

Development Review Committee

Staff Report

December 14, 2022



Case No:	22-WAIVER-0160
Project Name:	Klondike Retail Construction
Location:	3606 ½ Klondike Lane
Owner(s):	Alvarado Raul Magallanes Garcia Floric Magallanes
Applicant:	Charles Podgursky
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- Waivers:
 1. Waiver from 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level

CASE SUMMARY/BACKGROUND

The subject site is zoned C-1 commercial in the Neighborhood Form District. The applicant is proposing to construct a 5,514 sq ft building for retail that will be consistent with the existing shopping center. The subject site was a retail building that caught fire and has been demolished. The site is currently vacant with a shared parking lot.

This case is related to a previous category 2B plan and a front yard variance 18VARIANCE1105 for an indoor soccer facility that was never constructed.

STAFF FINDING

Staff finds that the waiver is adequately justified and meet the standards of review.

TECHNICAL REVIEW

MSD and Transportation Planning have preliminarily approved the associated Category 2B plan.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 5.6.1.C.1

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

STAFF: The requested waiver will not adversely affect adjacent property owners as the building provides enough articulation along the facades to compensate for not having all clear windows and doors.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to ensure 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 1, Policy 12 calls for the proposal to Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 2, Policy 11 calls for ensuring appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences. Community Form Goal 2, Policy 15 calls for parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. There are some variations in materials and some clear glass at the street level but not enough to meet the 50% requirement. The applicant is providing all the required ILA's to give the site visual interest.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since the proposed retail land use is located in the floodplain. According to the applicant, if the full 50% was provided they would need to raise the ground by 3 ft.

- (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 proposed retail land use being located in the floodplain. According to the applicant, if the full 50% was provided they would need to raise the ground by 3 ft.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **WAIVER** from 5.6.1.C.1 to permit the structure to have less than 50% clear windows and doors at the street level

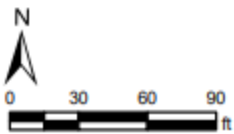
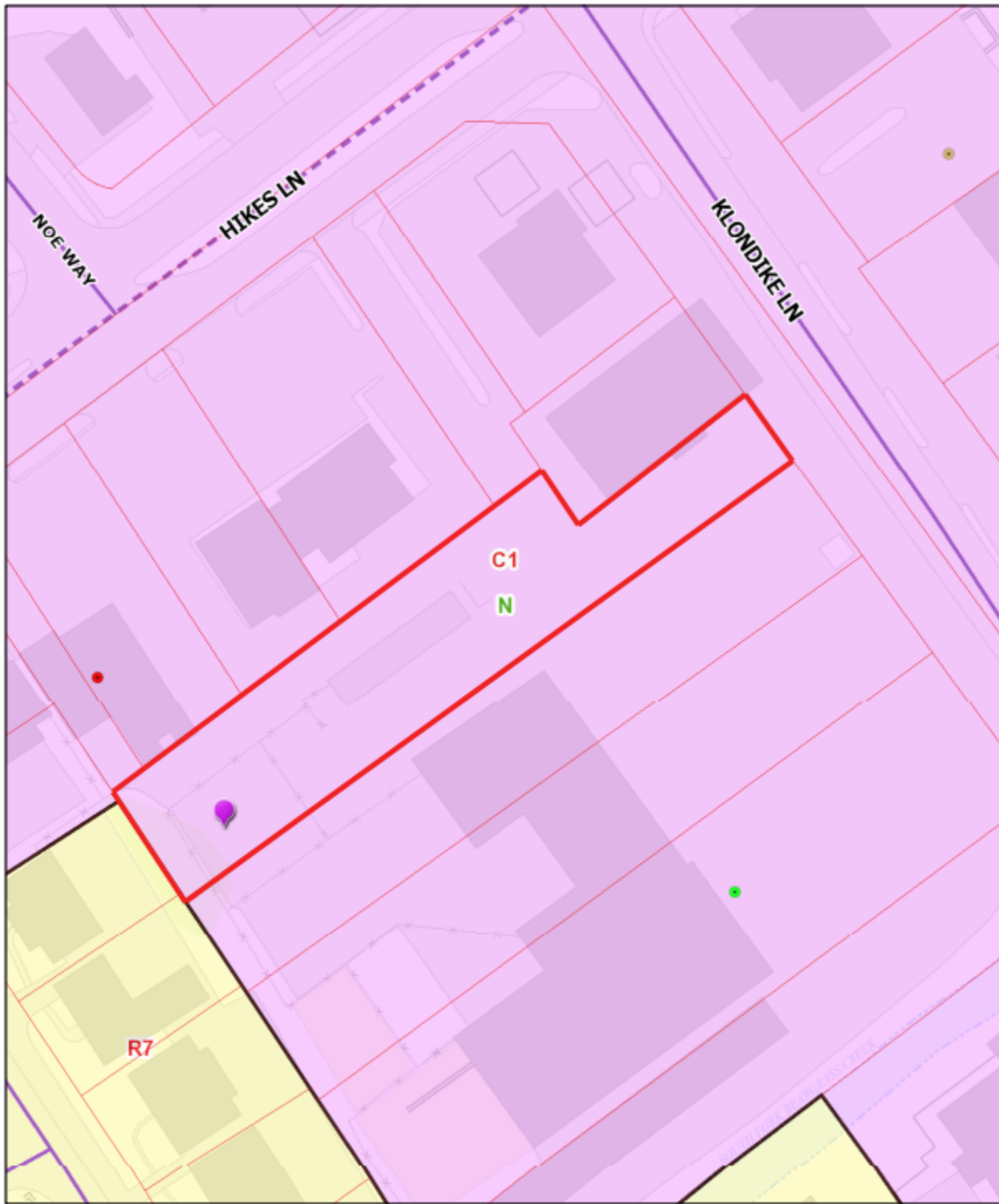
NOTIFICATION

Date	Purpose of Notice	Recipients
11/04/22	Hearing before DRC	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 26

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



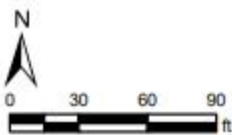
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2. Aerial Photograph



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