

# Development Review Committee

## Staff Report

November 16, 2022



<b>Case No:</b>	22-WAIVER-0178/22-WAIVER-0180
<b>Project Name:</b>	West Broadway Commercial
<b>Location:</b>	1209 and 1211 W Broadway
<b>Owner(s):</b>	Quadrant Hotels, LLC.
<b>Applicant:</b>	Quadrant Hotels, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Jay Lockett, AICP, Planner II

### REQUEST(S)

- **Waivers**

1. **Waiver** of Land Development Code section 5.5.1.A.3 and 5.9.2.C to allow a drive-thru lane in front of a building in the Traditional Marketplace Corridor form district.
2. **Waiver** of Land Development Code section 10.2.10 to allow a proposed drive-thru lane, existing parking areas and a proposed dumpster to encroach into required Vehicle Use Area Landscape Buffer Areas as shown on the development plan.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a retail building and a restaurant building with drive-thru on approximately 3.52 acres in the C-2 zoning district and the Traditional Marketplace Corridor form district. The site is located in the Russell neighborhood of western Louisville Metro and has an existing suburban-style strip commercial development. The proposed development would be outlots closer to West Broadway, with the retail building anchoring the corner at W Broadway and S 13<sup>th</sup> St. The proposal includes landscaping and other improvements to the existing parking lot, including a more controlled access along W Broadway. A similar plan with the same waivers was approved previously under docket 19-CAT2-0008 but has expired.

### STAFF FINDING

The requests are adequately justified and meet the standards of review. The existing development is significantly non-conforming to the setback rules for the Traditional Marketplace Corridor form district. The new development will add commercial activity closer to the front of the site, which will bring the site further into compliance with current regulations.

### TECHNICAL REVIEW

The requests are associated with a Category 2-B development plan 22-CAT2-0047 currently under staff review. Transportation Planning and MSD have approved the preliminary plan.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this development.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as the only adjacent site is also a restaurant with drive-thru in front.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for additional commercial development in an existing commercial activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public. The applicant will provide screening of the drive-thru via a masonry wall.

- c. The extent of 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. The resultant development will still be an improvement over existing conditions on the subject site with respect to the current Land Development Code.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as it prevents the development of additional commercial uses on an existing commercial site.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The will not adversely affect adjacent property owners, as other portions of the site will have an increase in buffering and plantings over current conditions.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, as it will allow for continued use of an existing commercial site within an established activity center. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public. The proposed development will have an increase in buffering and planting and a decrease in impervious surface.

- c. The extent of 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. Other areas of the subject site will provide increased buffers and planting.

- d. Either: 1. 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 2. 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 create an unnecessary hardship on the applicant, as it would require removal of existing drive areas and prevent the redevelopment of an existing commercial site.

**REQUIRED ACTIONS:**

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

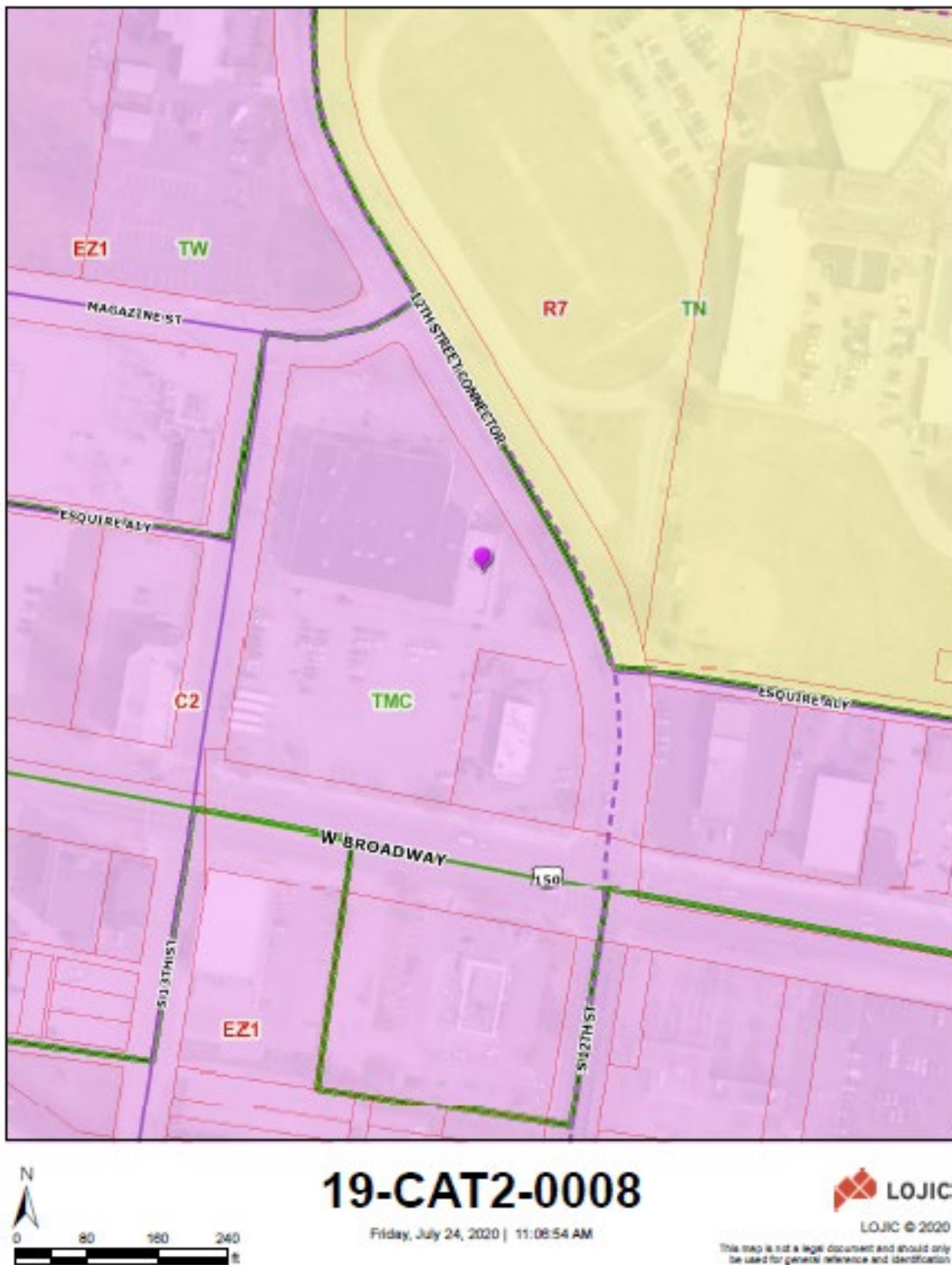
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11-4-22	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 4

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



**19-CAT2-0008**

Friday, July 24, 2020 | 11:05:42 AM



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