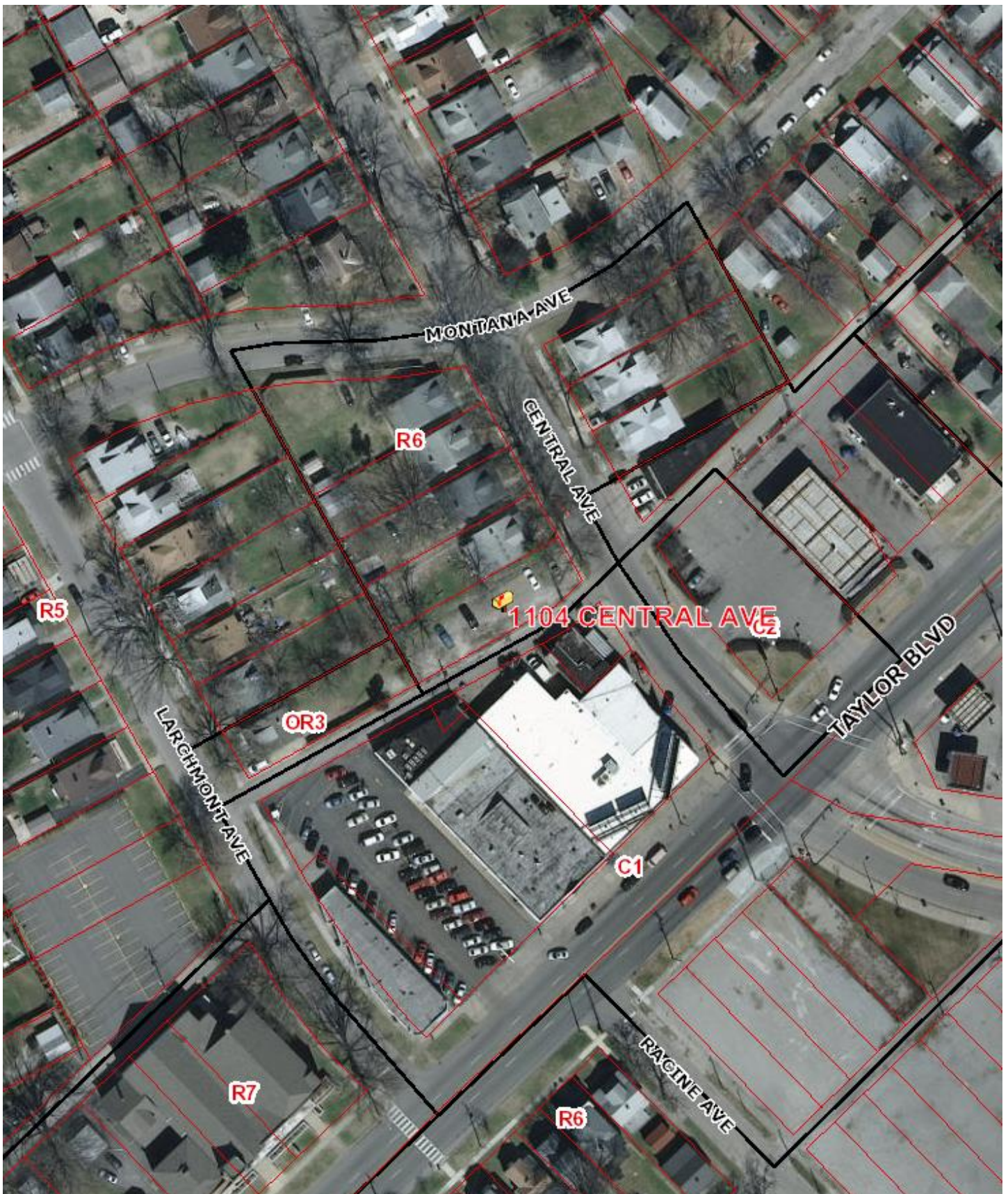
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Comments

Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for off-street parking without further review and approval by the Board.