

# Development Review Committee

## Staff Report

October 16, 2019



<b>Case No:</b>	19-WAIVER-0058
<b>Project Name:</b>	Sidewalk Waiver
<b>Location:</b>	8800 Gentry Lane
<b>Owner(s):</b>	Emeric and Lesa Howell
<b>Applicant:</b>	Emeric Howell
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

### **REQUEST:**

1. **Waiver** of Land Development Code 5.8.1.B to not provide the sidewalk for a new single family residence on Gentry Lane

### **CASE SUMMARY/BACKGROUND**

The subject site is zoned R-4 Residential Single-family in the Neighborhood form district. It is located on the west side of Gentry Lane, north of the intersection with Fairmount Road.

According to PVA, the subject site is vacant residential land. The applicant is proposing to construct a new single-family residence and they are requesting a waiver to not provide sidewalks along Gentry Lane. The subject site is surrounded on all sides by other R-4 zoned properties in the Neighborhood form district.

There are no existing sidewalks on either side of this portion of Gentry Lane, nor are there any sidewalks on any of the roads in the vicinity of the subject site. Additionally, several nearby parcels on the south side of Cedar Creek Road are owned by the Metropolitan Sewer District and are unlikely to be developed.

### **STAFF FINDINGS**

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

### **TECHNICAL REVIEW**

Public Works has offered a fee in lieu of \$13,000. There are no outstanding technical issues associated with 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 SECTION 5.8.1.B TO NOT PROVIDE THE SIDEWALK FOR A NEW SINGLE FAMILY HOME ON GENTRY 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 no sidewalks in the vicinity of the subject site, which is in a rural area with MSD-owned properties which are unlikely to be developed.

- (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.

There are no existing sidewalks on either side of this portion of Gentry Lane, and the site is located in a rural area with MSD-owned properties which are unlikely to be developed. 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. Additionally the closest TARC stop appears to be over a mile away on Bardstown Road.

- (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 been offered, however, according to the applicant the amount (\$13,000) is substantially similar to the cost of installing sidewalks along Gentry Lane. Sidewalks do not exist in the area and there is not a likelihood for sidewalks to be constructed in the future.

- (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 applicant; and

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 **Revised Development Plan** and **Binding Element Amendments**

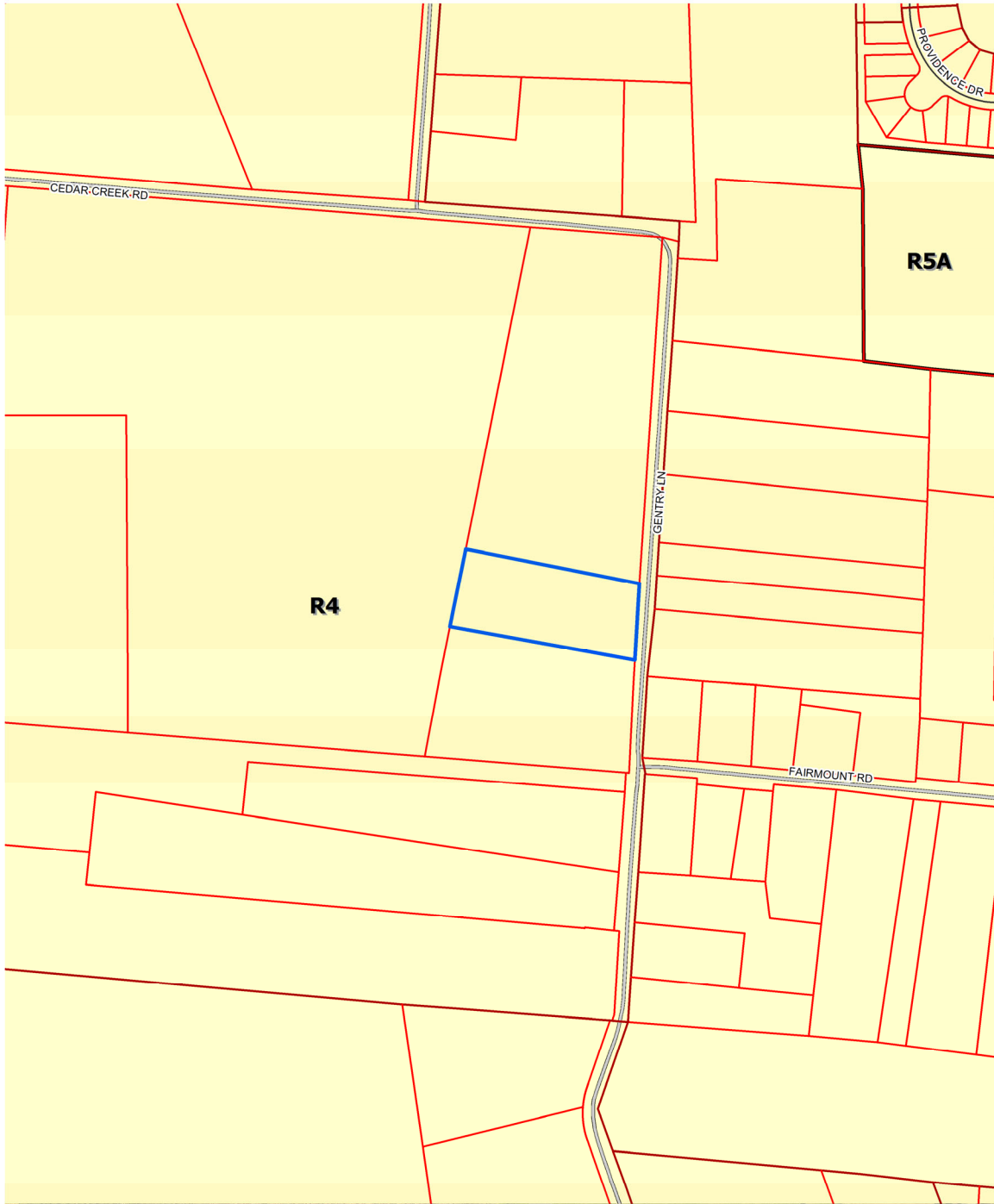
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10-16-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22

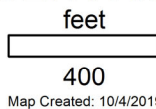
**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**

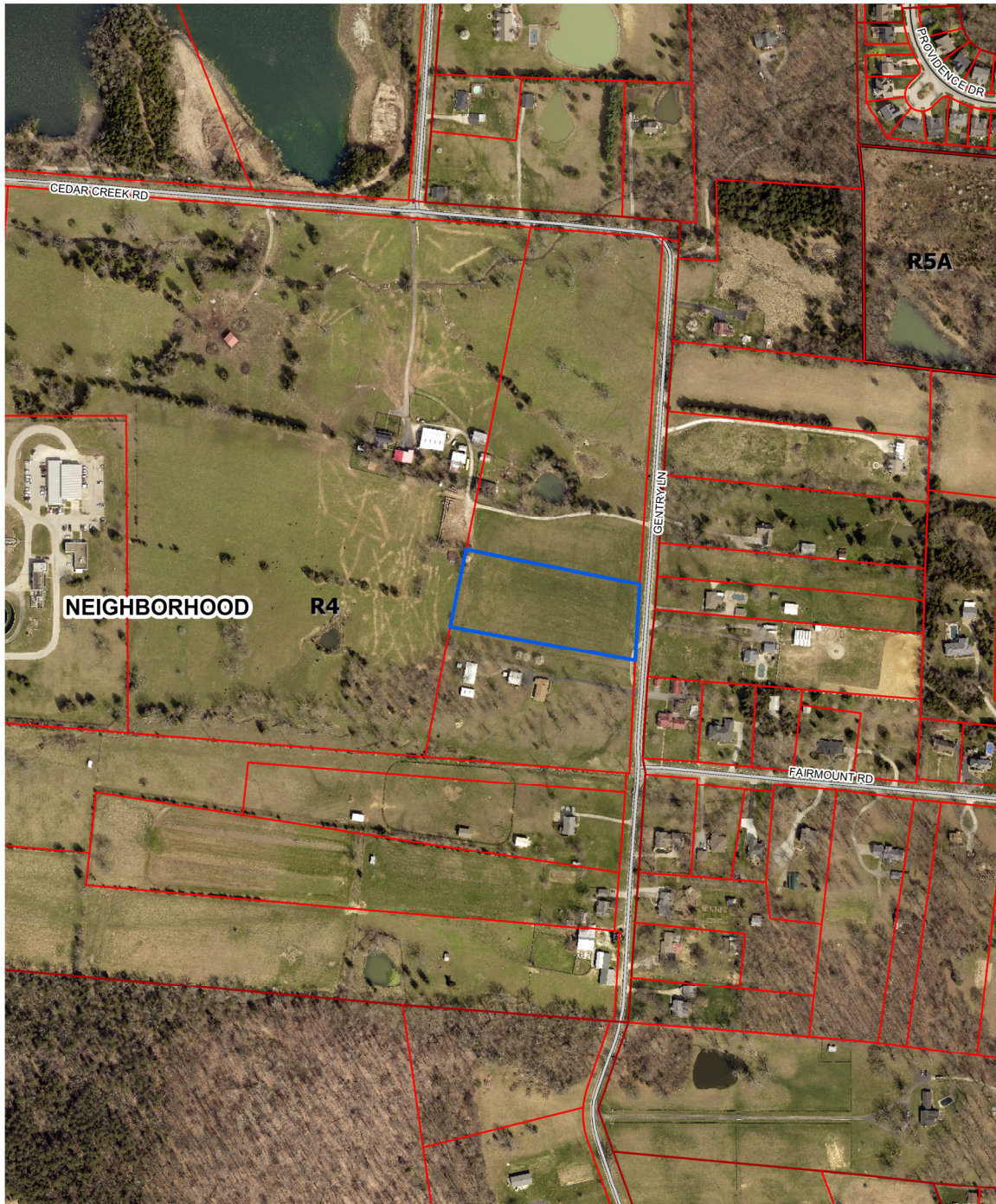


**8800 GENTRY LANE**



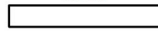
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2. Aerial Photograph



8800 GENTRY LANE

feet



400

Map Created: 10/4/2019



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