

Board of Zoning Adjustment

Staff Report

August 3, 2020



Case No:	20-VARIANCE-0033/20-WAIVER-0027/19-WAIVER-0008
Project Name:	West Broadway Commercial
Location:	1209 W Broadway
Owner(s):	Quadrant Hotels, LLC.
Applicant:	Quadrant Hotels, LLC.
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Variance**
 1. **Variance** of Land Development Code section 5.5.1.A.2 to exceed the maximum 5 foot corner lot setback by up to 13 feet as shown on the development plan.
- **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 13th St. The proposal includes landscaping and other improvements to the existing parking lot, including a more controlled access along W Broadway.

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 bring commercial activity closer to the front of the site, which will bring the site further into compliance with current regulations. The development will increase the density of neighborhood serving uses on a previously developed site.

TECHNICAL REVIEW

The requests are associated with a Category 2-B development plan 19-CAT2-0008 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 VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect public health, safety, or welfare as the proposed reduction does not impede the safe movement of pedestrians or vehicles, as the development will still be a significant improvement over current conditions, including pedestrian and vehicular safety.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the resulting development will bring the site further into compliance with the regulations and more in line with urban development in the immediate vicinity.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the resultant setbacks are an improvement over existing conditions on the subject site.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of zoning regulations as the current site is developed well out of compliance with current regulations, and the resultant development will be closer to current zoning regulations.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances not generally applicable to land in the vicinity.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of reasonable use of the land as it would prevent additional commercial development on an existing commercially zoned site.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the site has not been developed and relief is being sought.

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.

- 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 prevent 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 **Variances**
- **APPROVE** or **DENY** the **Waivers**

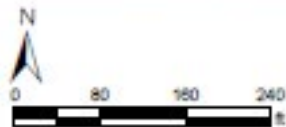
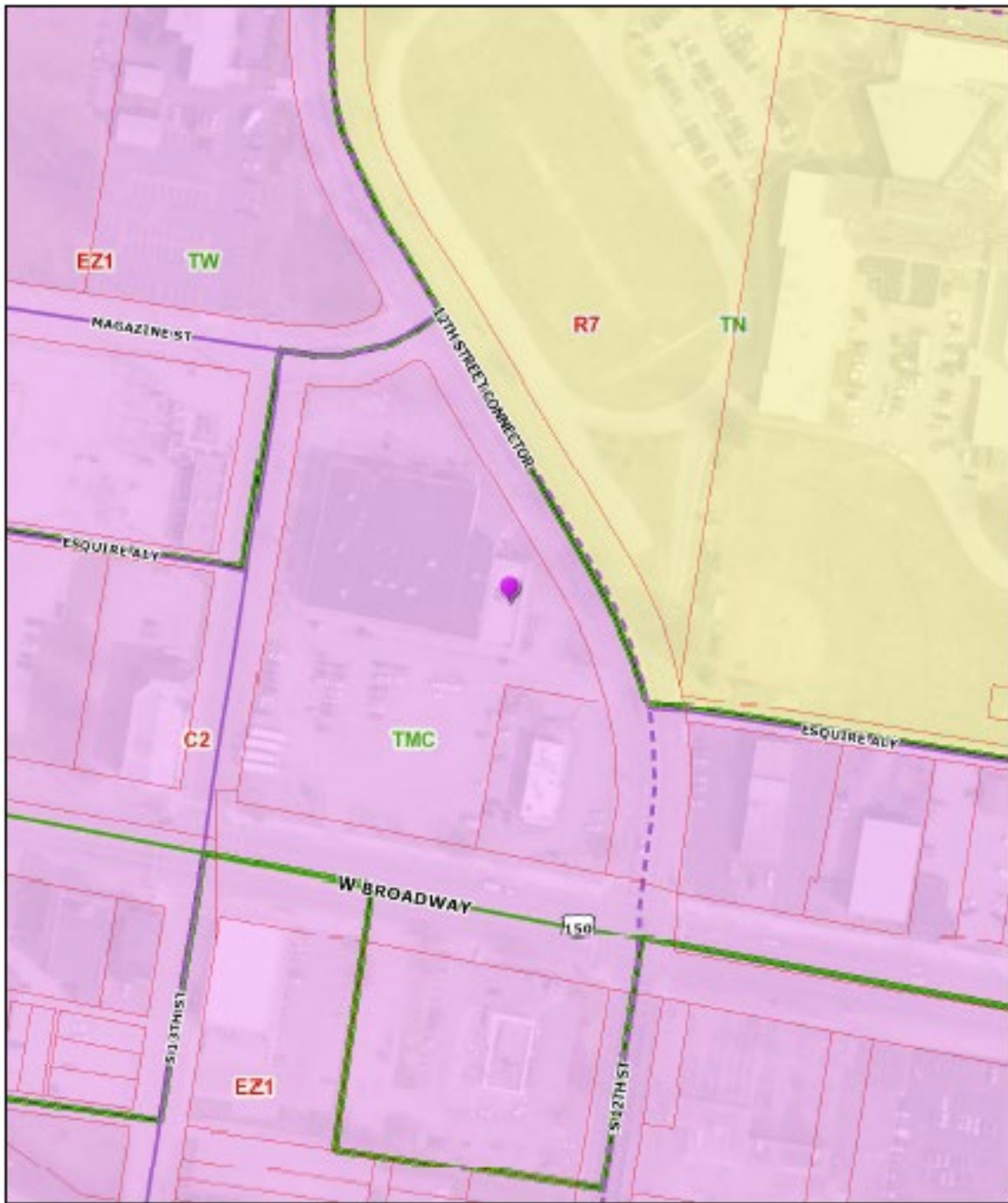
NOTIFICATION

Date	Purpose of Notice	Recipients
7-23-20	Hearing before BOZA	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 4
7-22-20	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



19-CAT2-0008

Friday, July 24, 2020 | 11:08:54 AM



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19-CAT2-0008

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



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2. Aerial Photograph