

# Development Review Committee

## Staff Report

October 16, 2019

|                          |                                |
|--------------------------|--------------------------------|
| <b>Case No:</b>          | 19WAIVER1001                   |
| <b>Project Name:</b>     | Sidewalk Waiver                |
| <b>Location:</b>         | 8600 Shepherdsville Road       |
| <b>Owner(s):</b>         | Ricardo Martinez               |
| <b>Applicant:</b>        | Agustin Martinez               |
| <b>Jurisdiction:</b>     | Louisville Metro               |
| <b>Council District:</b> | 24 – Madonna Flood             |
| <b>Case Manager:</b>     | Lacey Gabbard, AICP, Planner I |

### **REQUEST**

1. **Waiver** of Land Development Code section 5.8.1.B to not provide the sidewalks for a new single family home along Miles Lane

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to construct a single family home on an existing R-4 zoned lot in the Neighborhood form district. The lot is located in Okolona, at the southwest corner of Shepherdsville Road and Miles Lane.

With a few exceptions, the subject site appears to be one of the only currently undeveloped lots on Shepherdsville Road. It appears to be the only undeveloped property on this portion of Miles Lane. The majority of the other homes in the vicinity were built in the 1950s, according to PVA. There are existing sidewalks on the west side of Shepherdsville Road and the north side of Miles Lane in this area. There are no transit stops on this portion of Shepherdsville Road or Miles Lane.

### **STAFF FINDING**

The waiver 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 PROVIDE THE SIDEWALKS FOR A NEW SINGLE FAMILY HOME ALONG MILES LANE**

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

STAFF: The waiver will not adversely affect adjacent property owners, as there are existing sidewalks on the west side of Shepherdsville Road and the north side of Miles Lane.

- (b) Granting of the waiver will result in a development in compliance with the Comprehensive Plan and the overall intent of this Land Development Code; and

STAFF: Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order for promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

With a few exceptions, the subject site appears to be one of the only currently undeveloped lots on Shepherdsville Road. It appears to be the only undeveloped property on this portion of Miles Lane. There are existing sidewalks on the west side of Shepherdsville Road and the north side of Miles Lane. A sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity.

- (c) The applicant cannot reasonably comply with one of the listed methods of compliance (section 6.2.6.C); and

STAFF: The fee in lieu option has not been offered. While there are no geographic features that would inhibit the construction of sidewalks, a sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity.

- (d) Strict application of the provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, as a sidewalk on this property would not be utilized by pedestrians and does not seem appropriate since there does not appear to be the opportunity for future connectivity.

- (e) There are site constraints that make sidewalk construction impractical or sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future, except for areas where sidewalks are recommended within a Planning Commission or legislatively adopted plan recommending sidewalk construction.

STAFF: Sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future.

#### **REQUIRED ACTIONS:**

- **APPROVE or DENY the Waiver**

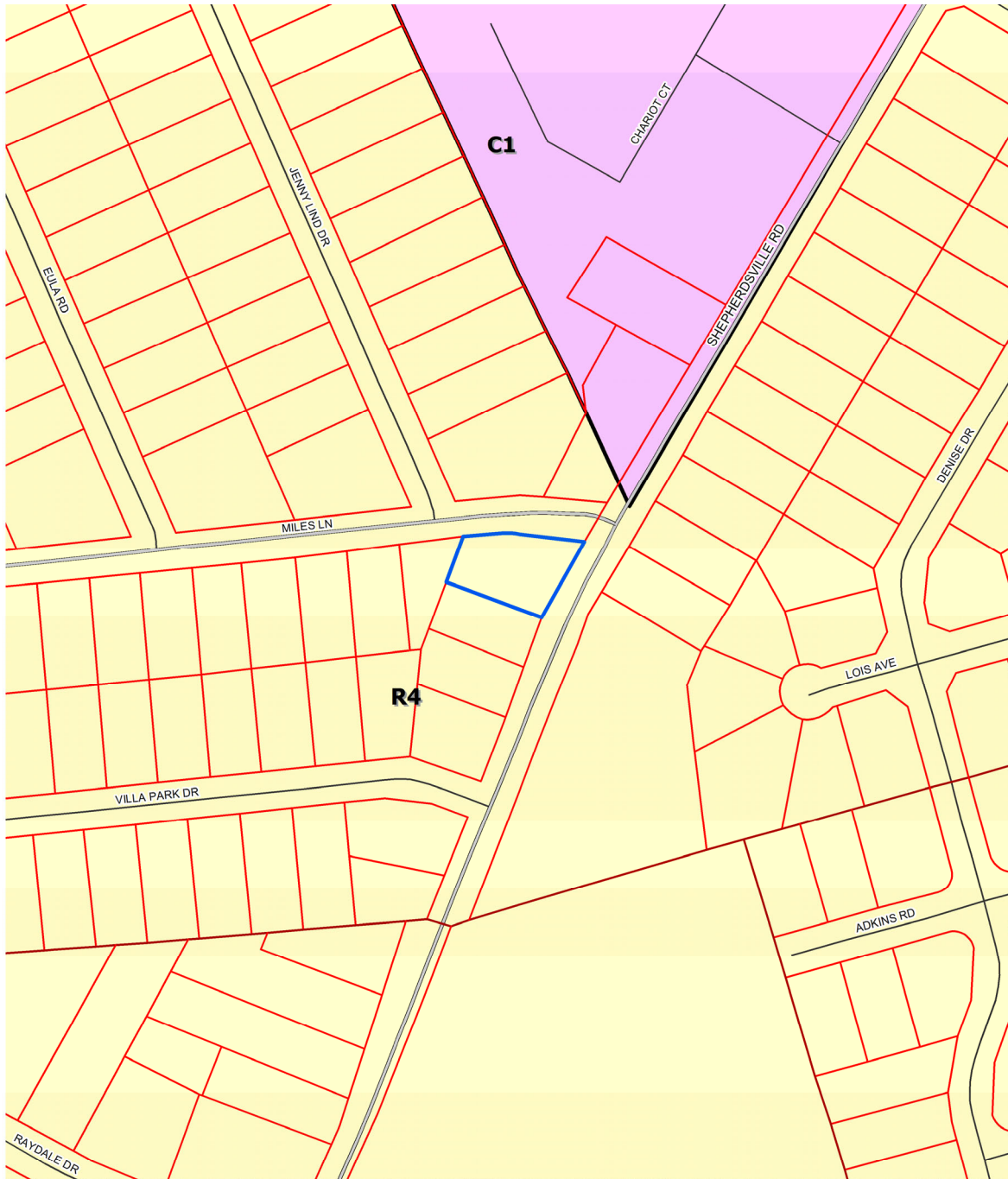
**NOTIFICATION**

| Date     | Purpose of Notice  | Recipients  |
|----------|--------------------|---|
| 10-16-19 | Hearing before DRC | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 24 |

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

## 1. Zoning Map



8600 SHEPHERDSVILLE ROAD

feet

190

Map Created: 9/23/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.



## 2. Aerial Photograph



8600 SHEPHERDSVILLE ROAD

feet



190

Map Created: 9/23/2019



Copyright (c) 2019, LOUISVILLE AND JEFFERSON  
COUNTY METROPOLITAN SEWER DISTRICT (MSD),  
LOUISVILLE WATER COMPANY (LWC),  
LOUISVILLE METRO GOVERNMENT and  
JEFFERSON COUNTY PROPERTY VALUATION  
ADMINISTRATOR (PVA). All Rights Reserved.