

Development Review Committee

Staff Report

December 3, 2014



Case No:	14waiver1040
Project Name:	New House
Location:	12001 Old La Grange Road
Owner(s):	Kathryn and Michael Kerpestein
Applicant:	Laura Popovick, Creative Interiors of Anchorage
Representative(s):	Laura Popovick, Creative Interiors of Anchorage
Existing Zoning District:	R-4
Existing Form District:	Village
Jurisdiction:	Louisville Metro
Council District:	17 - Glen Stuckel
Case Manager:	Sherie' Long, Landscape Architect

REQUEST

- Waiver from Chapter 5 and 6, Section 5.8.1.B and Table 6.2.1, to not provide sidewalks along both Old LaGrange Road and Lucas Lane street frontages.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject property, zoned R-4 in the Village Form District, is located at the corner of Old La Grange Road and Lucas Lane in the Northeastern part of the county. The site is located across from the Eastpointe Business Center. The railroad tracks separate Old La Grange Road from La Grange Road. The applicant is building a new 3,327sf two story brick house on a vacant 1.072 acre wooded lot. There are no existing sidewalks located in the area and there is not a likelihood for sidewalks to be constructed in the future. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing/ Proposed	Single Family Residential	R-4	Village
Surrounding Properties			
North	Single Family Residential	R-4 & R-1	Village
South	Single Family Residential, Office & Industrial	R-1, R-E, & PEC	Village & SW
East	Office & Industrial across Old La Grange Road, railroad tracks, and La Grange Road	PEC	SW
West	Single Family Residential	R-1 & R-E	Village

PREVIOUS CASES ON SITE

BL919395: Building permit issued October 17, 2014.

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments concerning this request.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

Waiver of section 5.8.1.B. and Table 6.2.1 to not provide a sidewalk along Old La Grange Road and Lucas Lane.

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

STAFF: The waiver will not adversely affect adjacent property owners since there are no existing sidewalks located in the area and there is not a likelihood for sidewalks to be constructed in the future. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

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

STAFF: Guideline 1, Policy 3 states that streets are designed to invite human interaction and ease of access through the use of connection and design elements such as bike/walkways to connect with other streets. The request does not meet this guideline and policy, however since there are currently no sidewalks located along the existing streets and there are no plans for construction of sidewalks along the connecting streets, it is no reasonable for sidewalks to be constructed along this applicant's street frontages.

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. The request does not meet this guideline or policy, however since there are no topographical conditions which would make the construction of the sidewalk impracticable the required sidewalk could be constructed. However, since there are no plans for sidewalks to be constructed along these streets in the future it would be impractical to construct a sidewalk only along the applicant's street frontages.

Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The request does not meet this guideline or policy, however, since there are currently no sidewalks along these streets it is not appropriate to construct sidewalks along this properties frontage.

- (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 the minimum necessary to afford relief to the applicant since there are no sidewalks currently along these streets and no plans for sidewalks in the future, this applicant should not be required to provide sidewalks.

(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 applicant has not incorporated any other design measures that exceed the minimum of the district, nor has the applicant compensated for non-compliance with the requirements. However, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant considering there are no other sidewalks along these streets nor are there any plans in the future for sidewalks to be constructed along Old La Grange Road and Lucas Lane, therefore it would be unreasonable to require this applicant to construct a section of sidewalk which is not going to be connected to any another sidewalk system.

TECHNICAL REVIEW

All technical review comments have been addressed.

STAFF CONCLUSIONS

The proposal does not meet the requirements of the LDC or the guidelines of the Comprehensive Plan, however, considering there are no existing sidewalks located in the area and there is not a likelihood for sidewalks to be constructed in the future. It is impractical to require this applicant to provide sidewalks along the property frontage. However, there are no topographical conditions which would make the construction of the sidewalks impracticable.

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 standards for granting a sidewalk waiver established in the Land Development Code.

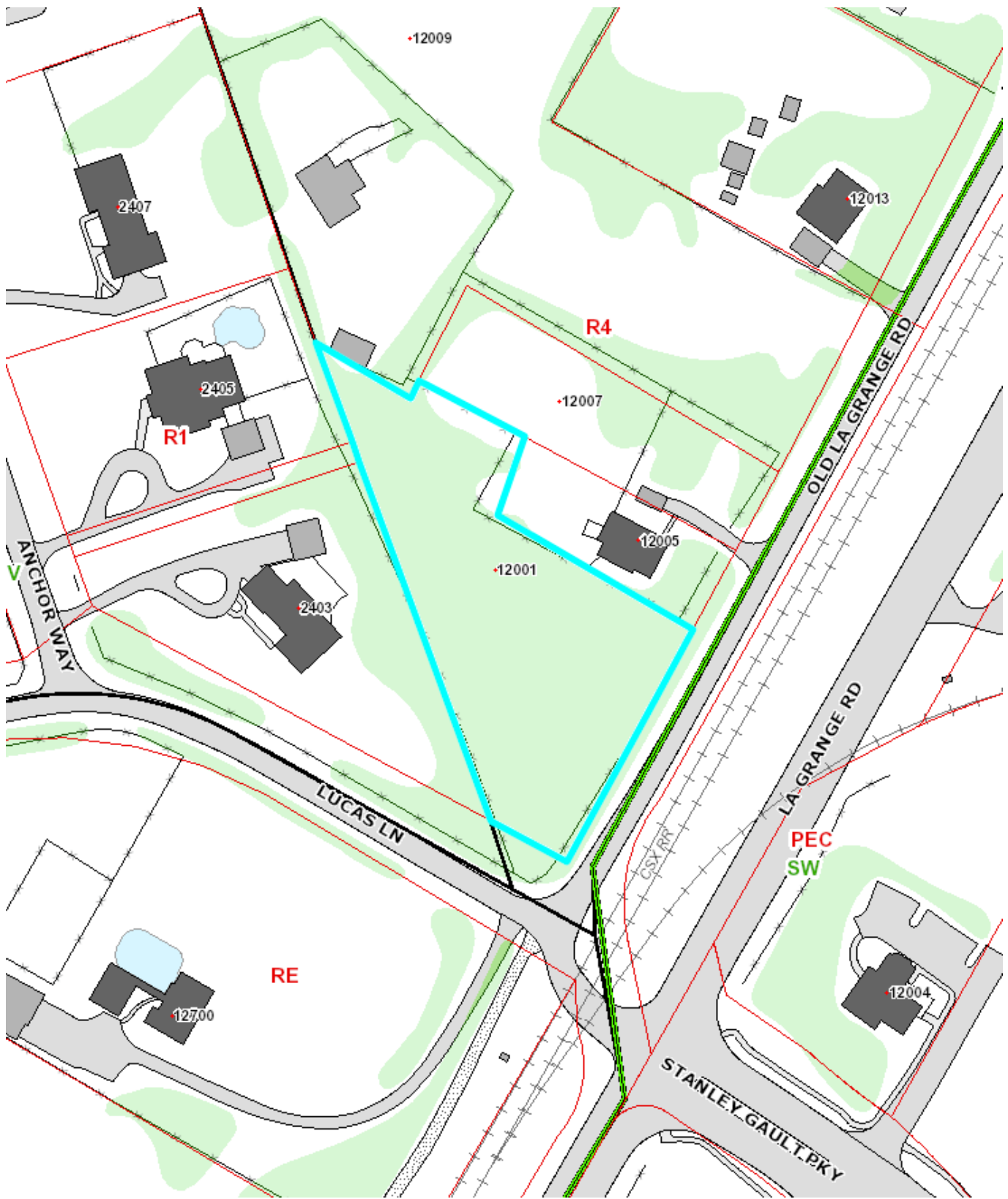
NOTIFICATION

Date	Purpose of Notice	Recipients
11/19/2014	Hearing before DRC on 12/01/2014	1 st tier adjoining property owners. Subscribers of Council District 17 Notification of Development Proposals.

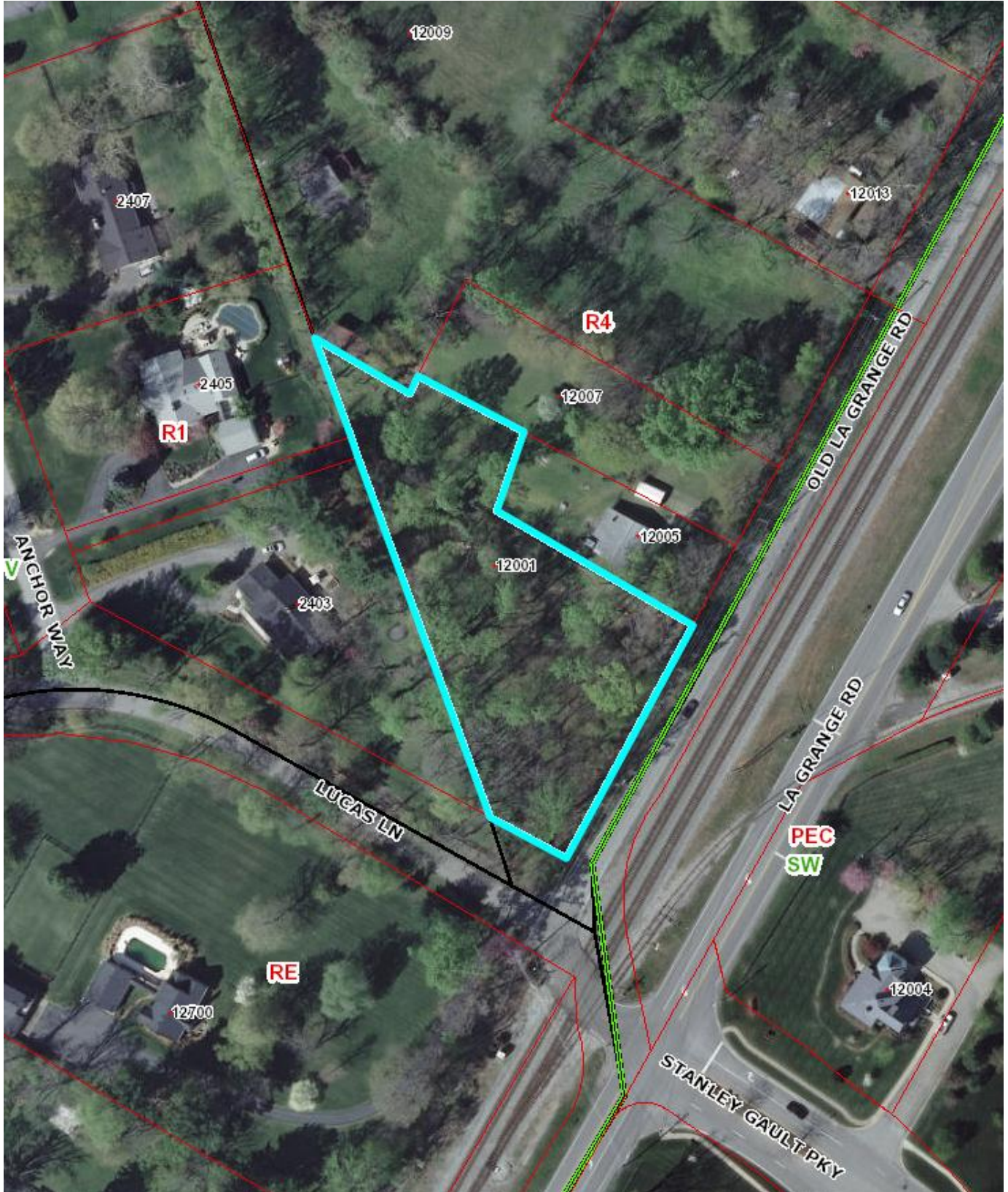
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Site Plan
5. Applicant's Justification
6. Site Photographs

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



Attachment 3: Cornerstone 2020 Staff Checklist

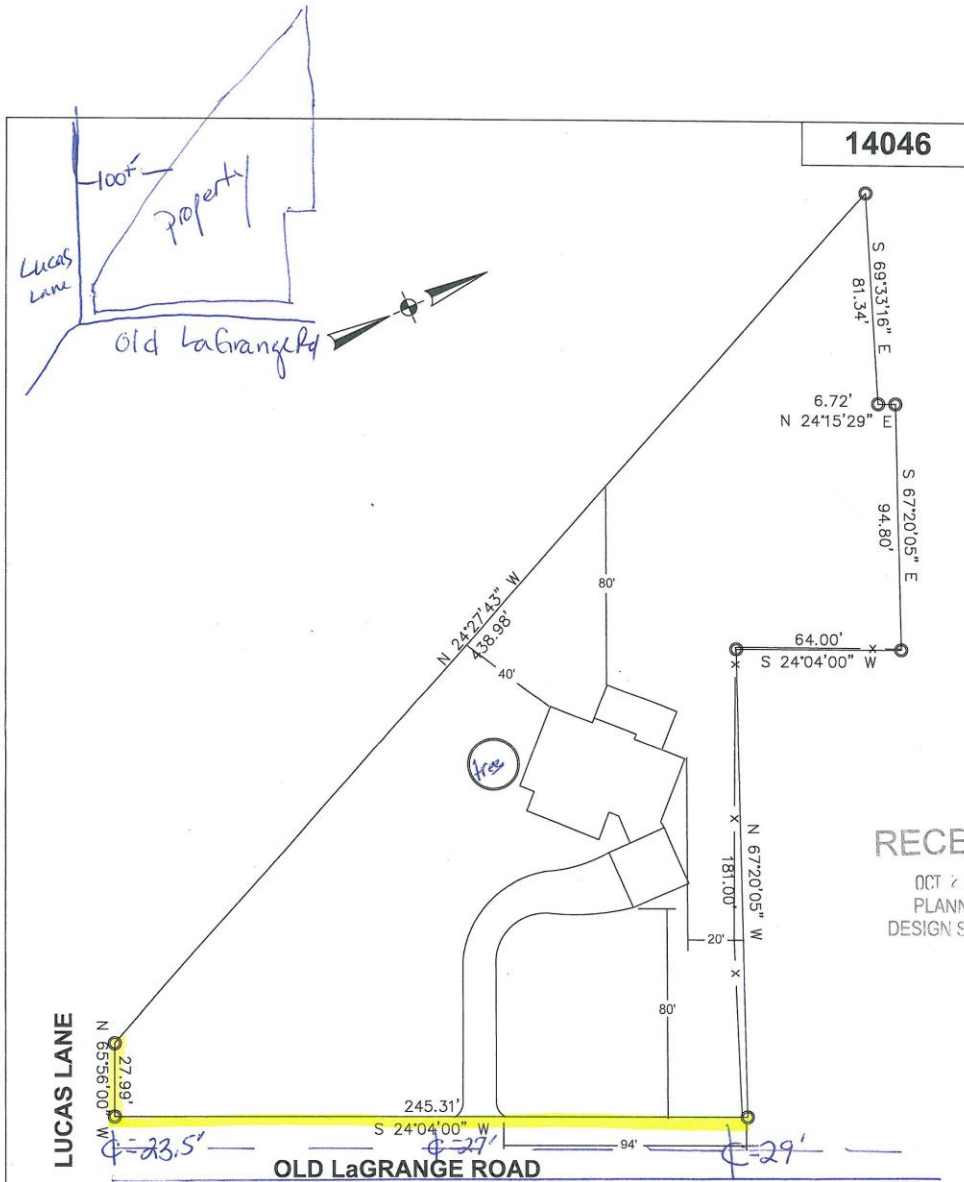
- + Exceeds Guideline
- √ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Finding	Comments
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Sidewalk Waiver

4	Community Form/Land Use Guideline 1: Community Form	B.3: Neighborhood streets are designed to invite human interaction and easy access through the use of connectivity, and design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets.	-	The neighborhood streets are connected but do not invite human interaction because there are no sidewalks along the streets.
36	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	-	There is no easy access by pedestrians or future transit users because there are no sidewalks provided within the development.
42	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	-	The proposal does not provide pedestrian access throughout the community. Pedestrians within the community and others walking would not have a safe way to walk into and around the neighborhood.

Attachment 4: Site Plan



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milestone



design group, inc.

108 Daventry Lane
 Suite 300
 Louisville, Ky 40223
 t: (502) 327-7073
 f: (502) 327-7066

PLOT PLAN

CLIENT: CREATIVE INTERIORS, LLC
 SITE: 12001 OLD LaGRANGE ROAD
 ADDRESS: LOUISVILLE, KY 40223

DRAWN BY: D.L.E.	DATE: 7/9/14	SCALE: 1"=40'
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Attachment 5: Applicants Justification

Sidewalk Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers the following criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

- 1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?**

The Plan is to ensure that growth is managed so that the natural beauty of our state is maintained. Neighborhoods are to be diverse. Growth is encouraged but maintaining the natural beauty and feeling of each area is part of the plan.

- 2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?**

The street has a rural feel and the shrubbery that is along the road gives a feeling of privacy and peace. Not all streets should look like a development. The overall intent of LDC is to ~~control~~ preserve the history and beauty of our state while allowing growth.

- 3. What impacts will granting of the waiver have on adjacent property owners?**

Waiver will preserve the rural, bucolic feel of their streets. Will not give their street the look of a development.

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- 4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?**

The added cost of installing a sidewalk would make this project unaffordable for our family. It would also change the nature of our lot - the setting was why we purchased lot.

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Attachment 6: Site Photographs



View of site from intersection of Old La Grange Road and Lucas Lane



Old La Grange Road Frontage



Entrance into the site



View into site looking toward Lucas Lane



Looking into site toward adjacent property to the North



Looking South along Old La Grange Road frontage



Looking North along Old La Grange Road frontage



Looking west down Lucas Lane from intersection of Old La Grange Road



Lucas Lane property frontage



Looking East to Eastpointe Business Center across the Railroad tracks and La Grange Road from intersection of Old La Grange Road and Lucas Lane



Eastpointe Business Center Main Entrance across Railroad tracks and La Grange Road



Looking South to the Eastpointe Business Center from the intersection of Old La Grange Road and Lucas Lane