

## Development Review Committee Staff Report

April 6, 2016



<b>Case No:</b>	15MINORPLAT1142
<b>Project Name:</b>	2500 S. Pope Lick Road
<b>Location:</b>	2500 S. Pope Lick Road
<b>Owner(s):</b>	John G. Gutterman
<b>Applicant(s):</b>	CRP & Associates, Inc. – Charles Podgursky
<b>Representative(s):</b>	CRP & Associates, Inc. – Charles Podgursky
<b>Project Area/Size:</b>	2.14 Acres
<b>Existing Zoning District:</b>	R-4, Single-Family Residential
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Joel P. Dock, Planner I

### REQUEST

- **Waiver** from section 7.8.60.B.4 of the LDC to allow individual direct single-family access to a collector-level roadway.

### CASE SUMMARY

The applicant proposes to construct a single-family residence on Tract 1 of a proposed five lot minor subdivision plat along S. Pope Lick Road. South Pope Lick Road is a collector level roadway that runs from Blankenbaker Parkway, more precisely at the intersection with Tucker Station Road, to Taylorsville Road. Individual single-family driveway access to a collector level roadway or higher is prohibited by LDC 7.8.60.B.4, unless a waiver is granted. The proposed location of the driveway to serve the home is roughly 100' South of the intersection with Rehl Road.

A variance (15VARIANCE1093) in conjunction with a waiver for single-family access to S. Pope Lick Rd. was requested on a previous layout of the subject site/minor subdivision plat to allow for a proposed residence to be located within the 100' protected waterway buffer of Pope Lick Creek. The proposed residence in this case was roughly 600' North of the tentative footprint shown in the current request. The Board of Zoning Adjustment denied the Variance request, but took no action on the waiver of 7.8.60.B.4. This enabled the applicant to revise the minor plat and resubmit the plat with access proposed at a new location where disturbance of the buffer would be minimized or eliminated.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Single-Family Residential	R-4	N
<b>Proposed</b>	Single-Family Residential	R-4	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-Family Residential	R-4	N
<b>South</b>	Single-Family Residential	R-4	N
<b>East</b>	Single-Family Residential	R-4	N
<b>West</b>	Single-Family Residential	R-4	N

## PREVIOUS CASES ON SITE

15VARIANCE1093: Variance to allow an encroachment into the 100' Pope Lick Creek Protected Waterway Buffer (denied 2/1/16)

## INTERESTED PARTY COMMENTS

Staff received a general inquiry from Angela Webster of Councilman Benson's office.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (revised December 2015)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as MSD is the owner of the nearest property directly abutting to the North and this property is used for utilities. Properties along this roadway are of substantial size and driveways are spaced to reflect the size of lots.

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

STAFF: Guideline 3, Policy A.6 strives to mitigate adverse impacts of traffic from proposed development on nearby existing communities. The waiver will not violate specific guidelines of Cornerstone 2020 as existing lots with frontage and direct driveway access to S. Pope Lick Road have driveway openings that are spaced at distances to reflect the substantial size of the lots they serve.

(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 direct driveway access to a collector level roadway for individual single-family lots is prohibited. The additional 4 lots proposed on the minor subdivision in case 15MINORPLAT1142 share driveway easements which are in compliance with subdivision regulations for access to a collector level roadway or higher.

(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 deprive the applicant of the reasonable use of the land as the existing single family residential lots in the vicinity and the proposed lots of the subdivision request are in a low density residential area.

## TECHNICAL REVIEW

A site visit was conducted on 3/3/16 by Transportation Review staff. It was indicated that vegetation would need to be cleared to the North and South of the proposed driveway in order to have clear site lines for vehicle ingress/egress. Some vegetation needed to be cleared is located within the protected waterway buffer, see attachment 3. While LDC, section 4.8.6.M prohibits the removal of healthy trees and vegetation, it also outlines noxious, non-native, or dead vegetation that may be removed. Furthermore, LDC, section 4.8.4.A allows for a

minor reduction of the buffer in the amount of 25% (25') if it is offset by an increase of the buffer width on an equal or greater portion of the site. The minor plat and waiver exhibit currently depicts a reduction of the buffer and addition to the width of the buffer on adjacent tracts to accommodate the footprint of the home only. The total square footage of the reduction, if it is decided that vegetation within the buffer is to be removed, will be added to the width of adjacent Tracts 2-5.

The setback of any proposed Single-family structure on Tract 1 will be increased an additional 15' from the dimensions listed in Table 5.3.1 due to supplemental setback requirements of LDC, section 5.3.1.C.4 that require single-family uses be setback an additional 15' from collector or arterial level roadways.

MSD has set minimum First Floor Elevations (FFE) or Lowest Finished Floor (LFF) to address issues regarding floodplain and their approval is required prior to the issuance of a building permit. They have approved the proposed minor subdivision plat.

**STAFF CONCLUSIONS**

The waiver request does appear to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standard for granting a variance established in the Land Development Code.

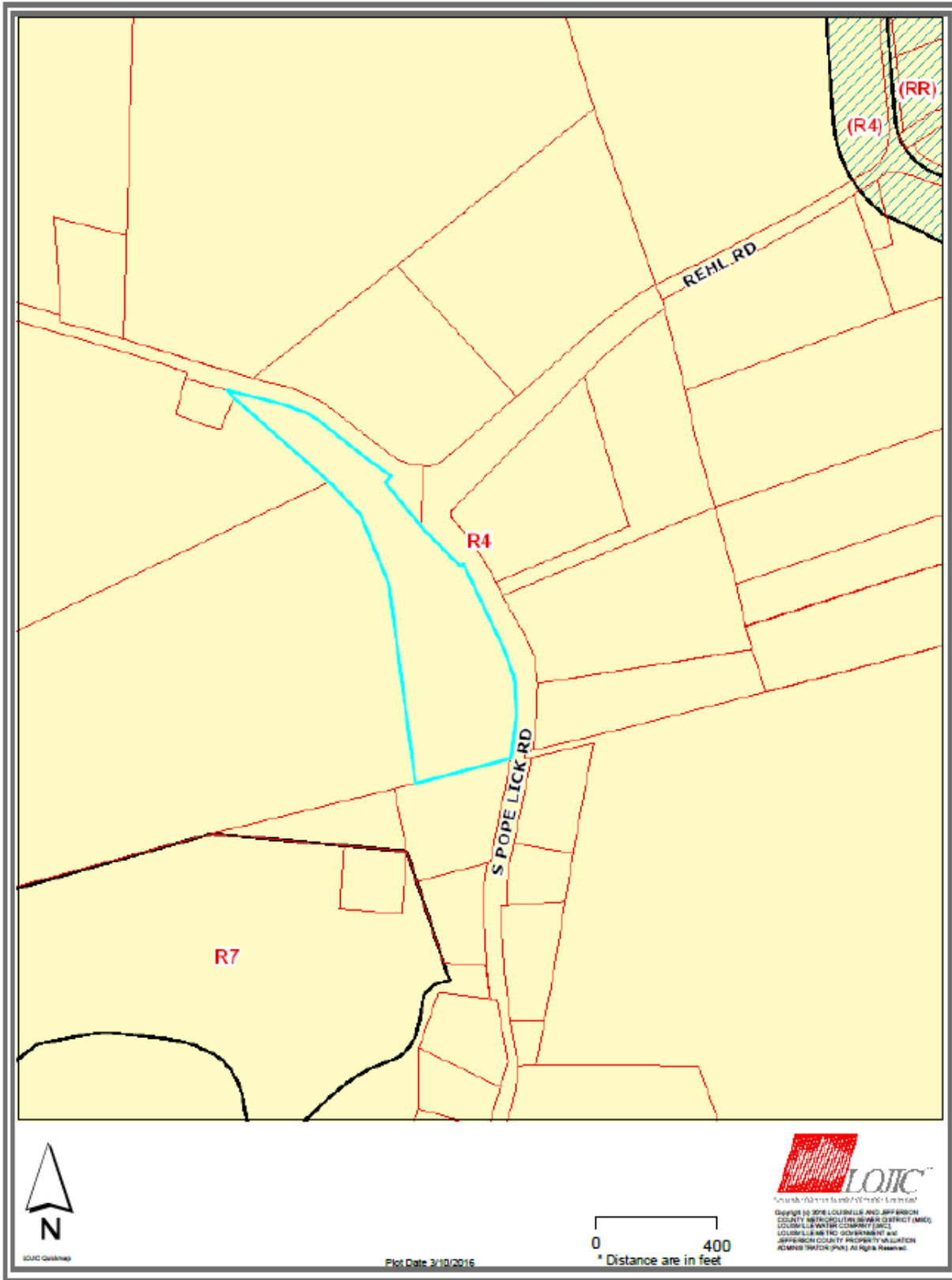
**NOTIFICATION**

Date	Purpose of Notice	Recipients
3/2/16	DRC	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Protected Waterway Buffer Vegetation

1. **Zoning Map**



2. Aerial Photograph



3. Protect Waterway Buffer and Streams

