

Development Review Committee

Staff Report

September 5, 2018



Case No:	18WAIVER1036
Project Name:	Cherokee Rd Landscape Buffer
Location:	814 Cherokee Rd
Owner(s):	FB2011, LLC
Applicant:	LMS Design
Jurisdiction:	Louisville Metro
Council District:	8 – Brandon Coan
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **Waiver** of Land Development Code section 10.2.4 to allow a structure and vehicle use area to encroach into a required 10' property perimeter landscape buffer area.

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct an addition onto an existing commercial structure for a yoga and pilates studio. The existing structure and parking lot are built up to the property line, and the proposed addition will be setback from the property line approximate 2 feet. The site is zoned C-1, and the adjacent site is zoned OR-1, which would require a 10 foot property perimeter buffer on the subject site.

STAFF FINDING

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

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

INTERESTED PARTY COMMENTS

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

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 existing conditions are already in place with no buffer provided.

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

STAFF: Guideline 3, Policies 21 and 22 call 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. Guideline 3, Policy 24 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. The proposed use is compatible with the adjacent site, and the sites already exist with no buffer between them.

- (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 provide relief to the applicant, as all other Land Development Code requirements will be met on site.

- (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, as complying with the buffer requirements would mandate the demolition of the existing structure and removal of much of the existing parking on site.

REQUIRED ACTIONS

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

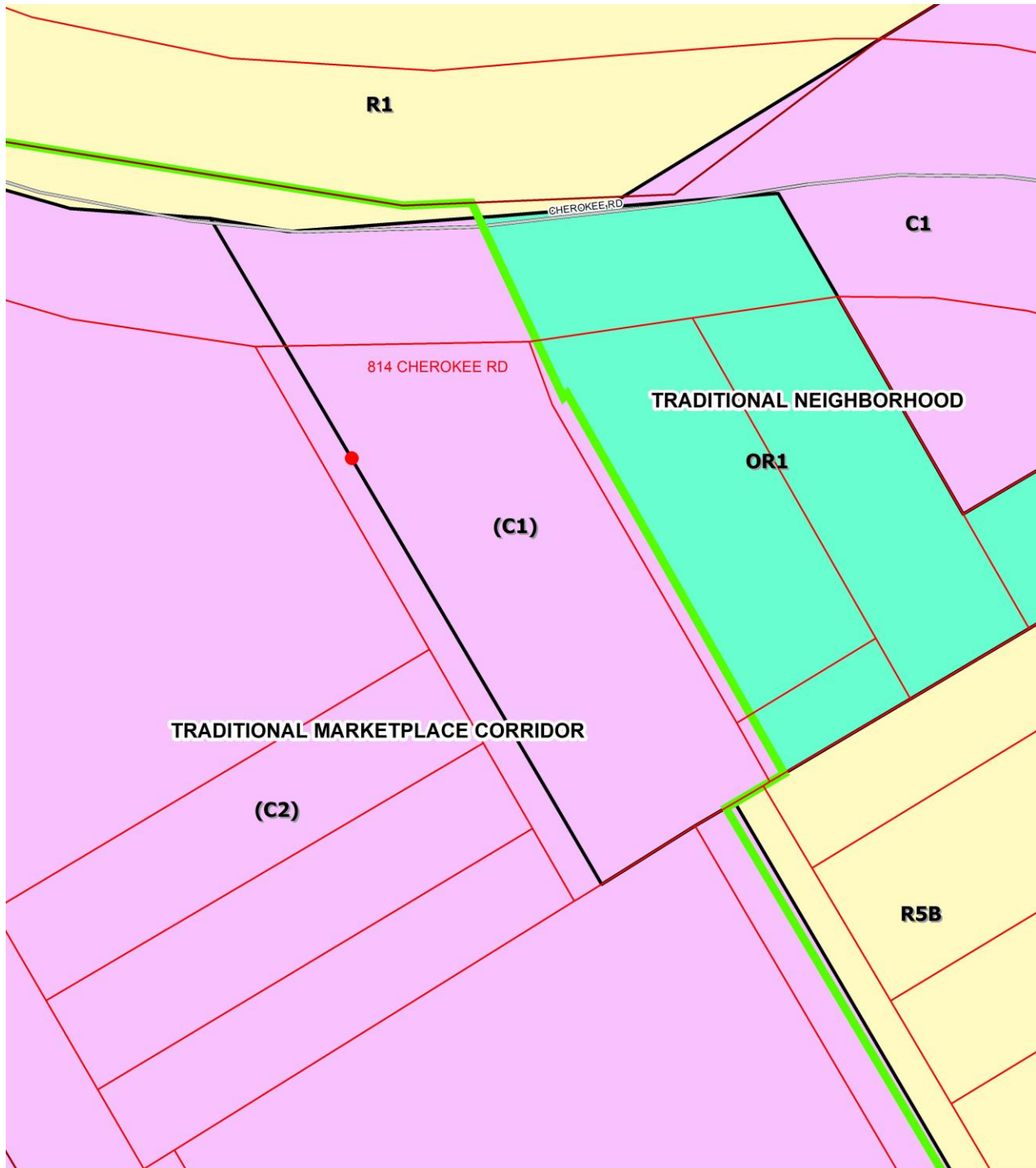
NOTIFICATION

Date	Purpose of Notice	Recipients
8-24-18	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 7

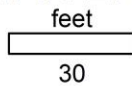
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**

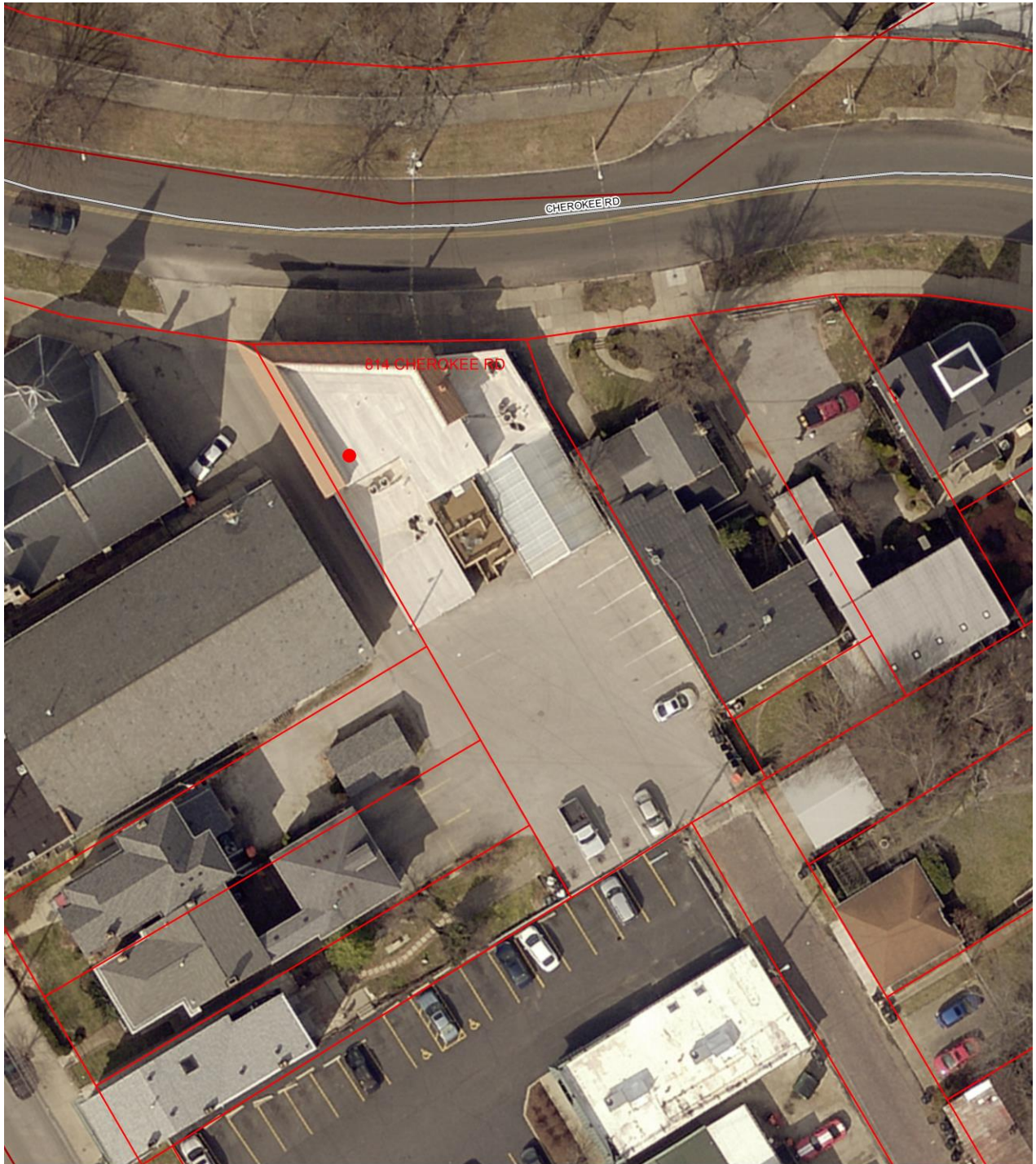


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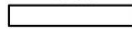
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2. Aerial Photograph



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feet



30



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