

Development Review Committee Staff Report

March 5, 2014



Case No:	14WAIVER1007
Request:	Category 2B plan with Land Development Code Waivers for parking location and elimination of landscape buffer along alley
Project Name:	Chipotle
Location:	1075 Bardstown Road
Owner:	Bardstown One, LLC
Applicant:	Joe Smiley, Land Strategies
Representative:	Bill Bardenwerper Kelli Jones
Jurisdiction:	Louisville
Council District:	8 – Tom Owen
Case Manager:	Christopher Brown, Planner II

REQUEST

- Waiver #1: Waiver from Chapter 5.5.1.A.3.a of the Land Development Code to allow portion of the accessible parking to be located in front of the building
- Waiver #2: Waiver from Chapter 10.2.10 of the Land Development Code to eliminate the required 5' VUA LBA along the rear alley

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: C-2, Commercial
Existing Form District: TMC, Traditional Marketplace Corridor
Existing Use: Restaurant
Proposed Use: Restaurant
Minimum Parking Spaces Required: 13
Maximum Parking Spaces Allowed: 26
Parking Spaces Proposed: 33 (non-conforming rights to the existing number of parking spaces)
Plan Certain Docket #: None

The applicant is proposing to construct a 2,134 SF restaurant with 1,120 SF of outdoor dining between the building and Bardstown Road ROW. The building will meet the infill setback requirements. It is located between the front yard setbacks of the two nearest existing buildings. The applicant will be maintaining the same number of existing parking spaces, 33, on the site. One of the accessible parking spaces will be located between the building and the ROW requiring the requested Land Development Code waiver from Chapter 5.5.1.A.3.a. It allows the space to properly connect to the accessible ramps for entry to the proposed building. The applicant will be providing all required tree canopy and interior landscaping. Along the rear alley, the applicant has requested to eliminate the required 5' VUA LBA. It is in an area of existing parking that will be utilized for the proposed use. There are similar encroachments along the majority of the alley.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Restaurant	C-2	TMC
Proposed	Restaurant	C-2	TMC
Surrounding Properties			
North	Residential	R-5B	TN
South	Commercial Retail	C-2	TMC
East	Mixed Commercial	C-2	TMC
West	Restaurant	C-2	TMC

PREVIOUS CASES ON SITE

13BROD1004: Bardstown Review Overlay Committee has been in the process of hearing the request for the new construction of the proposed Chipotle restaurant on the subject site.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Bardstown Road Overlay District
 Original Highlands Neighborhood Plan

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS
 (Parking Location)**

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

STAFF: The waiver will not adversely affect adjacent property owners since the only parking space encroaching will be one of the two accessible spaces to connect to the handicap ramp properly leading to the building entrance.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 since the setback of the building that the proposed accessible parking will connect to is within the range of front yard setbacks for the two nearest principal buildings and it allows for adequate accessible parking to be provided with appropriate connections to the building entrance and public sidewalk along the Bardstown Road street frontage.

- (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 to provide the required accessible parking space and connect the space with the proposed handicap ramp to the building.

- (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 by requiring the relocation of the accessible parking space as well as the handicap ramp to the building entrance.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS (5' rear alley VUA LBA)

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

STAFF: The waiver will not adversely affect adjacent property owners since additional landscaping from the existing conditions of the parking area will be provided at either end of the parking row.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for parking areas adjacent to streets to be screened and buffered. The waiver will not violate guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way. The area along the rear alley is an existing parking row that is intended to be utilized by the proposed use and follows the pattern of development for the majority of the block along the alley.

- (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 the existing parking will be utilized in its existing location.

- (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 by requiring removal of the existing row of parking along the rear alley.

TECHNICAL REVIEW

- The proposed development must receive approval from the Bardstown Review Overlay. The case was heard on February 25th, 2014 and continued to March 4th, 2014 to allow the applicant to provide recommended changes to the proposed site plan.

STAFF CONCLUSIONS

The standards of review for the requested waivers have been met. The Committee needs to consider any actions that have been taken by the Bardstown Review Overlay Committee and their effects upon the requested Land Development Code relief. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a LDC Waiver and Landscape as established in the Land Development Code.

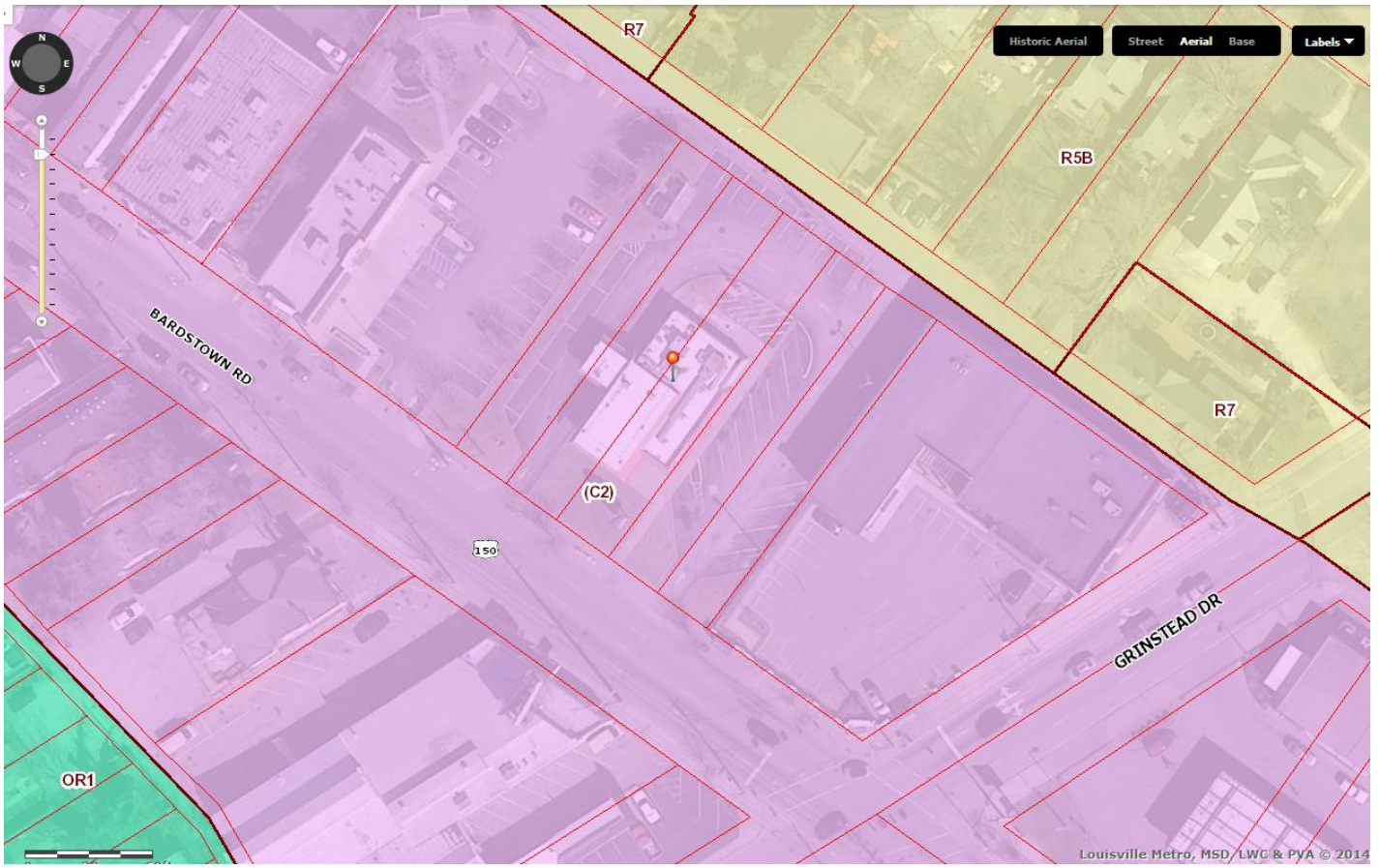
NOTIFICATION

Date	Purpose of Notice	Recipients
2/19/14	Hearing before DRC	1 st tier adjoining property owners Subscribers of Council District 8 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

