

Development Review Committee Staff Report

June 1, 2016



Case No:	16WAIVER1026
Project Name:	Brookfield Subdivision
Location:	Rockcrest Way between Rockcrest View Lane and Green Crest Circle
Owners:	Brookfield Development LLC
Applicant:	Brookfield Development LLC
Representative(s):	Mindel Scott and Associates Inc
Project Area/Size:	N/A
Existing Zoning District:	R-4, Single-family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner I

REQUEST

- Sidewalk Waiver

CASE SUMMARY

The applicant proposes to not provide the required sidewalk along the East side right-of-way of Rockcrest Way between Rockcrest View Lane and Green Crest Circle. The waiver request is more precisely located between the sidewalk stubs of Rockcrest Way of the corner lots of the aforementioned streets. Sidewalks exist on the West side of the road and throughout the subdivision. The sidewalk proposed to be waived would be located on an open-space lot with no residential frontage. Additionally, the West side of Rockcrest view on this segment does not have residential frontage and the lot is dedicated open-space. The applicant cites the existence of a 3-phase electric and vault, manhole, and berm covering these items to negatively impact the provision of a sidewalk at this location. The applicant has proposed the planting of additional trees in consultation with Tree Louisville or the Urban Forester as a substitute for constructing the sidewalk.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The subject site is within a residential R-4, single-family subdivision within the N, neighborhood form district.

PREVIOUS CASES ON SITE

10-23-05: Major preliminary subdivision for Brookfield Subdivision (formerly Glen Lakes)

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised April 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 adversely affect adjacent property owners as existing stub sidewalks ending at the open space create an unsafe situation where pedestrians may either cross mid-block, walk along curb, or walk in street. Additionally, access to the sidewalk on the West side of Rockcrest is not available from Green Crest Lane intersection.

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

STAFF: The proposed waiver of the sidewalk violate specific guidelines of Cornerstone 2020 as Guideline 9, Policy 1 encourages the safe movement of pedestrians between closely related land uses and public transportation corridors. The elimination of a sidewalk at this location hinders safe pedestrian access to public transportation facilities along Shelbyville Road and nearby commercial activities and services.

- (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 not the minimum necessary to afford relief to the applicant as the sidewalks are able to be constructed as indicated by Transportation Review staff and as shown on the approved construction plans approved by Louisville Metro Public Works and Assets.

- (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 not deprive the applicant of the reasonable use of the land as sidewalks have been approved on construction plans and the lot abutting the proposed waiver location is dedicated open-space. Additionally, stub sidewalks have begun on each side of the area of the waiver to begin sidewalk continuation.

TECHNICAL REVIEW

There are no technical review items at this time.

STAFF CONCLUSIONS

The Sidewalk Waiver does not appear to be adequately justified or 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 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 East side right-of-way of Rockcrest Way between Rockcrest View Lane and Green Crest Circle

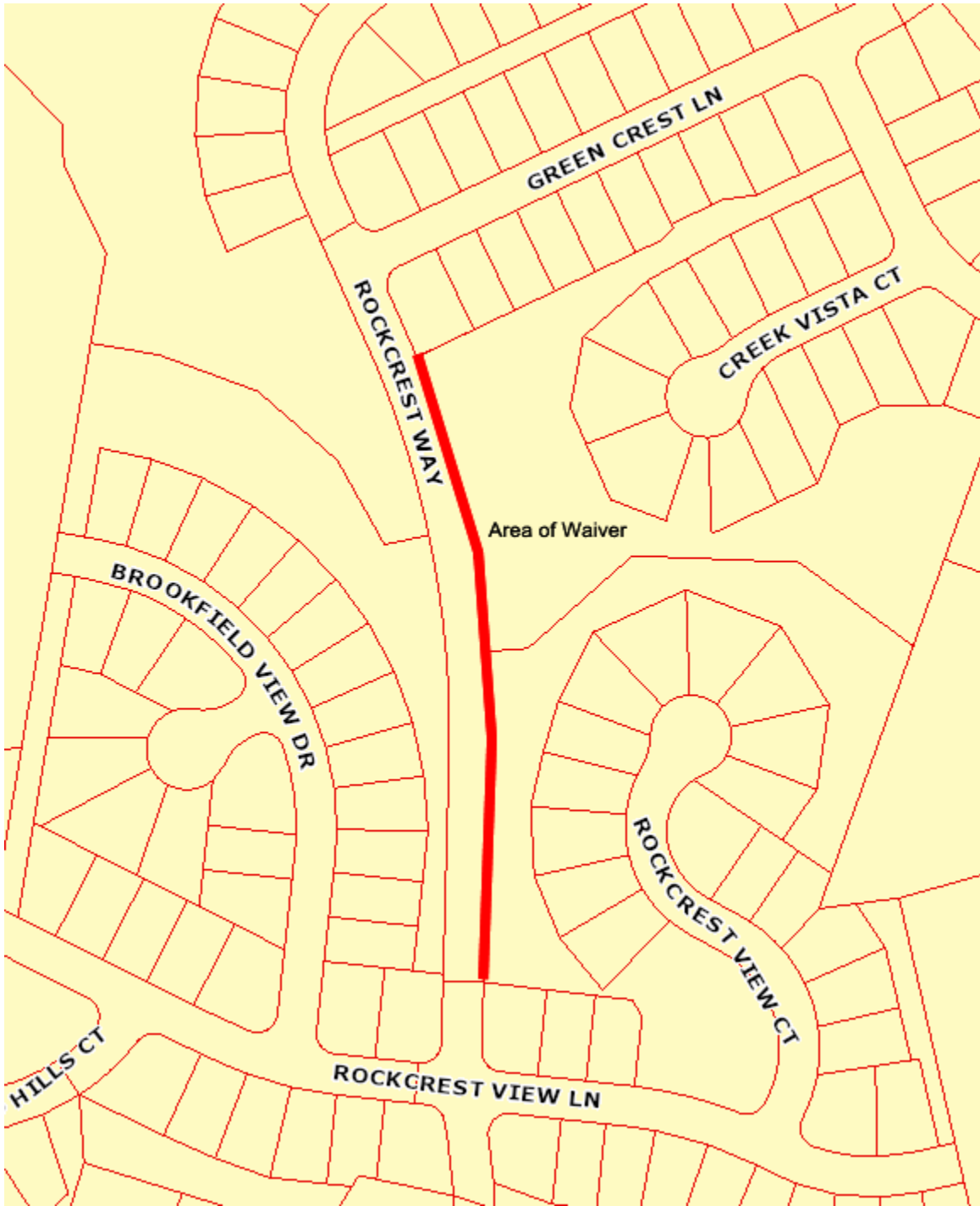
NOTIFICATION

Date	Purpose of Notice	Recipients
7/22/16	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 19.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

