

# Planning Commission Staff Report

September 21, 2017



<b>Case No:</b>	17PARK1004
<b>Request:</b>	Reduction in the Minimum Parking Allowed
<b>Project Name:</b>	3122 Dixie Hwy.
<b>Location:</b>	3122 Dixie Hwy.
<b>Area:</b>	.60 acres
<b>Owner:</b>	Ahmed Albakri
<b>Applicant:</b>	Bill Schroll – Schroll Land Surveying LLC.
<b>Representative:</b>	Bill Schroll – Schroll Land Surveying LLC.
<b>Jurisdiction:</b>	City of Shively, KY
<b>Council District:</b>	3 – Mary Woolridge
<b>Case Manager:</b>	Brian Davis, Planning Manager/Ross Allen, Planner I

## REQUEST

- **Parking Waiver from the Minimum Required:** from LDC (Shively, KY) Section 9.1.16.A.3.b to reduce the required amount of parking spaces from 29 to 23 spaces. A ten percent reduction in the minimum number of spaces was applied per LDC (City of Shively, KY) per Chapter 9 – Table 9.1.1 Notes.

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is located at the corner of Gillette Avenue and Dixie Highway in southwestern Jefferson County. The subject site is a .604 acre property that is C-2 zoning type within a Traditional Marketplace Corridor Form District. The current parcel has a 2,979 sf. building that is a commercial land use, a convenience store, situated on the parcel 25 feet from the rear parcel line, 48 feet north of the southern parcel line, and approximately 53 feet south of the northern parcel line with an existing setback of 89 feet from the eastern parcel line as found along Dixie Highway. The proposal includes additions onto the northern and southern portions of the existing structure. The proposed addition onto the northern portion of the existing structure will be 2 stories, the first story is 2,340 sf. and will be used as a grocery store, the second story is 507 sf. and will be used as a small office for the proprietor. The addition onto the southern side which is closest to Gillette Ave. will be 2,160 sf. and will contain a Laundromat. The vehicular use area (VUA) will be separated by the proposed additions having a 25 foot wide VUA with an approximate total VUA area of 3,452 sf. to the rear, western side, and a VUA on the eastern side of the structure being approximately 10,524 sf. in area containing a total of 23 parking spaces with two ADA spaces included in the total. The applicant will require a parking waiver, Case no. 17PARK1004, to allow a reduction from the minimum parking allowed per the City of Shively, KY LDC. The parking waiver would be for a reduction of 6 parking spaces out of a total of a total of 29 parking spaces at minimum to be on the site per the land uses that are currently proposed, a 21% parking reduction from the minimum parking allowed. The parking waiver per the City of Shively, KY LDC allows for the reduction in the minimum parking may not be staff approvable per City of Shively, KY LDC Section 9.1.16.3.b which requires a public hearing at Planning Commission to approve or deny the parking waiver reduction from the minimum parking required if exceeding 5 spaces or a reduction constituting less than 10% the total number of parking spaces, this case is a 21% of the total minimum spaces required (29 to 23 parking spaces or a net reduction of 6 spaces).

**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>	Commercial	C-2	Traditional Marketplace Corridor
<b>Proposed</b>	Commercial	C-2	Traditional Marketplace Corridor
<b>Surrounding Properties</b>			
<b>North</b>	Commercial	C-2	Traditional Marketplace Corridor
<b>South</b>	Residential Multi-Family	C-2	Traditional Marketplace Corridor
<b>East</b>	Vacant Commercial	C-2/R-7	Traditional Marketplace Corridor/Traditional Workplace
<b>West</b>	Commercial/Single Family Residential	C-2	Traditional Marketplace Corridor

**CASES ON SITE**

17DEVPLAN1084: Category 2B for the addition (expansion onto the existing structure) of a laundry-mat (south side of the existing structure) and a first floor grocery store with a second story office use (north side of the existing structure). Associated variances and waiver per the City of Shively, KY Land Development Code.

**INTERESTED PARTY COMMENTS**

No comments were received from concerned citizens.

**APPLICABLE PLANS AND POLICIES**

Land Development Code (City of Shively, KY LDC March 2006 amended by City of Shively, KY Ordinance No. 2, Series 2008)  
 Comprehensive Plan (Cornerstone 2020)

**TECHNICAL REVIEW**

- Parking requirements based on the additions proposed in Case No. 17DEVPLAN1084 would require a total of 31 spaces. The applicant is using a 10% reduction (Table 9.1.1 Notes City of Shively, KY LDC June 2008) in the minimum parking requirements since TARC Route 18 passes and has a stop at the corner of Gillette Ave. and Dixie Highway. The 10% reduction results in the decrease of three spaces requiring the applicant to provide a minimum of 29 spaces. The applicant can only provide 23 parking spaces.
- The previous LDC (LDC July 2004) as used by Louisville Metro would have had the same applicable standards as the City of Shively, KY currently uses in their Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR PARKING REDUCTION WAIVER**

(a) The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: Guideline 7 Policy 10 states that parking requirements should take into account the density and relative proximity of residences to businesses in the market area, the availability and use of alternative modes of transportation, and the character and pattern of the form district. Additional considerations including hours of operation and opportunities for shared parking may be factored on a site by site basis. On-site parking standards should reflect the availability of on-street and public parking. The

subject site, a corner lot, is near two R-7 residential multi-family units located north and west off Ramser Ave. and Ralph Ave. The site is bounded by a vacant C-2/R-7 zoned parcel to the west and a C-2 zoned parcel to the north with Gillette Ave. being south and Dixie Highway to the west. The site is limited by an existing parking lot that contains 23 parking spaces and pre-dates the current requirements of the City of Shively, KY LDC. The proposed expansion (Case no. 17DEVPLAN1084) to the existing convenience store (adding a Laundromat and Grocery Store) require a minimum of 29 spaces, the applicant cannot utilize joint use parking agreements since a vacant parcel to the north and west with multi-family dwellings to the south. The applicant is limited by only a joint use parking agreement if the owner of the multi-family dwellings to the south (across Gillette Ave.) allows, it is unknown by staff at the time. The applicant states the intent is to provide services along the Traditional Workplace corridor to nearby residential areas that are within walking distance or are only accessible by transit routes, TARC Route 18.

- (b) The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions; and

STAFF: The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions because the site is a corner lot and is limited in the ability to have joint use parking with abutting properties and/or properties adjacent to the subject site since they are undeveloped and unpaved parcel/s. The applicant has made a good faith effort to provide as many parking spaces allowed on the subject site with the inclusion of the new additions and the parking requirements. As stated previously joint use parking provisions would require agreements with neighboring property owners which are only to the east across Dixie Highway and South across Gillette Ave. where a multi-family dwelling unit is present. The applicant is limited to providing new parking and would either be required to purchase land to the north (vacant parcel and unpaved) in order to provide additional parking to meet the minimum requirements of the Land Development Code. The parking design utilizes all available areas on-site for parking and required landscape areas. The owner does not own other properties nearby. However, the nearby properties are predominantly multi-family housing which will allow for customers to walk to the subject site.

- (c) The requested waiver is the smallest possible reduction of parking spaces that would accommodate the proposed use; and

STAFF: The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested reduction will accommodate the parking demand to be generated by the proposed use because the existing convenience store would have customers temporarily while the proposed Laundromat and grocery store would have longer term parking required. It is unknown whether the proposed parking would be sufficient with the waiver reduction. The parking design takes full advantage of the available space to provide parking, there is not sufficient space for additional parking and is therefore the smallest possible reduction to accommodate the proposed use.

- (d) Adjacent or nearby properties will not be adversely affected; and

STAFF: Adjacent or nearby properties will not be adversely affected because the adjoining lot is vacant so no unwanted parking from this location will take place. Nearby properties will benefit from the proximity to needed services within walking distance.

- (e) The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed uses and the requested reduction will accommodate the parking demand to be generated by the proposed uses; and

STAFF: The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed uses due to the overlap in required parking for the types of businesses. The requested

reduction will accommodate the parking demands to be generated by the proposed uses. Each business hopes to take advantage of the existing patrons of the existing use by providing needed services for the people who already frequent the existing store as well as the people in nearby apartment buildings and therefore will be able to accommodate the parking demand generated by the proposed uses.

- (f) That there is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand;

STAFF: There is a surplus of on-street or public spaces in the area that can accommodate the generated parking demand. There is not a surplus of on-street parking however the site is on a main transit route and within walking distance to many multi-family dwellings.

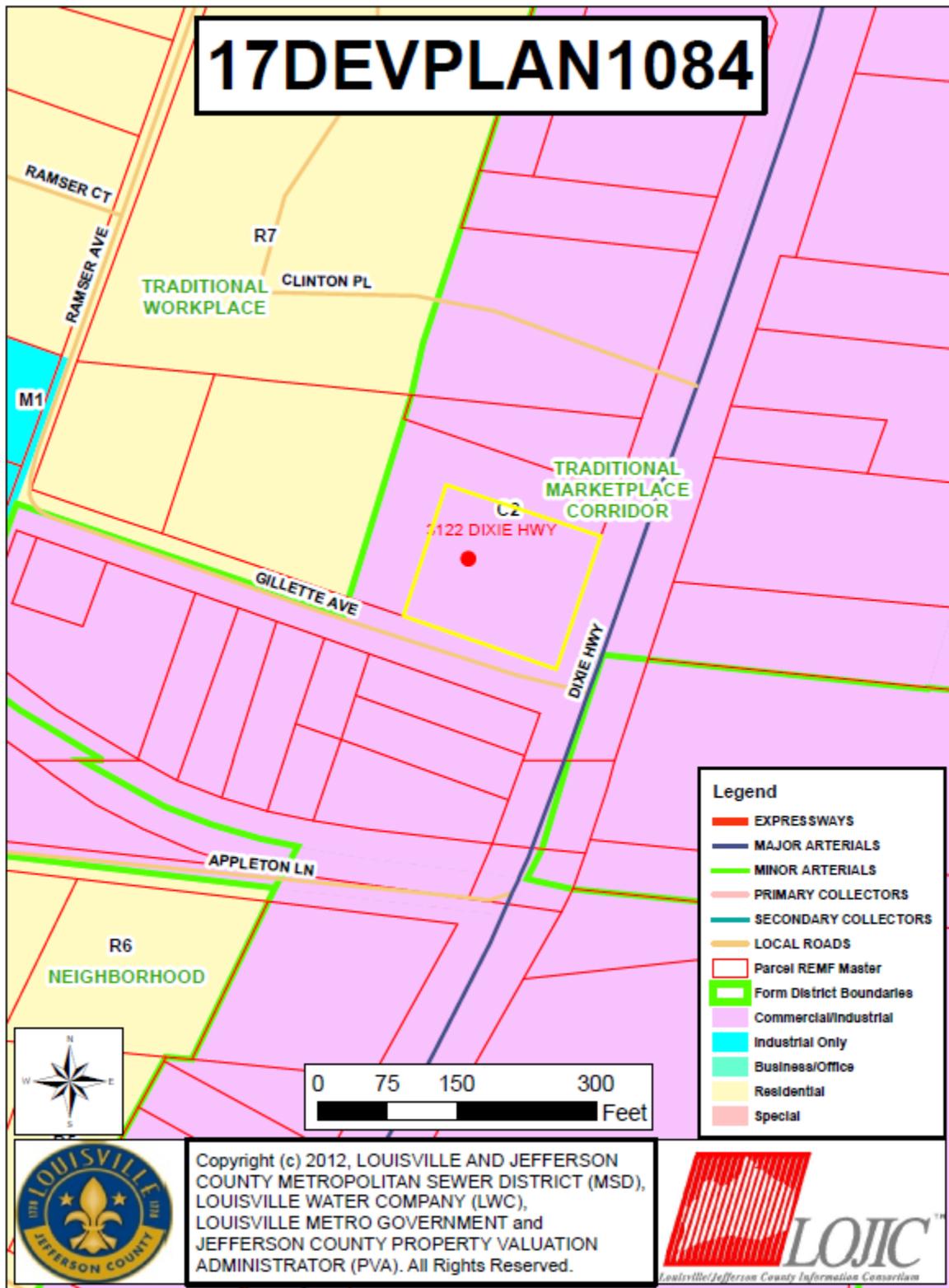
### NOTIFICATION

Date	Purpose of Notice	Recipients
September 12, 2017	Hearing before Planning Commission on Sept. 21, 2017	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners, City of Shively, KY Mayor and/or Clerk Subscribers of Council District 3 Notification of Development Proposals

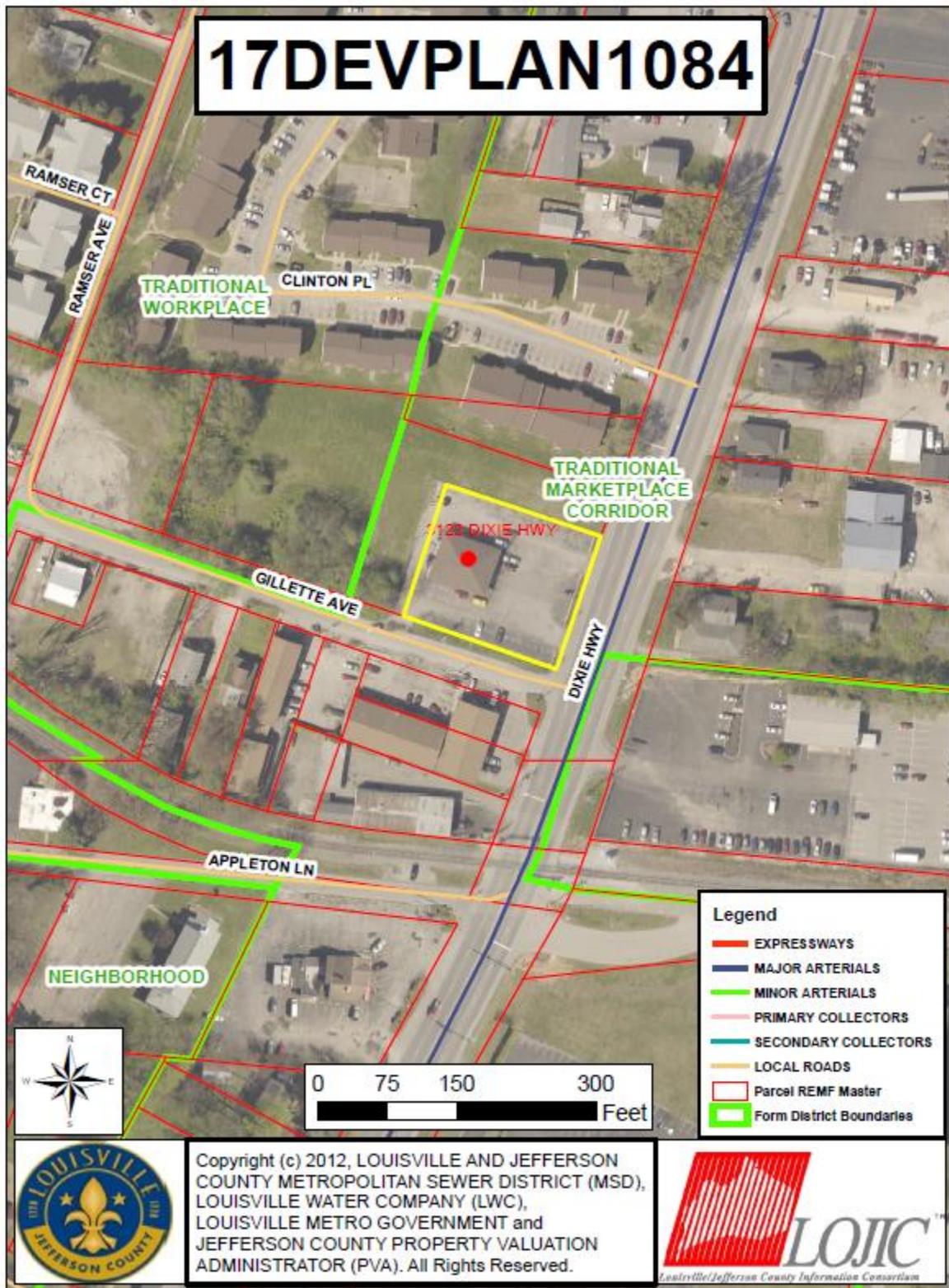
### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Parking Study (Laundromat only)

1. Zoning Map



2. Aerial Photograph



3. **Parking Study (Laundromat only)**

	8805 3 <sup>rd</sup> st (daisy fresh laundry)		7302 preston hwy (golden wash Laundromat)			8805 3 <sup>rd</sup> st (daisy fresh laundry)		7302 preston hwy (golden wash Laundromat)	
	8/8/17 Tuesday	Hourly total	8/10/17 Thursday	Hourly total		8/11/17 Friday	Hourly total	8/13/17 Sunday	Hourly total
9:30	0		2		9:30	3		4	
10:00	3		3		10:00	2		4	
10:30	2	5	3	8	10:30	4	9	5	13
11:00	3		2		11:00	2		3	
11:30	3	6	3	5	11:30	2	4	3	6
12:00	4		4		12:00	4		4	
12:30	3	7	4	8	12:30	3	7	4	8
1:00	2		3		1:00	4		5	
1:30	3	5	3	6	1:30	2	6	5	10
2:00	3		4		2:00	1		4	
2:30	3	6	4	8	2:30	3	4	6	10
3:00	4		5		3:00	3		4	
3:30	3	7	3	8	3:30	5	8	5	9
4:00	4		3		4:00	3		4	
4:30	4	8	4	7	4:30	4	7	5	9
5:00	5	5	5	5	5:00	5	5	6	6

\*daisy fresh laundry combined with chuck's place which is a game store and liquors store , these three businesses share the same parking lot with 19 parking spaces.

\*golden wash Laundromat share the same parking lot with super store food mart with 22 parking spaces.

RECEIVED

AUG 21 2017

DESIGN SERVICES