

24-ZONE-0138

4201 TAYLOR BLVD/1056 BLUEGRASS AVENUE

The following uses, while ordinarily permitted in the C-1 zoning district, shall not be permitted on the subject site:

- a. Package Liquor Stores
- b. Smoking Retail Stores
- c. Game Rooms
- d. Tattoo, Body Art, and Piercing Parlors
- e. Marijuana Dispensaries

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

STAFF: The waiver will not adversely affect adjacent property owners as the request to eliminate the landscape buffer area (LBA) is consistent with existing site conditions. There is an existing home already located within the buffer and near the property line. Furthermore, the applicant is proposing to provide all required screening and plantings along the property perimeter to shield the neighboring residences from the on-site parking and intensity of the use.

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

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy 4 seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. The reduced buffer is consistent with existing conditions. There will be privacy screening provided on the eastern property line that will mitigate a more intensive commercial use on residential uses.

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 as the subject property would not be able to be developed for the proposed use without relief from this landscape buffer because of existing site conditions.

(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) (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 create an unnecessary hardship on the applicant as the reduced buffer request is consistent with the current site conditions. There is an existing single-family home on the site that encroaches into the required landscape buffer area on the eastern property line.