

Development Review Committee

Staff Report

August 17th, 2022



Case No:	22-WAIVER-0091 & 22-WAIVER-0137
Project Name:	Jack in the Box
Location:	3232 Bardstown Road
Owner(s):	Lucinda Lloyd Murphy & Jane Lloyd Wright
Applicant:	APD Engineering and Architecture
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Waivers:
 1. Waiver from table 8.3.2 to allow four signs on one facade (22-WAIVER-0137).
 2. Waiver from table 10.2.6 to allow an encroachment into the VUA/LBA (22-WAIVER-0091)

CASE SUMMARY/BACKGROUND

The applicant is proposing to tear down the existing Steak n' Shake restaurant building and construct a 2,685 SF building that will function as a drive-thru restaurant. There is an existing access drive that will be encroaching on a portion of the 10 ft VUA/LBA to the north. The site is zoned C-1 commercial in the Suburban Marketplace Corridor Form District.

STAFF FINDING

Staff finds the waivers adequately justified and meet the standards of review.

TECHNICAL REVIEW

There are no outstanding technical issues with this request.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER from 10.2.4 for the encroachment into VUA/LBA (22-WAIVER-0110)

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

STAFF: The waiver will not adversely affect adjacent property owners since the applicant will still be providing all the required plantings in all landscape buffer areas.

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

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. This site, although located in the Town Center Form District, is surround primarily by development that are designed according to the Suburban Form District standards. Community Form Goal 1, Policy 6 calls to discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential. This site is being proposed next to another hotel and will be surround by other commercial developments without displacing any current residents. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. The applicant will still be providing all the required plantings.

- (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 applicant is still providing all the required plantings

- (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 would create an unnecessary hardship on the applicant since the applicant is still providing all the required plantings.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (22-WAIVER-0137):

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

STAFF: The waiver will not adversely affect adjacent property owners because the majority of signage being proposed is very small compared to the size of the façade. Also the proposed development is surround by other commercial uses. All the signs being proposed are under the maximum SF allowed for each sign on each façade which is 175 SF. All four signs cover 5% of the facade.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040 since each sign being proposed is under the maximum allowed square footage of 175 SF per sign. According to Guideline 1, Policy 4, the proposal 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.

- (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 signs being proposed are each under the maximum SF allowed which is 175 SF. All four signs cover 5% of the façade.

- (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 because the signs being proposed are all under the maximum square feet allowed which is 175 square feet. All four signs cover 5% of the façade.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **WAIVER** from table 8.3.2 to allow four signs on one facade (22-WAIVER-0137).
- **APPROVE** or **DENY** the **WAIVER** from table 10.2.6 to allow an encroachment into the VUA/LBA (22-WAIVER-0091)

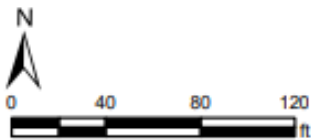
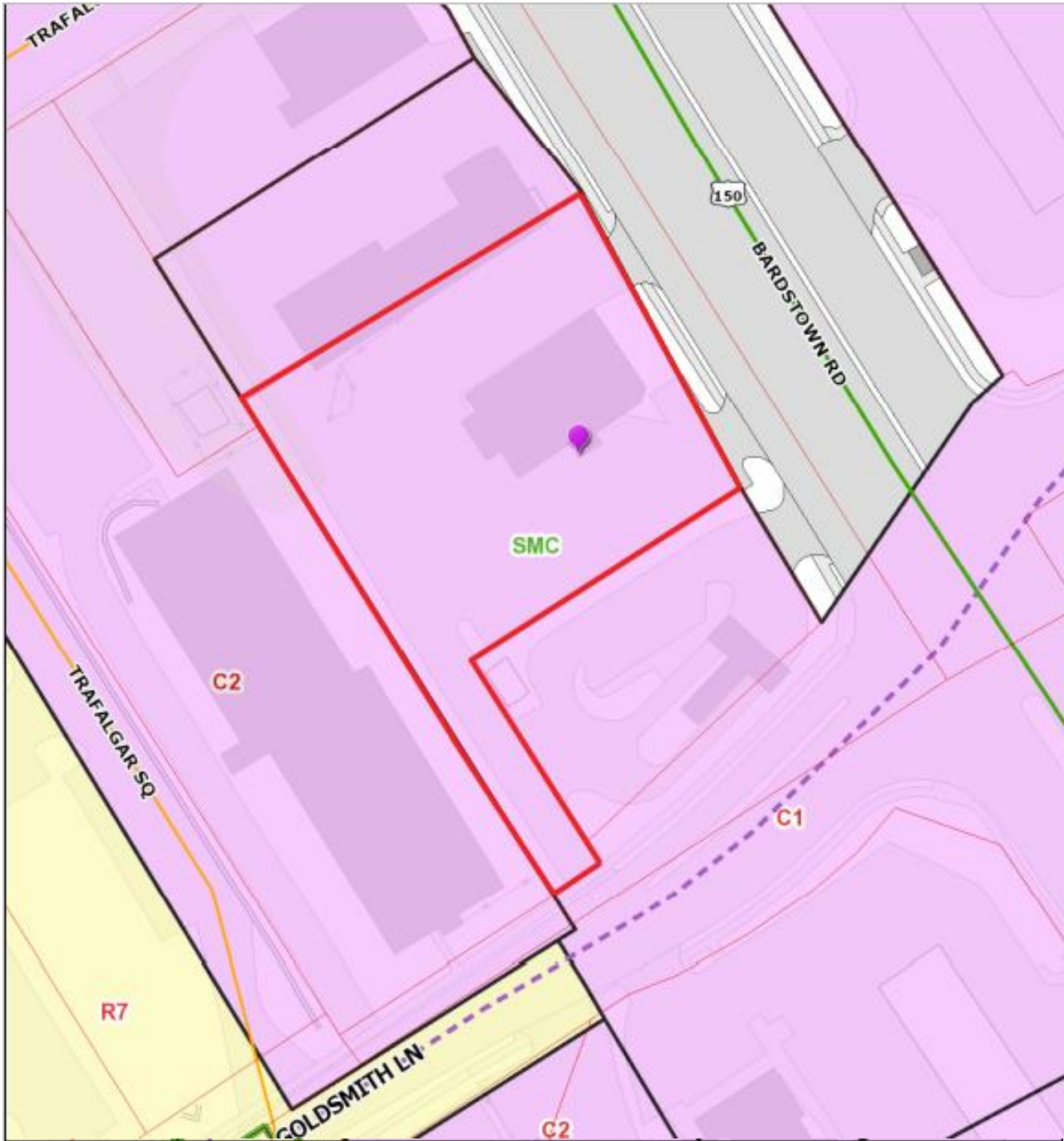
NOTIFICATION

Date	Purpose of Notice	Recipients
08-05-22	Hearing before 08-17-22	1 st tier adjoining property owners and current residents

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



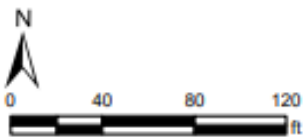
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2. Aerial Photograph



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