

Land Development & Transportation Committee Staff Report

November 10, 2016



Case No:	16WAIVER1045
Project Name:	Whispering Hills Blvd Sidewalk
Location:	6209/6211 Whispering Hills Blvd
Owners:	John R. & Mary B. Smith
Applicant:	John R. & Mary B. Smith
Representative(s):	Mindel Scott and Associates, Inc. – Kathy Linares
Project Area/Size:	N/A
Existing Zoning District:	R-4, Single-family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	23 – Madonna Flood
Case Manager:	Joel P. Dock, Planner I

REQUEST

- Sidewalk Waiver

CASE SUMMARY

The applicant is requesting to waive the required sidewalk along the frontage of the subject site. The subject site contains two recently constructed single-family residences with garages served by individual driveways. A sidewalk has been constructed along the frontage which connects to the sidewalk along Woodrow Way. After construction of the sidewalk and driveway it became apparent that the driveway was no longer passable by standard passenger vehicles due to significant slope/grade change between the roadway, sidewalk, and residence. The requested waiver, if approved, will allow the applicant to remove the existing sidewalk and reconstruct the driveways serving the residences; sidewalks would not be rebuilt.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single-family	R-4	N
Proposed	Single-family	R-4	N
Surrounding Properties			
North	Single-family	R-4	N
South	Single-family	R-4	N
East	Single-family	R-4	N
West	Single-family	R-4	N

PREVIOUS CASES ON SITE

PB 20, PG 36:

Subject site was recorded as Lot 102 in Section 4 of the Woodrow Manor Subdivision. This lot and three larger lots were created to extend Woodrow Way from Section 3 to an existing stub of Woodrow Way to the South.

271-04:

Lot 102 was subdivided into two lots (Lots 62 & 63). Notes were placed on the plat indicating that future sidewalks would be built by Louisville Metro along

Whispering Hills Blvd and the applicant would be responsible for proper grading prior to construction approval.

15MINORPLAT1006:

Lots 62 & 63 were subdivided into three lots (A, B, & C), approved by the Development Review Committee (DRC) and finalized May 19, 2016. Notes related to the construction of sidewalks by Louisville Metro were removed by DRC.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (October 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIDEWALK WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the sidewalk network on the North Side of Whispering Hills Blvd terminates on the West side of Hoover Way which is West of the subject site. Safe pedestrian access to Woodrow Way is provided on the South side of the right-of-way. Along both sides of Whispering Hills Blvd the sidewalk network terminates in the West at the Whispering Hills Subdivision; a fully developed subdivision without a sidewalk network.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The proposed waiver of the sidewalk will not violate specific guidelines of Cornerstone 2020 as Guideline 9, Policy 1 encourages, where appropriate, the safe movement of pedestrians between closely related land uses and public transportation corridors. The removal of the sidewalk does not hinder safe pedestrian movement from abutting subdivisions to the sidewalk along Woodrow Way as directly abutting built-out subdivisions to the West do not contain a sidewalk network and sidewalks for the Maple Creek subdivision are provided along the South side of Whispering Hills Blvd. Considering Guideline 3, Policy 12 which encourages accessibility of all new development to individuals with disabilities, the potential of not being able to provide driveway access due to conflicts created with the construction of the sidewalk may result in these single-family homes being inaccessible to individuals with physical disabilities or the elderly.

- (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 sidewalk and portions of the driveway will need to be removed and reconstructed to accommodate an acceptable slope for accessing the existing garages on each lot.

- (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 create an unnecessary hardship on the applicant as the physical constraints of the site, whether man-made or natural, resulting in the change in grade between the location of the single-family residential homes and the roadway appears

to have created a significant amount of conflict between the necessity for sidewalk connectivity and vehicular access. While a sidewalk network may eventually service pedestrians, the necessity for a driveway will immediately accommodate and be fully accessible to any potential home owner.

TECHNICAL REVIEW

The applicant should further demonstrate to this committee that the combination of providing a sidewalk and driveway which is fully accessible to vehicular and pedestrian movement is impractical due to the physical constraints on-site (sub-surface rock, utility projects, and/or residential home construction).

STAFF CONCLUSIONS

The Sidewalk Waiver appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

The applicant should address all items of the Technical Review prior to consideration for approval or denial by this committee.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving a Sidewalk Waiver.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Sidewalk Waiver to omit the sidewalk requirement along the frontage of 6209 & 6211 Whispering Hills Blvd.

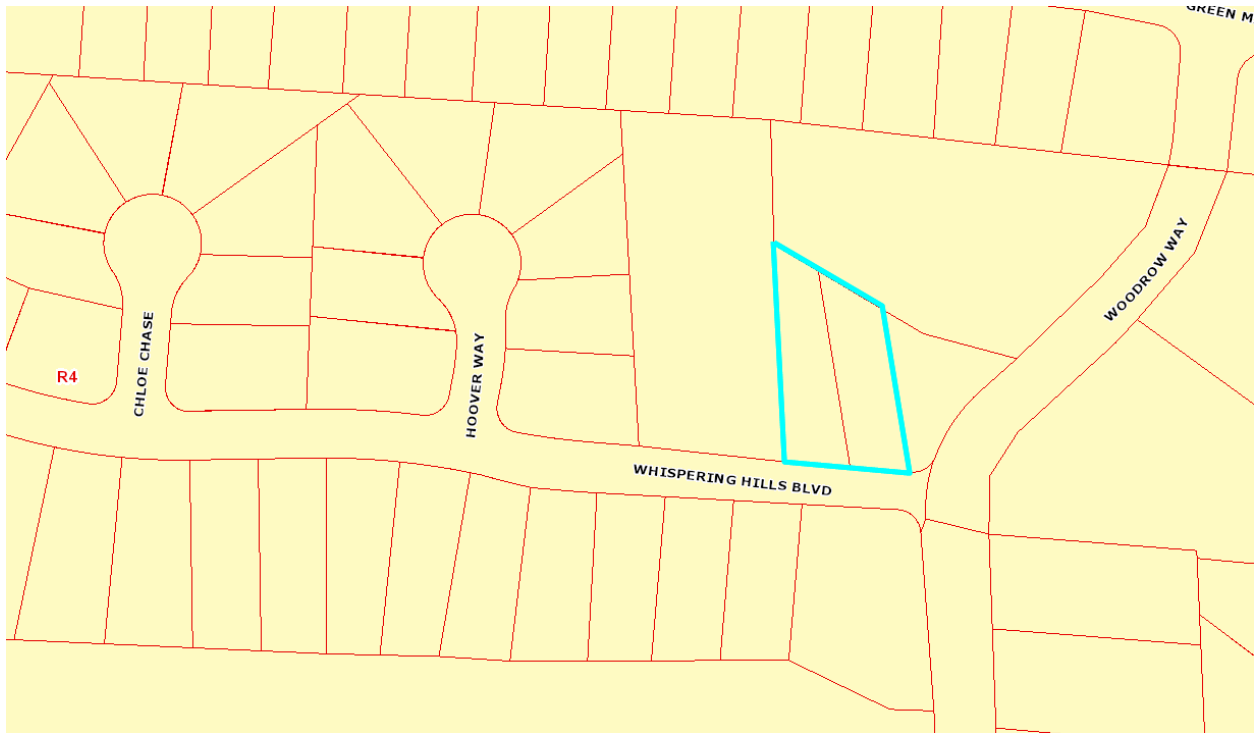
NOTIFICATION

Date	Purpose of Notice	Recipients
7/22/16	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 23.

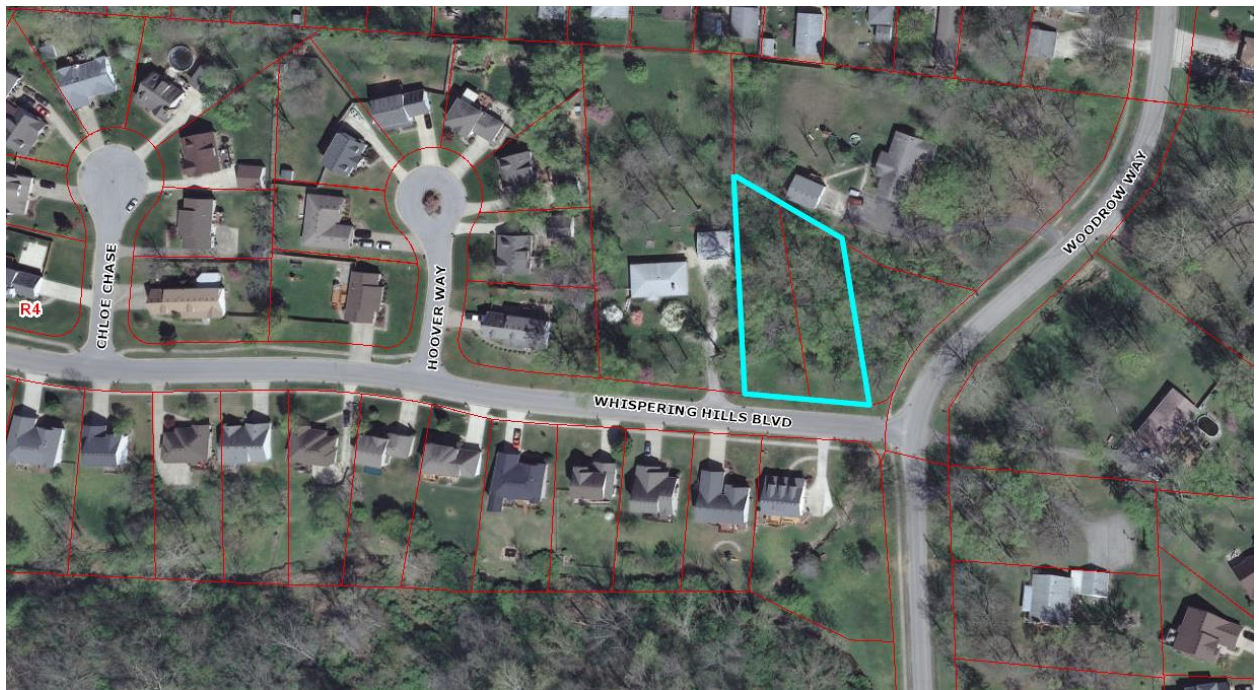
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Historic *Google Street View Imagery*

1. **Zoning Map**



2. **Aerial Photograph**



3. Historic Google Streetview Imagery

January 2016



September 2015



August 2007

