

Development Review Committee
Staff Report
March 20, 2019



Case No:	19WAIVER1006
Project Name:	Retaining Wall Waiver
Location:	12920 Factory Lane
Owner(s):	Reza Ghasemzadeh, Atlantic Development Group LLC
Applicant:	Reza Ghasemzadeh, Atlantic Development Group LLC
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUEST(S)

- **Waiver** of Land Development Code section 10.2.4.B to allow a retaining wall greater than 4 feet within an LBA less than 25 feet

CASE SUMMARY/BACKGROUND

The applicant is proposing a retail center with 18ZONE1022. The subject site is zoned C-1 Commercial. The proposed retaining wall and LBA are located on the east property perimeter, bordering a neighboring O-R zoned property.

STAFF FINDING

The request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this case.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 10.2.4.B TO ALLOW A RETAINING WALL GREATER THAN 4 FEET WITHIN AN LBA LESS THAN 25 FEET

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

STAFF: The waiver will not adversely affect adjacent property owners since all planting requirements will be met and the wall is located on the subject site.

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

STAFF: Plan 2040 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Plan 2040 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Plan 2040 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Plan 2040 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter airborne and waterborne pollutants.

The planting requirements along the proposed 15 foot LBA will still be met, so adequate screening will be provided per the LDC.

- (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, according to the applicant’s justification statement, other options were explored but due to the geography of the site and the request of the adjoining property owner, the retaining wall and reduced LBA are the only viable option.

- (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. Due to the geography of the site and the request of the adjoining property owner, the retaining wall and reduced LBA are the only viable option for completion of this project on this site.

REQUIRED ACTIONS:

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

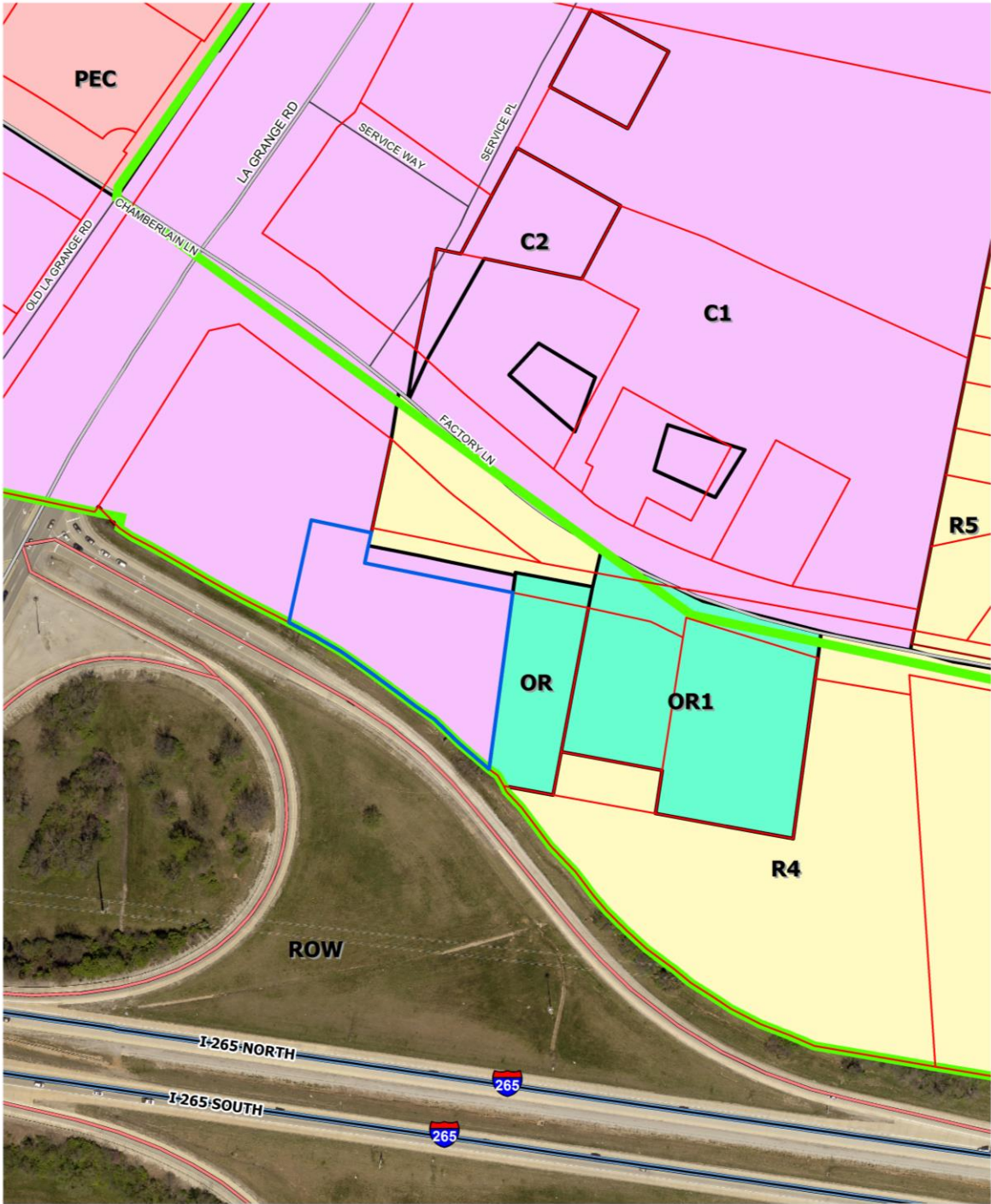
NOTIFICATION

Date	Purpose of Notice	Recipients
3-20-19	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



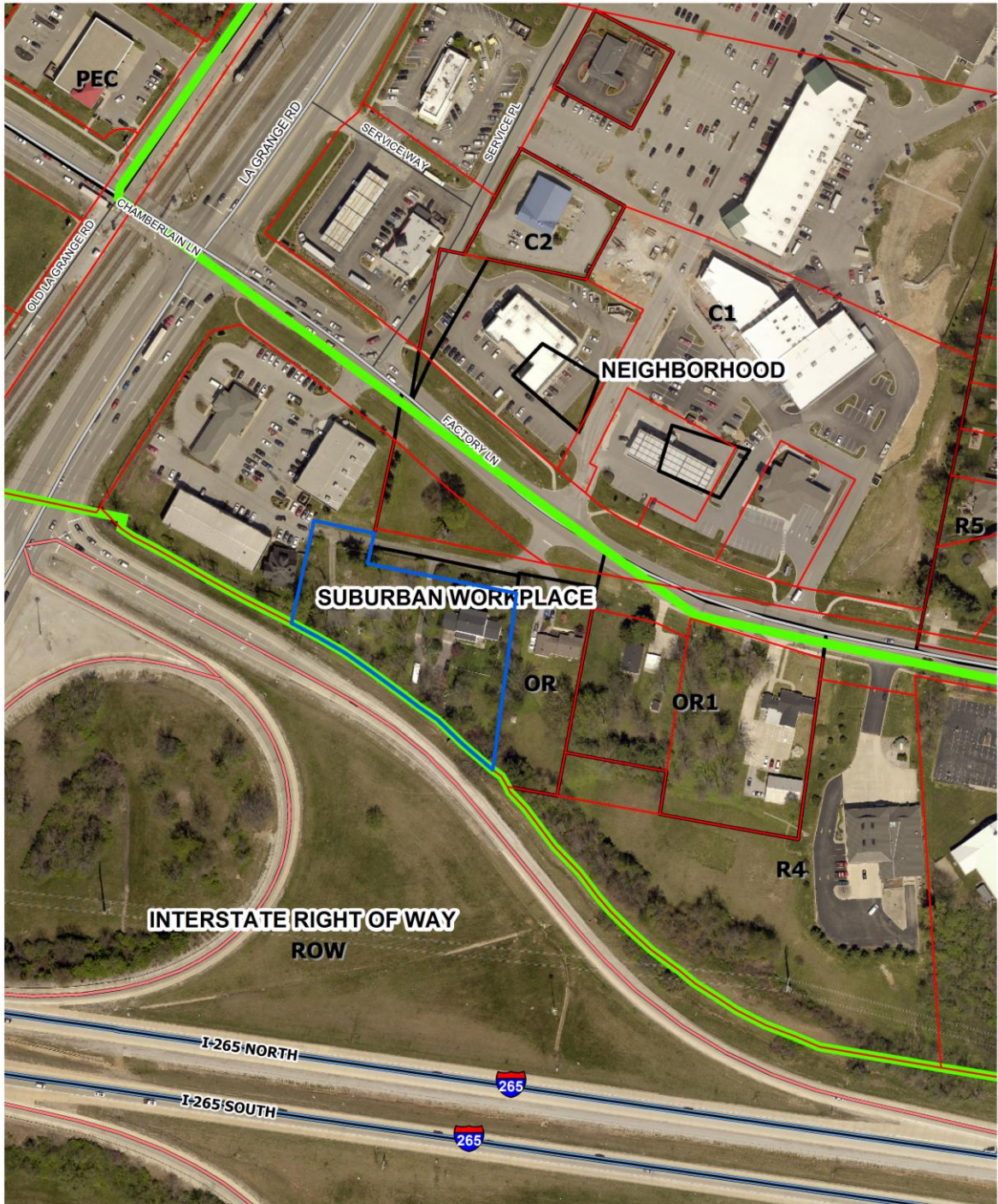
12920 FACTORY LANE



feet
190
Map Created: 2/27/2019

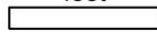
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2. Aerial Photograph



12920 FACTORY LANE

feet



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Map Created: 2/27/2019



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