

Development Review Committee

Staff Report

December 18, 2019



Case No:	19-WAIVER-0098
Project Name:	LDC Waiver
Location:	13913 Poplar Lane
Owner(s):	Kingdom Center, Inc.
Applicant:	Greg Wellman, The Kingdom Center Church
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST:

1. **Waiver** of Land Development Code 10.2 to not provide the planting material in a portion of the property perimeter landscape buffer

CASE SUMMARY/BACKGROUND

The subject site is zoned R-2 Residential Single Family in the Neighborhood form district. It is located north of Poplar Lane and east of I-265.

The applicant is requesting to not provide the planting material in a portion of the property line. The church owns the adjacent property and, according to the applicant, they do not want to block the view of the lake (pond). The applicant is proposing to provide plantings adjacent to properties not owned by the church.

Previous cases:

- 18CUP1073: Conditional Use Permit for a 25,300 square foot church on 21.24 acres in the R-4 zoning district

STAFF FINDINGS

The waiver request is adequately justified and meets the standard of review. Staff recommends the Committee discuss mitigation with the applicant, and the feasibility of moving the plantings further uphill towards the church, rather than providing them at the property line.

TECHNICAL REVIEW

MSD and Public works have provided preliminary plan review.

INTERESTED PARTY COMMENTS

Staff has received an email from an interested party concerning this request. It is included with the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2 TO NOT PROVIDE THE PLANTING MATERIAL IN A PORTION OF THE PROPERTY PERIMETER LANDSCAPE BUFFER

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

STAFF: The waiver will not adversely affect adjacent property owners, since the property perimeter where the waiver request applies is adjacent to a parcel that is also owned by the church.

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

STAFF: Land Use & Development Goal 1, Policy 20 calls for mitigation of adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Land Use & Development Goal 1, Policy 10 calls for mitigation of impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density.

The subject site and the abutting property are both zoned R-4 Single Family Residential. The intensity of uses is not substantially different and no known adverse visual intrusions should occur.

- (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 property perimeter where the waiver request applies is adjacent to a parcel that is also owned by the church. Additionally, the grade of the hill would most likely prevent any plantings located at the property line from blocking the view of the church. However, staff recommends that the Committee discuss with the applicant the feasibility of moving the plantings up the hill, closer to the church.

- (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 as the adjacent property is also owned by the church, and due to the grade change it is possible that plantings at the property line would not block the view of the church from the adjoining property. Staff recommends that the Committee discuss with the applicant the feasibility of moving the plantings up the hill, closer to the church.

REQUIRED ACTIONS:

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

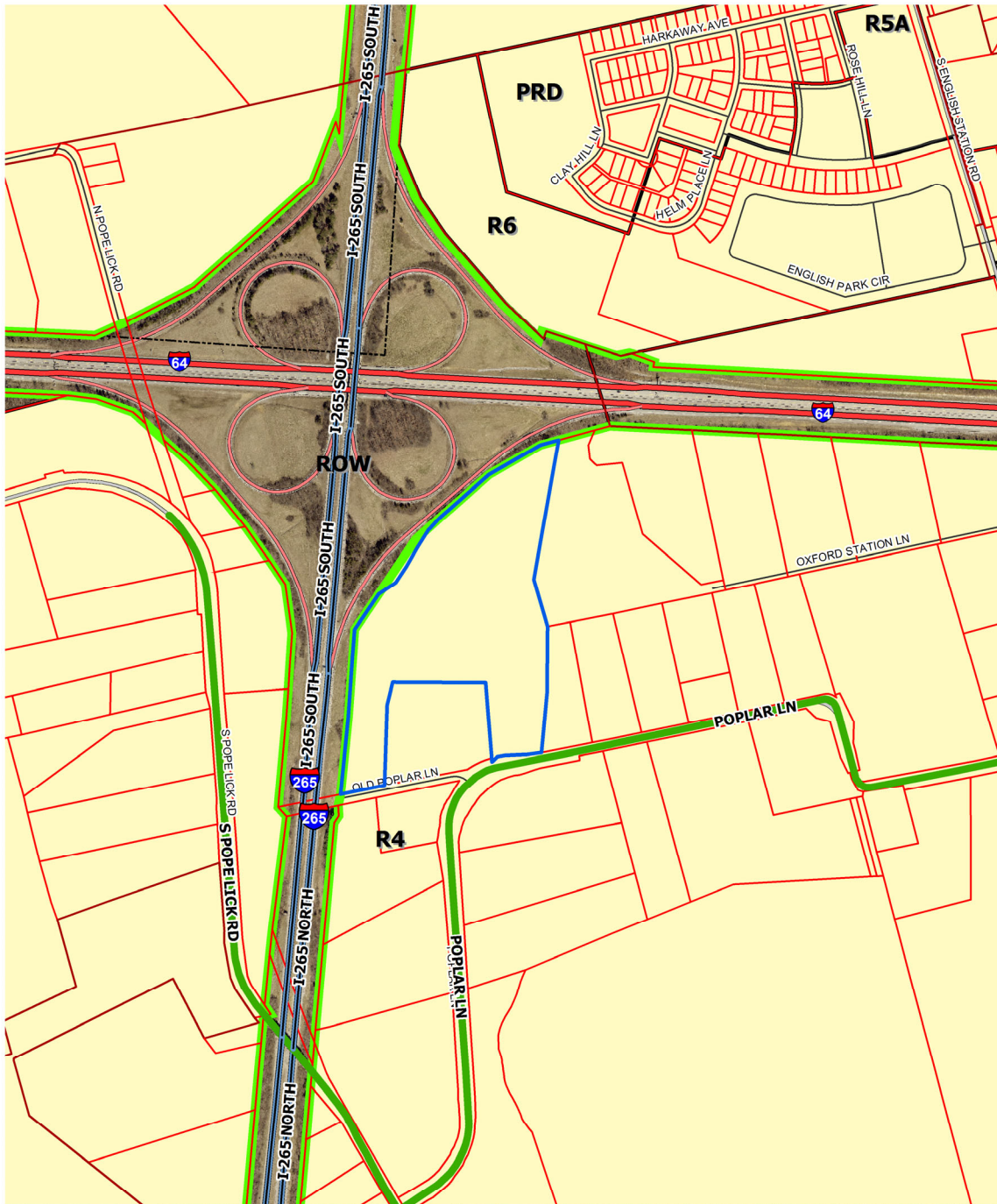
NOTIFICATION

Date	Purpose of Notice	Recipients
12-18-19	Hearing before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

ATTACHMENTS

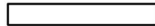
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



13913 POPLAR LANE

feet



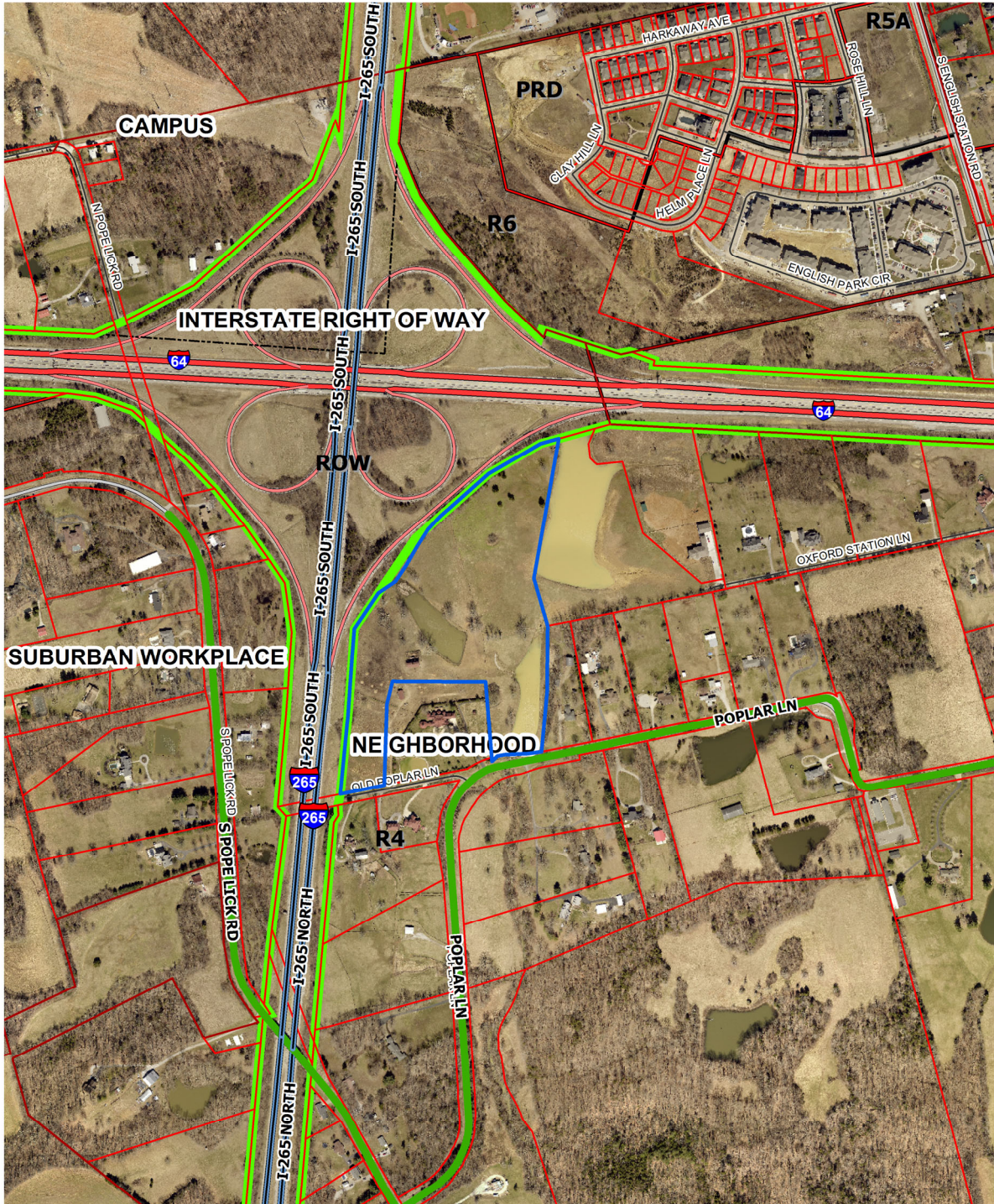
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Map Created: 12/10/2019



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2. Aerial Photograph



13913 POPLAR LANE

feet
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