

# Development Review Committee

## Staff Report

April 3, 2019



<b>Case No:</b>	18DEVPLAN1215 & 18WAIVER1055
<b>Project Name:</b>	Hughes & Coleman
<b>Location:</b>	3620 Dixie Hwy
<b>Owner(s):</b>	Lee Coleman, ML Destiny Plaza LLC
<b>Applicant:</b>	Lee Coleman, ML Destiny Plaza LLC
<b>Jurisdiction:</b>	Shively
<b>Council District:</b>	3 – Keisha Dorsey
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

### **REQUESTS:**

1. **Waiver** of Land Development Code table 9.1.2 to increase the maximum parking allowed from 19 spaces to 25
2. **Waiver** of Land Development Code 5.5.1.A.1.b to not provide an entrance door on the façade facing Oehrle Drive

### **CASE SUMMARY/BACKGROUND**

The subject site is located in the city of Shively and is zoned C-1 Commercial in the Traditional Marketplace Corridor form district. It is located on the northwest quadrant of the intersection of Dixie Highway and Oehrle Drive. The subject site is currently a vacant law office. The applicant is proposing to construct a 3,740 square foot single story law office. The proposal includes demolishing the existing law office once the new building and associated parking are constructed.

The applicant requests a waiver of the parking requirements with 18WAIVER1055, and a waiver of the building façade design associated with case 18DEVPLAN1215 which is a Category 2B plan. The proposed building has two entrances, one facing Dixie Highway and one facing the parking lot at the rear of the building. At the time this staff report was published, the building façade design waiver had not yet been submitted by the applicant.

### **STAFF FINDINGS**

Waiver #1 has been adequately mitigated by the applicant by the provision of tree canopy on the site which exceeds Land Development Code requirements. The additional tree canopy mitigates the additional impervious surface requested by the applicant.

Waiver #2 is not adequately justified and does not meet the standard of review.

### **TECHNICAL REVIEW**

No technical review was undertaken. MSD's preliminary approval of the plan and associated waiver is pending the submittal of a downstream sanitary capacity facility request. Public Works has provided preliminary approval of the site plan and associated waiver.

## **INTERESTED PARTY COMMENTS**

No interested party comments were received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM CHAPTER 9.1.2 TO INCREASE THE MAXIMUM PARKING ALLOWED FROM 19 SPACES TO 25**

- (a) The Parking Waiver is in compliance with the Plan 2040; and

STAFF: Mobility Goal 1, Policy 4 states that higher densities and intensities are encouraged within or near existing marketplace corridors and existing future activity and employment centers to support transit-oriented development and an efficient public transportation system. Mobility Goal 3, Policy 3 states that developments are evaluated for their ability to promote public transit and pedestrian use. Encourage higher density mixed-use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation and housing choices. Mobility Goal 3, Policy 9 states that when existing transportation facilities and services are inadequate and public funds are not available to rectify the situation, the developer may be asked to make improvements, roughly proportional to the projected impact of the proposed development, to eliminate present inadequacies if such improvements would be the only means by which the development would be considered appropriate at the proposed location.

Additional parking spaces on this site supports auto-oriented development, not transit-oriented development. However, the proposed development provides 11,686 square feet of tree canopy (40.9% of the site) and the required tree canopy is 2,860 square feet (10% of the site). The additional tree canopy mitigates the request for additional parking spaces and impervious surface area.

A justification statement provided by the applicant demonstrates the need for this specific use, a law office, to offer the number of spaces requested due to the parking needs of employees on a maximum shift and peak customer demand. The subject site does not have on-street parking available.

- (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's proposal includes tree canopy that exceeds the requirements of the Land Development Code and in accordance with applicable guidelines of the Comprehensive Plan.

- (c) 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; and

STAFF: The requirements found in Table 9.1.2 do not accurately depict the parking needs of the proposed use and the requested increase will accommodate the parking demand to be generated by the proposed use. The applicant has provided a justification stating that when they are fully staffed, only one parking space would be available plus two ADA spaces. The parking requirements of Table 9.1.2 are based on square footage and the peak employees on site

would occupy nearly all of those allowed spaces. Once peak customer parking demand is incorporated, a demand for 6 additional spaces is needed beyond the allowed 19 spaces.

- (d) The requested increase is the minimum needed to do so.

STAFF: This request is the minimum number of spaces that is needed on site to accommodate for employees and customers, specifically during peak times of demand when all staff is present and customers and clients are also visiting the building.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM CHAPTER 5.5.1.A.1.B TO NOT PROVIDE AN ENTRANCE DOOR ON THE FAÇADE FACING OEHRLE DRIVE**

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

STAFF: The waiver will adversely affect adjacent property owners since it is not consistent with the intent of the Dixie Highway Corridor Master Plan. A desired outcome of the Plan is for a uniform urban design theme in the corridor.

- (b) The waiver will not violate specific guidelines of Plan 2040

STAFF: Community Form Goal 1, Policy 4 states that the proposal ensures new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects. Community Form Goal 2, Policy 2.2 states that proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines.

The Land Development Code requires that retail and office uses within buildings facing two or more streets shall have at least one customer entrance facing the primary street and one customer entrance facing the second street or instead of two entrances, a corner entrance. Additionally, the requested waiver is not consistent with the intent of the Dixie Highway Corridor Master Plan to create a uniform urban theme in the corridor.

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

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant since the building could be redesigned to accommodate an additional entrance facing Oehrle Drive, or a corner entrance.

- (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 not incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waivers**

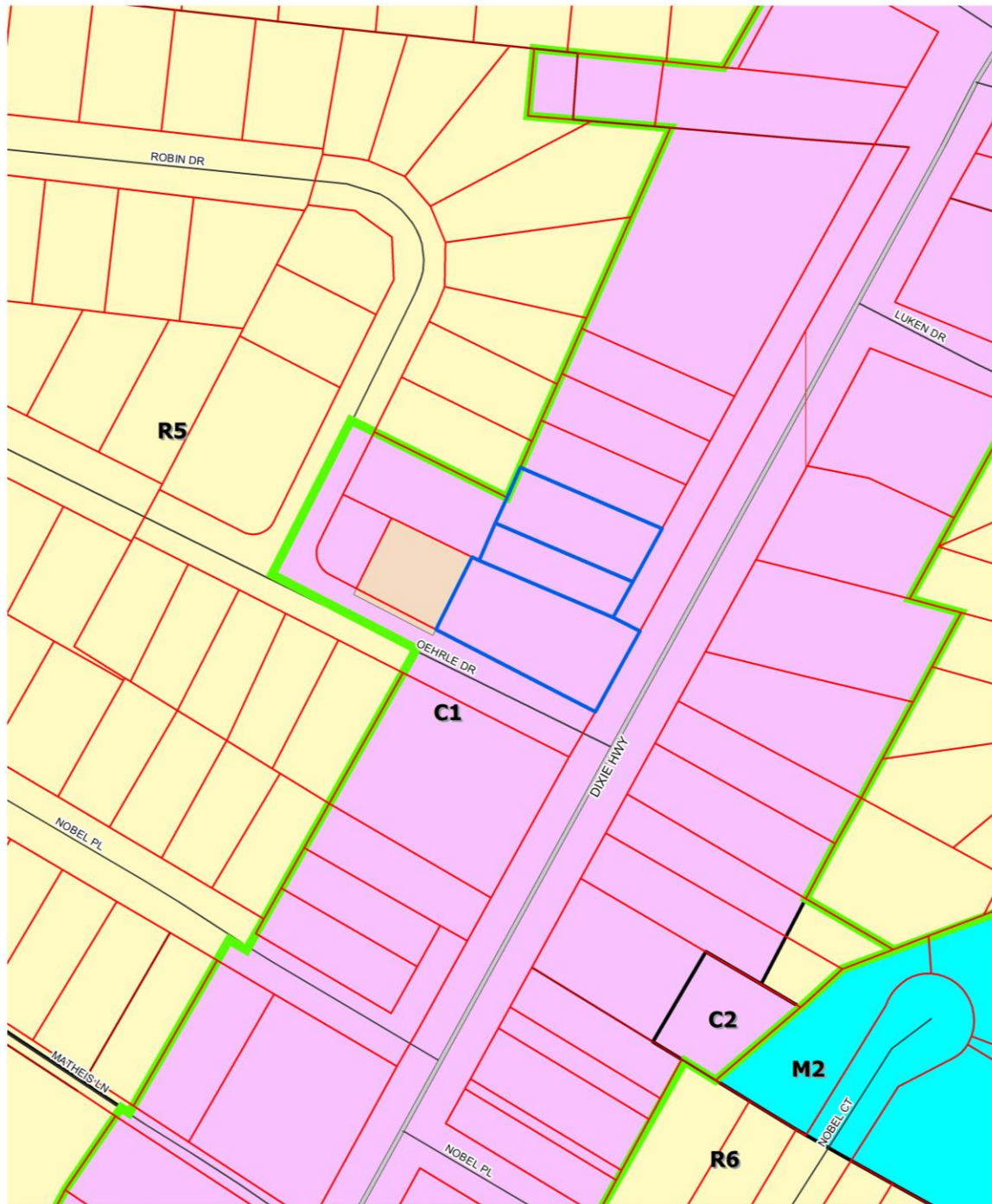
**NOTIFICATION**

Date	Purpose of Notice	Recipients
4-3-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 3

**ATTACHMENTS**

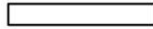
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



3620 DIXIE HIGHWAY

feet



125

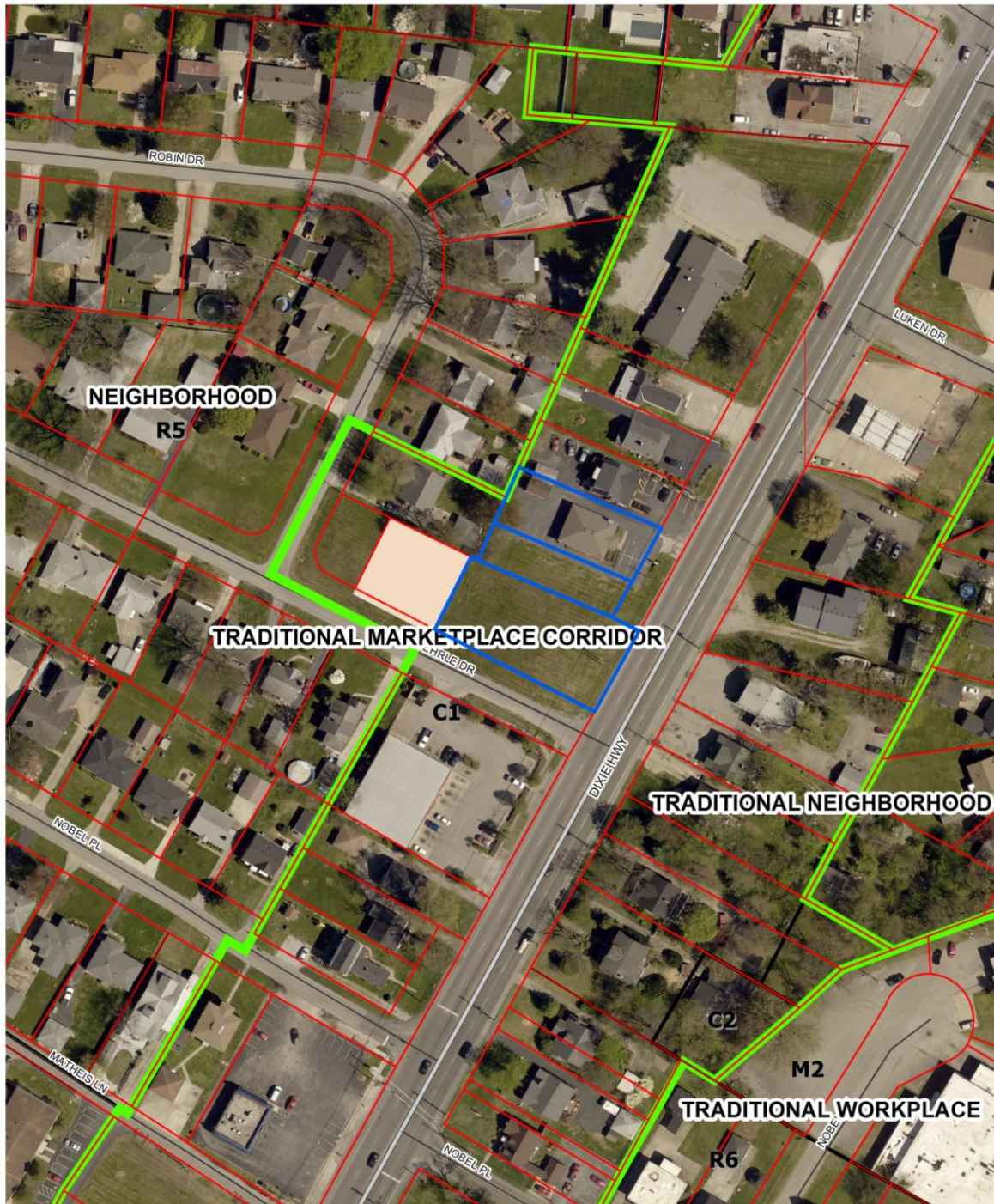
Map Created: 3/28/2019



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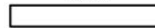


2. Aerial Photograph



3620 DIXIE HIGHWAY

feet



Map Created: 3/28/2019



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