

# Development Review Committee

## Staff Report

October 30, 2019



<b>Case No:</b>	19-WAIVER-0009
<b>Project Name:</b>	Sidewalk Waiver
<b>Location:</b>	2905 McMahan Blvd
<b>Owner(s):</b>	Frank Fleck Jr., Semonin Realtors
<b>Applicant:</b>	Frank Fleck Jr., Semonin Realtors
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

### REQUEST(S)

1. **Waiver** of Land Development Code section 5.8.1.B to not provide the sidewalk for a single-family home on McMahan Blvd

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a single family home on a currently undeveloped R-4 zoned parcel in the Neighborhood form district in Jeffersontown. The subject site is located in the municipality of Cambridge, on the east side of McMahan Boulevard, south of Browns Lane/Lowe Road.

There are currently no sidewalks on the east side of McMahan Boulevard between the intersections with Browns Lane/Lowe Road to the north and Taylorsville Road to the south. There is a sidewalk on the west side of McMahan Boulevard, beginning at the intersection with Taylorsville Road and continuing north, until it terminates shortly past the intersection with Goodwill Way and approximately 230 feet south of the subject site. There are sidewalks on both sides of McMahan Boulevard north of the Browns Lane/Lowe Road intersection. Additionally, there are sidewalks on the north side of Browns Lane and the south side of Lowe Road.

According to PVA, the majority of other houses in the vicinity of the subject site were built between 1940-1955, with the exception of the property directly to the north of the subject site which was constructed in 2014. On the opposite side of McMahan Boulevard is a Goodwill Industries of Kentucky and a multi-family housing development.

There is a recently approved plan for 19 single family homes (18ZONE1048) at the northeast corner of Taylorsville Road and McMahan Road, to the south of the subject site, which will require sidewalks. Additionally, transit stops exist on Taylorsville Road, which is a major arterial.

### STAFF FINDING

The waiver request is not adequately justified and does not meet the standard of review.

### TECHNICAL REVIEW

Public Works does not support the waiver request, as sidewalks are buildable and trees can be preserved.

## **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 FOR A SINGLE-FAMILY HOME ON MCMAHAN BLVD**

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

STAFF: The waiver will adversely affect adjacent property owners, as there are sidewalks on the west side of McMahan Boulevard to the south of the subject site, and sidewalks on the subject site would support additional pedestrian connectivity.

- (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 existing sidewalks in the vicinity of the subject site, on both McMahan Boulevard to the south and north, and on Browns Lane/Lowe Road to the north. Sidewalks along the subject site frontage would enhance pedestrian connectivity in the area and provide access to the public transit on Taylorsville Road to the south, where a new housing development has been approved.

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

STAFF: The applicant can reasonably comply with one of the listed methods of compliance, as sidewalks are buildable and trees can be preserved.

- (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 not create an unnecessary hardship on the applicant, as sidewalks are required on new single family development sites. Other design measures have not been incorporated by the applicant.

- (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 exist in the area and there is a likelihood for sidewalks to be constructed in the future.

**REQUIRED ACTIONS:**

- Recommend **APPROVAL** or **DENIAL** of the **Waiver** to Jeffersontown

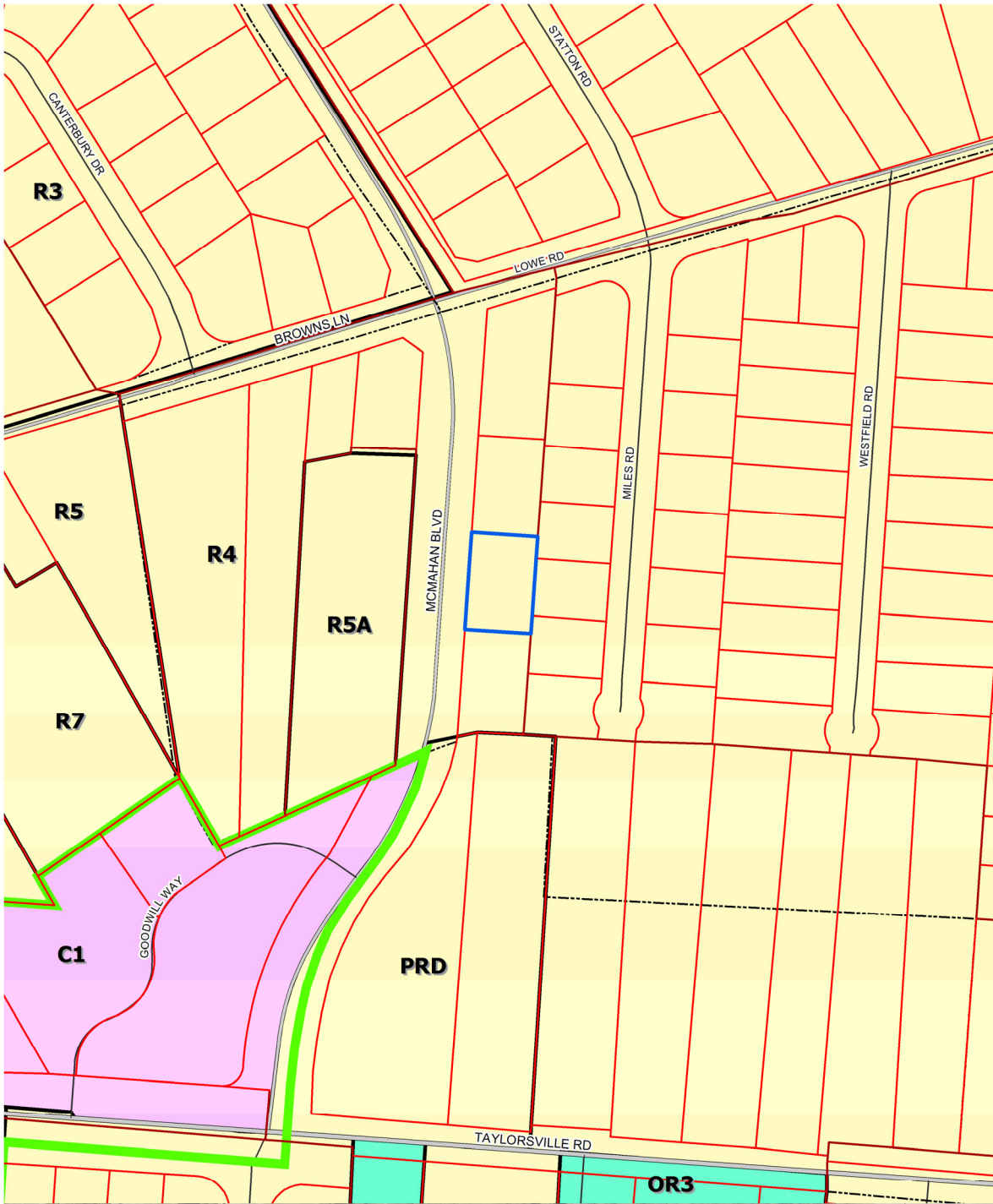
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
10-30-19	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 18

**ATTACHMENTS**

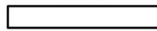
1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



**2905 McMAHAN BLVD**

feet



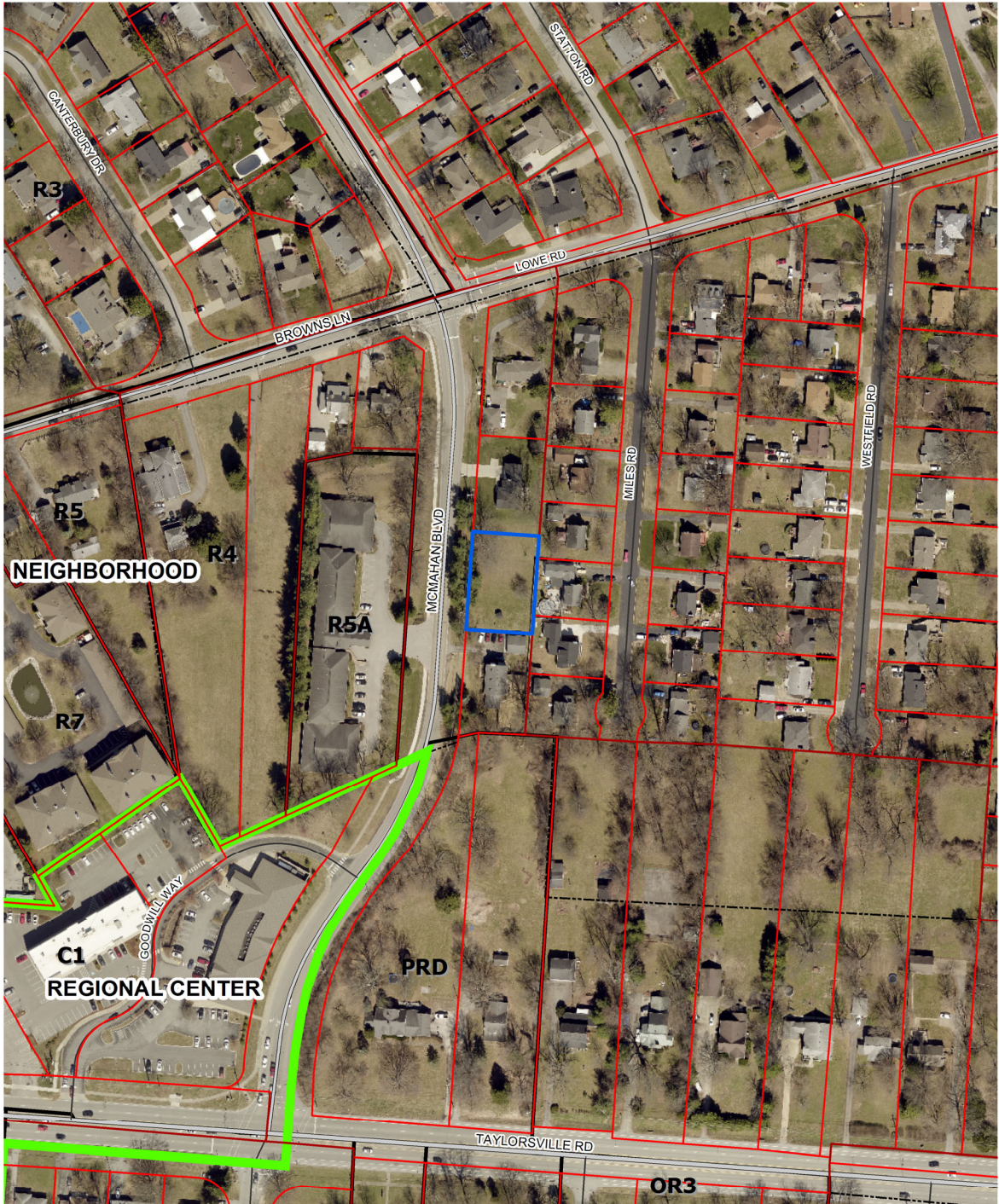
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Map Created: 10/18/2019



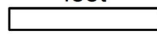
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2. Aerial Photograph



2905 McMAHAN BLVD

feet



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