

Land Development & Transportation Committee Staff Report

April 13, 2017



Case No:	17WAIVER1005
Project Name:	Blue Iguana
Location:	9500 Dixie Highway
Owner:	GESJ, Inc.
Representative:	Bardenwerper, Talbott, & Roberts, PLLC
Project Area/Size:	258 feet
Existing Zoning District:	C-2, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	14 – Cindi Fowler
Case Manager:	Joel P. Dock, Planner II

REQUEST

- **Sidewalk Waiver** of Land Development Code (LDC), section 5.8.1.B to not provide sidewalk along Dixie Highway

CASE SUMMARY

The applicant proposes to eliminate the sidewalk proposed along Dixie Highway as shown of the detailed district development plan approved with the rezoning from R-4 to C-2 in docket 16ZONE1003 on April 21, 2016. The subject site was approved for a carwash facility. Sidewalks will be provided along Speedway Avenue. A TARC stop is located along the frontage in the area of the proposed sidewalk waiver.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Proposed/Existing	Car Wash	C-2	SMC
<i>Surrounding Properties</i>			
North	Commercial	C-2	SMC
South	Commercial	C-2	SMC
East	Commercial	C-2	SMC
West	Residential	R-4	N

PREVIOUS CASES ON SITE

16ZONE1003: Change in zoning from R-4/C-2 to C-2 for proposed car wash (approved 4/21/2016)

INTERESTED PARTY COMMENTS

Staff has not received any inquiries on this proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Section 5.8.1.B to not provide sidewalk along Dixie Highway

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

STAFF: The waiver will adversely affect adjacent property owners as sidewalk connectivity along Dixie Highway is sporadic and not providing sidewalks contributes to the absence of safe pathways for pedestrians, bicyclists, and transit users to pass the subject site safely to reach nearby businesses or to board public transportation.

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

STAFF: Guideline 2, Policy 16 encourages encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Large activity centers should be considered for designation as transit nodes. Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 7, Policy 3 provides that development should be evaluated for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 7, Policy 4 encourages provisions for transportation services and facilities to promote and accommodate growth and change in activity centers rather than in a linear pattern. Provide walking and bicycling opportunities to enable activity centers to minimize single-occupant vehicle travel. Encourage a mix of complementary neighborhood serving businesses and services in neighborhood and village centers to encourage short trips easily made by walking or bicycling. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The sidewalk waiver violates each of these principles as the elimination of the sidewalk at this location would not allow for the site or nearby sites to be accessed by multiple modes of transportation and further contribute to the unsafe condition for individuals boarding TARC buses along the frontage. The developer would not be contributing their share of the cost of roadway improvements as recently developed sites in the general vicinity have provided sidewalks. Elimination of the proposed sidewalk would contribute to the poor conditions of sidewalk connectivity and impair future growth and change in activity and services in the area. The safe movement of pedestrians, bicyclist, and transit users would be impacted and the elimination of the sidewalk would negatively impact the public health, safety and welfare of the community.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is not the minimum necessary to afford relief to the applicant as there are no environmental constraints that would prevent the installation of sidewalks and the construction of sidewalks would benefit the overall well-being of the community.

TECHNICAL REVIEW

Transportation Planning staff provided the following comment:

“The location is along a major transit route. The nearest sidewalks on this same side of the street are 300’ south and approximately a quarter of a mile north of this location. The state project does not have sidewalks or drainage for this area and current funding ends to the north of this site at Greenwood Rd. Because the state project that ends at Greenwood Rd does include sidewalks, they are likely to be extended in the area of the subject site at some unknown date in the future.”

Planning and Design Services review of sidewalk connectivity:

- Sidewalk is available 300’ South and on same side of street at 9616 Dixie Highway
- Connectivity North and on the same side of the street is very poor, but a TARC boarding area is provided 950’ North at 9208 Dixie Highway
- Connectivity is poor on the opposite side, sidewalk begins North of the subject site at 9401 Dixie Highway
- Sidewalks begin on the opposite side of the street roughly 900’ South at 9701 Dixie Highway and continue uninterrupted for 2,000 feet before becoming sparsely connected again.

Finding of the Planning Commission, April 21, 2016 (16ZONE1003):

Whereas, the commission further finds that the proposal complies with the intent of Guideline 9 – Bicycle, Pedestrian and Transit and specifically with Policies 1 and 2 thereof, because, although few people visit automobile car washes on foot or bicycle, the proposed development will provide sidewalks as required by the Land development Code to accommodate pedestrian and cyclists who may visit the site or pass by the site along Dixie Highway.

STAFF CONCLUSIONS

The waiver has not been adequately justified and does not meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for approving a sidewalk waiver as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Sidewalk Waiver** of Land Development Code (LDC), section 5.8.1.B to not provide sidewalk along Dixie Highway

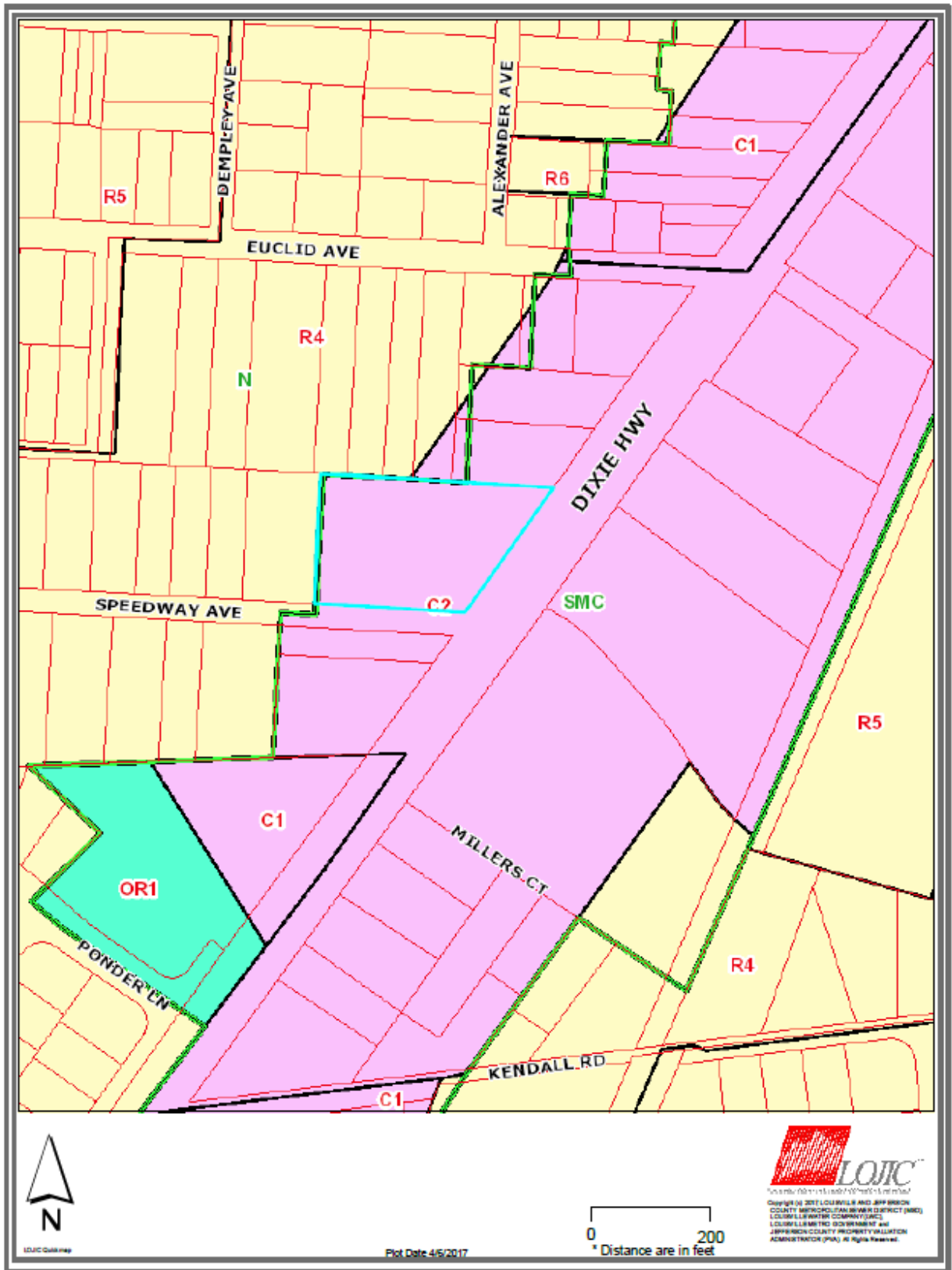
NOTIFICATION

Date	Purpose of Notice	Recipients
3/31/17	LD&T	Adjoining property owners, applicant, owner, and registered users of Council District 8.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial

