

Development Review Committee
Staff Report
January 6th, 2021



Case No:	20-WAIVER-0132
Project Name:	Heine Brothers Landscape Waiver
Location:	7701 & 7703 Bardstown Road
Owner(s):	Newton Enterprises LLC
Applicant:	Luckett and Farley, Emily Estes
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Rachel Mandell, Planner 1

REQUEST(S)

- **Waiver** from 10.2.4 to not provide the 25ft landscape buffer area between a commercial use and residentially zoned property.

CASE SUMMARY/BACKGROUND

The Development Review Committee should continue this case to allow notice for an additional waiver that was not originally requested.

The applicant proposes to construct a 720 SF drive-thru coffee shop. The existing structure, which is an auto repair shop, will be demolished. The site is zoned C-1 in the Neighborhood form district. The adjoining Northwestern property is zoned R-4 and is currently vacant. A 25ft landscape buffer area is required between a commercial use and a residential use.

STAFF FINDING

Staff finds the request is adequately justified and meets the standard of review.

TECHNICAL REVIEW

The waiver is associated with a proposal that does not meet the threshold for a Category 2B Review.

INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

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 because the residentially zoned parcel prompting the landscape buffer is vacant. Additionally, the existing conditions of the site do not provide a landscape buffer area.

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

STAFF: Guideline 1, Policy 4 strives to ensure new development and redevelopment are compatible with scale and site design of nearby existing development with the desired pattern of development within the Form district. The waiver will not violate specific guidelines of Cornerstone 2040 as the proposal will allow for the redevelopment of the site in a manner that is appropriate for the form district. The waiver will not allow an unreasonable circumvention of the regulations or cause a hazard to the public.

- (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. Given the shape and size of the lot, the waiver is needed in order to provide the space required to accommodate the drive-thru concept. Other areas of the site will provide landscaping.

- (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 because the width of the lot would not accommodate the VUA necessary to have a drive-thru line if a 25ft landscape buffer area is required. The development proposal will increase the amount of landscaping that currently exists at the site.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Waiver from 10.2.4 to not provide the 25ft landscape buffer area between a commercial use and residentially zoned property.
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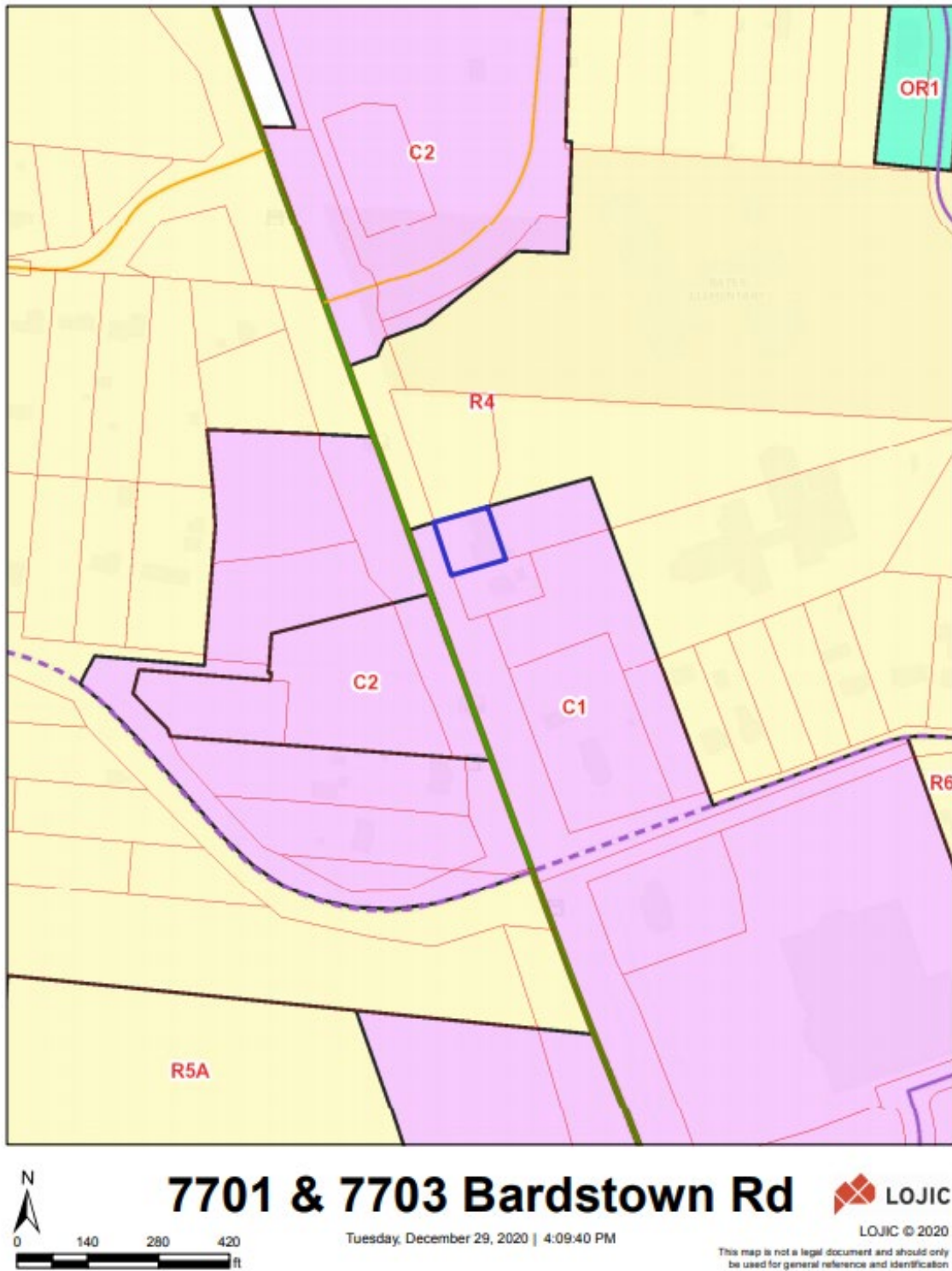
NOTIFICATION

Date	Purpose of Notice	Recipients
12-22-2020	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 22

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



Aerial Photograph



7701 & 7703 Bardstown Rd



Tuesday, December 29, 2020 | 4:11:21 PM

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This map is not a legal document and should only be used for general reference and identification.