

Development Review Committee

Staff Report

January 8, 2020



Case No:	19-WAIVER-0052
Project Name:	Noble Funk Microbrew
Location:	922 S 2 nd St
Owner(s):	Domino Partners, LLC.
Applicant:	Domino Partners, LLC.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waivers:**

1. Waiver from 10.2.10 (19-Waiver-0052) to not provide a Vehicle Use Area Landscape Buffer Area adjacent to a defined access easement.

CASE SUMMARY/BACKGROUND

The applicant is proposing to renovate a former Kroger grocery store located in the SoBro Planned Development District. The applicant has agreed to establish a public access and utility easement across the parking lot of the development as a condition of approval for closing an alley adjacent to the site per case 19-STRCLOSURE-0008. A defined access easement is considered to be a “roadway” per Land Development Code 10.2.10, thereby triggering the buffering requirements adjacent to the easement.

STAFF FINDING

The request is adequately justified and meets the standard of review. Providing the buffers adjacent to the easement would make the parking lot design unworkable, as there is not enough space to provide the buffers as well as associated drive lanes and parking spaces.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from parties interested in this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the area of requested relief is internal to the subject site.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate the Comprehensive Plan. The waiver will allow for the redevelopment of an existing vacant site, as well as provide continued access to the alley behind the site for public usage. It complies with the spirit and intent of the SoBro PD and the Comprehensive Plan.

- (c) The extent of the 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 since all other required landscaping and tree canopy will be provided on the subject site.

- (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 create an unnecessary hardship on the applicant, as the proposed development will reduce pervious surface on the site significantly, leaving minimal space to provide parking. Providing the required buffers would likely make the proposed lot configuration unworkable.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**

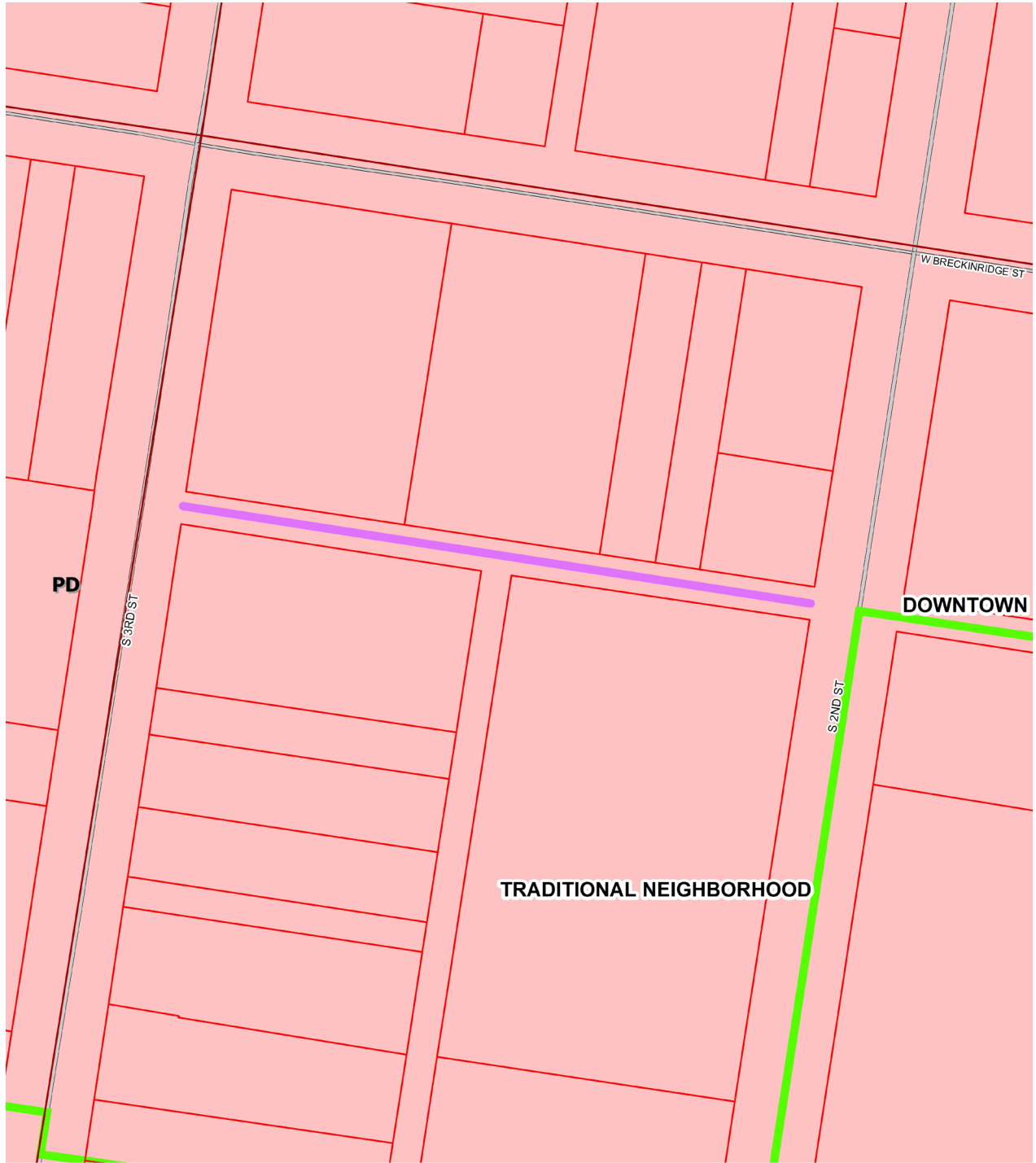
NOTIFICATION

Date	Purpose of Notice	Recipients
12-16-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4

ATTACHMENTS

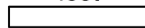
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



19-STRCLOSURE-0008

feet



75

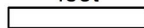
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2. Aerial Photograph



19-STRCLOSURE-0008

feet



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