

Development Review Committee

Staff Report

Dec. 14, 2016



Case No:	16DEVPLAN1176
Request:	To waive the ILA requirement for VUA.
Project Name:	4213 Accomack Drive Waiver
Location:	4213 Accomack Drive
Acreage:	25.04
Owner:	Dileep Kumar – Hindu Temple of KY
Applicant:	Art Mengel – The Mengel Company Inc.
Representative:	Art Mengel – The Mengel Company Inc.
Jurisdiction:	Fincastle Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Ross Allen – Planner I

REQUEST

- Waiver: from LDC section 10.2.12.B to not provide the required Interior Landscaping Areas in the existing parking lot south of the Hindu Temple.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing to construct a 6,444 sf. classroom addition onto the north of the existing Hall of the Hindu Temple, a 1,868 sf. office addition onto the east of the existing Hindu Temple, and a small addition of proposed parking (5 parking spaces) east of the classroom addition and north of the existing Hindu Temple. As a result of the additions the subject site will need to comply with applicable LDC regulations for Interior Landscape Areas for the existing vehicular use areas, needing landscape islands on the subject site. The applicant has two parking lots, one to the East/northeast and one to the south of the Hindu Temple. The existing and proposed addition sit approximately 500 feet north of the front property line along Accomack Drive and is screened by existing trees along the property edges for the entirety of the site. The applicant is willing to provide the ILA's as found in the northeastern parking lot as required by LDC.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Residential Single Family	R-4	Neighborhood
Proposed	Religious Facility	R-4	Neighborhood
Surrounding Properties			
North	Residential Single Family	R-4	Neighborhood
South	Residential Single Family	R-4	Neighborhood
East	Residential Single Family	R-4	Neighborhood
West	Residential Single Family	R-4	Neighborhood

PREVIOUS CASES ON SITE

16DEVPLAN1176: Category 2b development plan, staff approvable, based on the condition that DRC approves the waivers associated with case no. 16DEVPLAN1176. The proposed addition of a 6,444 sf. classroom addition, 1,868 sf. office addition, and five new parking spaces east of the proposed classroom addition.

INTERESTED PARTY COMMENTS

No comments were received from concerned citizens.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (2004)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER of section 10.2.12.B to not provide the required ILA within the existing parking lot south of the Hindu Temple:

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

STAFF: The waiver will not adversely affect adjacent property owners since the subject parking areas are distant from the frontage along Accomack Drive and buffered from adjacent properties by existing trees on site.

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

STAFF: Guideline 3, Policy 1 requires new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. The proposed additions and parking (5 spaces) are screened from view around all property lines with an exception of the frontage along Accomack Drive however; the site is approximately 500 feet from the property line along Accomack Drive per Guideline 6, Policy 3. No, the subject property will remain in general conformance with the Comprehensive Plan as the absence of a landscape islands within the parking area (South of the Hindu Temple) is mitigated by an excess of other interior landscaping and more than 10 acres of tree cover on the subject site. Additionally, the subject parking areas are distant from the frontage along Accomack Drive and buffered from adjacent properties by existing trees on site.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: Yes, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since the allowance of uninterrupted use of existing parking. The applicant has added ILA's to the VUA in the northeastern parking lot.

- (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 the subject site will omit 3 ILA's in the VUA (south of the Hindu Temple) however, this is mitigated by the amount of trees currently on the site, approximately 10 acres in total.

TECHNICAL REVIEW

- No agency comments.

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 the LDC Landscape Waiver from section 10.2.12.B to not provide the required ILA's in the parking lot found south of the Hindu Temple.

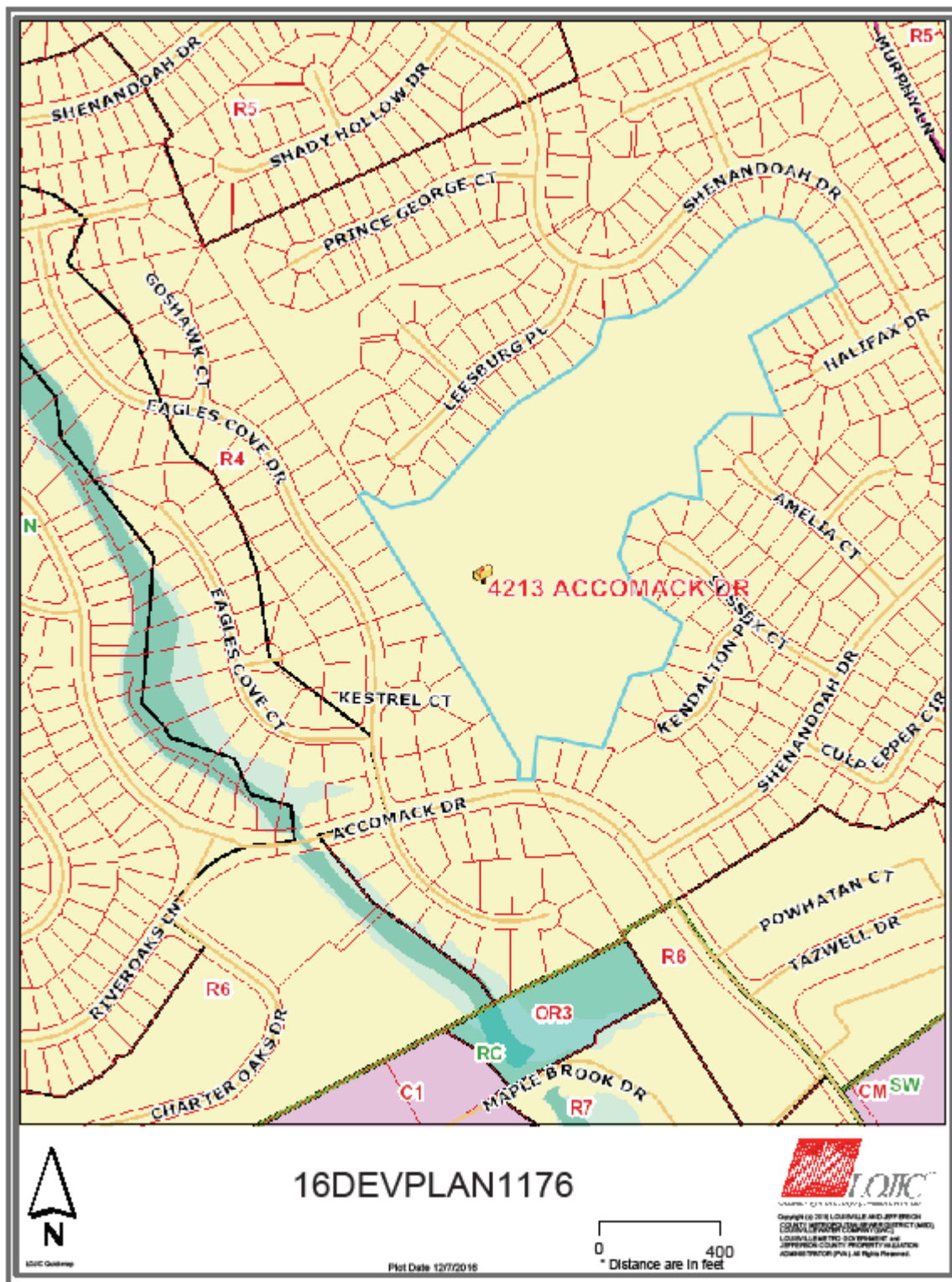
NOTIFICATION

Date	Purpose of Notice	Recipients
Dec. 23, 2016	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 17 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

