

# Development Review Committee

## Staff Report

August 1 2018



|                          |                                      |
|--------------------------|--------------------------------------|
| <b>Case No:</b>          | 18WAIVER1028                         |
| <b>Project Name:</b>     | Oscar's Hardware                     |
| <b>Location:</b>         | 1515 S Shelby St                     |
| <b>Owner(s):</b>         | Paul Fussenegger                     |
| <b>Applicant:</b>        | Planning and Construction Associates |
| <b>Jurisdiction:</b>     | Louisville Metro                     |
| <b>Council District:</b> | 10 – Pat Mulvihill                   |
| <b>Case Manager:</b>     | Jay Lockett, Planner I               |

### REQUEST(S)

- **Waiver** of Land Development Code section 5.5.1.A.3.a to not provide a masonry wall

### CASE SUMMARY/BACKGROUND

The applicant is currently renovating and expanding a retail hardware store, per the plan approved under dockets 17DEVPLAN1126 and 17VARIANCE1039. The applicant has concerns that the required masonry wall would be a target for graffiti and loitering, and is seeking a waiver to install fencing along the property perimeter instead.

### STAFF FINDING

The request is adequately and meets the standard of review.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

Major Josh Judah, Louisville Metro Police Department 4<sup>th</sup> Division Commander, has submitted a letter expressing concerns that the wall could potentially attract nuisance behavior such as loitering.

## **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, as the overall design will still be a substantial improvement in the site from its historic conditions.

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

STAFF: Guideline 2, Policy 15 states to encourage the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 states to ensure compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 3, Policy 23 states that setbacks, lot dimensions and building heights should be compatible with those of nearby developments that meet form district guidelines. The proposed fencing represents a reasonable compromise between the concerns of security, aesthetics and site functionality, and the overall site design will not violate 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.

- (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 they could potentially incur ongoing costs and security concerns associated with securing and maintaining the perimeter of their property.

## **REQUIRED ACTIONS:**

- **APPROVE or DENY the Waiver**

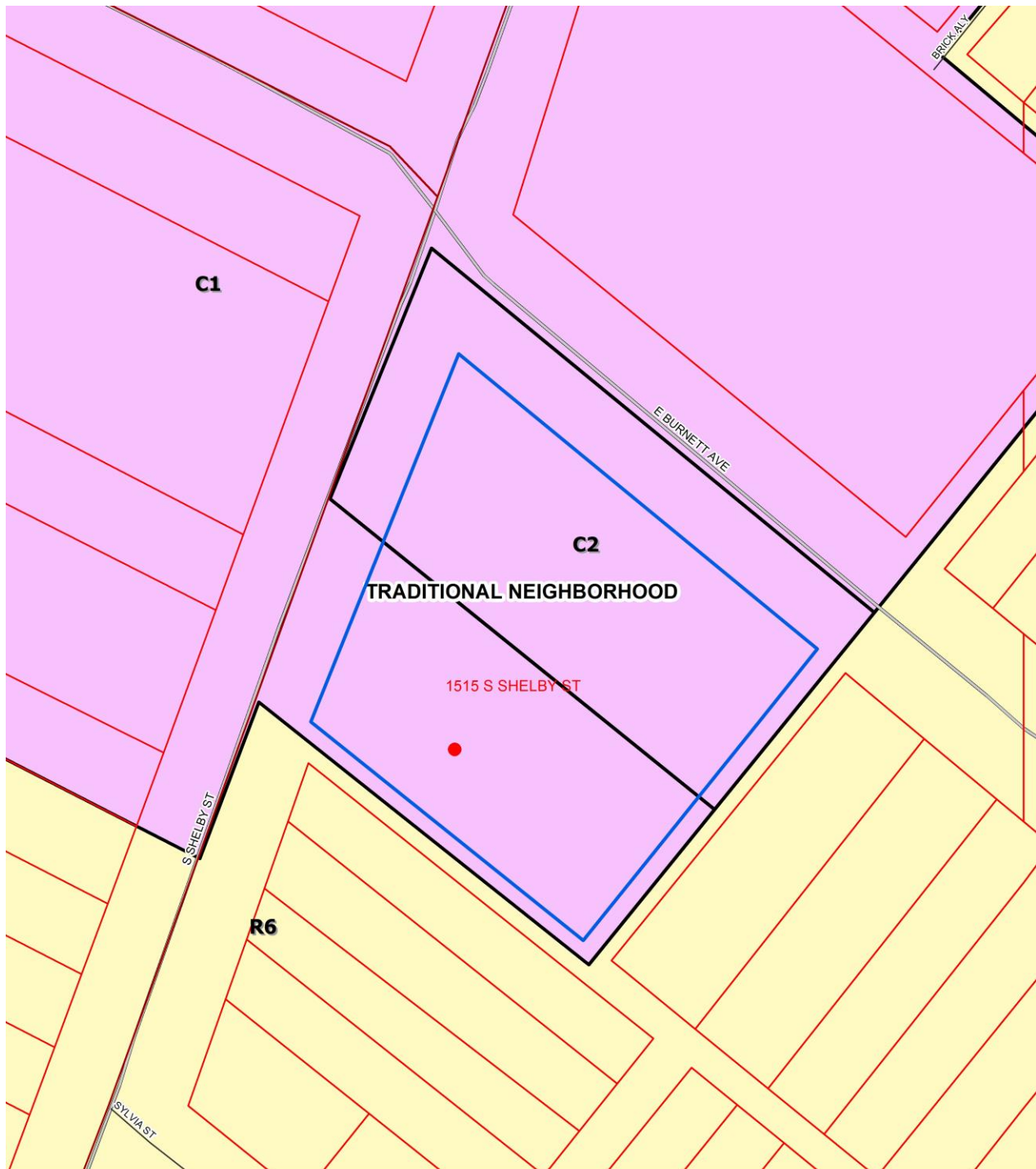
## **NOTIFICATION**

| Date    | Purpose of Notice  | Recipients                                                                                                                                                                    |
|---------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7-18-18 | Hearing before DRC | 1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners<br>Speakers at Planning Commission public hearing<br>Registered Neighborhood Groups in Council District __ |

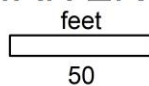
## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



18WAIVER1028

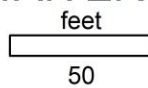


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2. Aerial Photograph



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