

Development Review Committee

Staff Report

January 8, 2020



Case No:	19-WAIVER-0106
Project Name:	R+R Limo
Location:	4719 Poplar Level Rd
Owner(s):	Carey Fieldhouse, Fieldhouse Properties LLC
Applicant:	Carey Fieldhouse, Fieldhouse Properties LLC
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Julia Williams, AICP, Planning Supervisor

REQUESTS:

1. **Waiver** of Land Development Code section 10.2 to eliminate the planting and screening requirements adjacent to R-4 and M-2 zoned property.

CASE SUMMARY/BACKGROUND

The subject site is zoned C-2 Commercial in the Suburban Marketplace Form District. It is located on the east side of Poplar Level Road, near the intersection of Business Park Drive. The subject site is currently an auto dealership which contains three structures and four lots. The applicant is proposing to consolidate the lots, remove all of the structures, and construct a new structure for auto rental agency.

The site is adjacent to R-4 zoned MSD owned property to the north and west of the site.

Previous cases:

- 9-59-83: Change in zoning from R-4 Residential to C-2 Commercial
- 9-29-85: Change in zoning from R-4 Residential to C-2 Commercial; amendment to binding element and a waiver for the buffer area adjacent to the R-4 zoning classification; a six foot high privacy fence constructed of wood is provided adjacent to the R-4 district
- 9-75-87: Change in zoning from M-1 Industrial to C-2 Commercial

STAFF FINDINGS

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

TECHNICAL REVIEW

- All comments have been addressed.

INTERESTED PARTY COMMENTS

None received

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 since the abutting property along the north property line is owned by Louisville & Jefferson County MSD, and there appear to be existing plantings and trees on the MSD-owned side of the shared property line that will provide a visual buffer in addition to the 9.5 foot LBA.

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

STAFF: Land Use & Development Goal 1, Policy 9 ensures an appropriate transition between uses that are substantially different in scale and intensity or density of development. Land Use & Development Goal 1, Policy 10 calls for mitigation of the 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. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should 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. The waiver will not violate specific guidelines of Plan 2040. There appear to be plantings in place on the property to the north that provide a visual buffer. The property to the north, the Buechel Basin, is a wet weather storage facility owned by MSD and is unlikely to be re-developed.

- (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 abutting property along the north property line is owned by Louisville & Jefferson County MSD, and there appear to be existing plantings and trees on the MSD-owned side of the shared property line that will provide a visual buffer in addition to the 9.5 foot LBA.

- (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 since the abutting property along the north property line is owned by Louisville & Jefferson County MSD, and there appear to be existing plantings and trees on the MSD-owned side of the shared property line that will provide a visual buffer in addition to the 9.5 foot LBA.

REQUIRED ACTIONS:

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

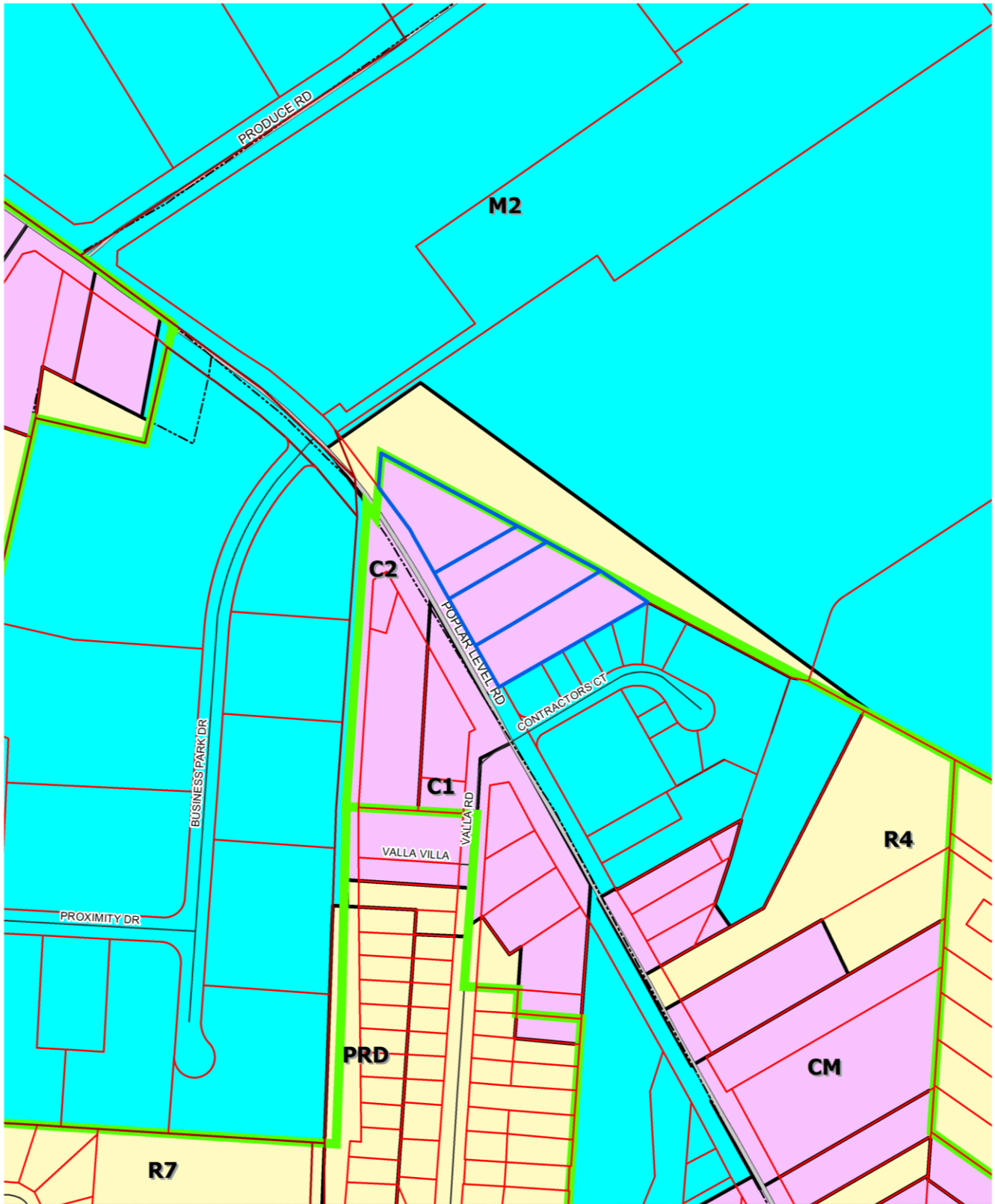
NOTIFICATION

Date	Purpose of Notice	Recipients
12/30/19	Hearing before DRC on 1/8/20	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 10

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

