

PLANNING COMMISSION MINUTES
February 7, 2019

PUBLIC HEARING
CASE NO. 19AMEND1002

Project Name: Sidewalk Fee in Lieu LDC Amendment
Applicant: Louisville Metro
Jurisdiction: Louisville Metro
Council District: All Council Districts
Case Manager: Chris French, AICP, Planning and Design Supervisor

The staff report prepared for this case was incorporated into the record. The Commissioners received this report in advance of the hearing, and this report was available to any interested party prior to the public hearing. (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S. 5th Street.)

Agency Testimony:

00:50:39 Mr. French discussed the case summary, standard of review and staff analysis from the staff report.

00:52:45 Mr. Reverman said there was a last minute change regarding calculating the fee-in-lieu. There will not be an average used, but Metro Public Works primary contract for new sidewalks.

Deliberation

00:54:56 Planning Commission deliberation.

An audio/visual recording of the Planning Commission hearing related to this case is available on the Planning & Design Services website, or you may contact the Customer Service staff to view the recording or to obtain a copy.

Amend Section 6.2.6, of the Land Development Code (LDC) regarding sidewalk fee in lieu

B. Development activity that meets the thresholds in the form district for Street and Roadside Design and new streets shall provide sidewalks in accordance with Tables 6.2.1 and 6.2.2 subject to the following exceptions:

1. Fee in Lieu Option - The Director of Works and the Director of Planning or designees may allow the payment in lieu of sidewalk construction upon a finding that construction of a sidewalk is not appropriate due to one of the following applicability requirements reasons.

• Sidewalks construction is impracticable due to topographical conditions or site constraints. Site constraints may include, but are not limited to, steep slopes, utility infrastructure, or tree removal; or

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a. ~~Amount of fee shall be set by Metro Public Works based on average sidewalk construction. The fee amount shall be calculated using the average construction cost of all primary Metro Public Works primary contracts for new sidewalks multiplied by the area of sidewalk. The area of sidewalk shall be calculated as follows. Multi-family, non-residential and major subdivision developments shall be calculated based on the area of sidewalks required to be constructed per the LDC. The fee in lieu amount for Ssingle~~ family residential property that is not part of a major-subdivision plan shall be calculated based on the minimum lot frontage of the-applicable zoning district or actual lot width, whichever is less.

b. All fees paid shall be used for sidewalk construction within the same Metro Council District. The sidewalk fee-in-lieu does not account for site constraints that may increase the cost of construction.

c. ~~It should be noted that p~~Payment of a fee in lieu of sidewalk construction is an option available to developers that must be approved by the Director of Works and the Director of Planning or designees. Applicants retain the right to request a sidewalk waiver (see B.2 below). In no case shall the Planning Commission or Director of Works require the payment of a fee in lieu of sidewalk construction.

d. The fee in lieu option shall not be ~~approved and the sidewalk shall be constructed permitted~~ when one of the following situations apply:

- Where an existing sidewalk network can be completed or extended, except in locations where site constraints cause construction difficulties as determined by the Director of Works and the Director of Planning or designees.
- The required sidewalk would provide a direct means of access to a lot that contains a pedestrian generator such as a school, church, library, community center or park, except in locations where site constraints cause construction difficulties as determined by the Director of Works and the Director of Planning or designees.

e. A new fee in lieu or sidewalk shall not be required in the future for a street frontage in which a fee in lieu has already been approved and paid.

On a motion by Commissioner Brown, seconded by Commissioner Howard, the following resolution based on the Cornerstone 2040 Staff Analysis and testimony heard today was adopted.

WHEREAS, the Planning Commission finds that the proposed amendments to Section 6.2.6 of the LDC comply with the applicable policies of Plan 2040; and

WHEREAS, the Planning Commission further finds that the proposed amendments to Section 6.2.6 are in conformance with Mobility Goal 1, Policy 1 because the proposal would help simplify the language and provide clarification where needed in order to

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better apply the sidewalk fee-in-lieu provision which will assist in identifying those areas that may not need the same level of pedestrian facilities based on site constraints and location characteristics; and

WHEREAS, the Planning Commission further finds that the proposed amendments to Section 6.2.6 of the LDC are in conformance with Mobility Goal 2, Policy 1 because the sidewalk fee-in-lieu provision was created to provide for context sensitive solutions for areas where sidewalk construction is impractical or incompatible to surrounding development. These proposed amendments would further that intent by simplifying the section and providing additional clarification where needed.

RESOLVED, that the Louisville Metro Planning Commission does hereby **RECOMMEND** to the Louisville Metro Council and the municipalities with zoning authority to **APPROVE** the amendment to section 6.2.6 of the Land Development Code regarding the sidewalk fee-in-lieu with the revision to item 6.2.6.B.1.a. There will not be an average used, but Metro Public Works primary contract for new sidewalks.

The vote was as follows:

YES: Commissioners Brown, Daniels, Howard, Peterson, Smith and Carlson
NOT PRESENT AND NOT VOTING: Commissioners Robinson, Smith, Lewis and Jarboe