

# Development Review Committee

## Staff Report

October 19, 2016



<b>Case No:</b>	16MINORPLAT1020
<b>Project Name:</b>	Lot D, Block 1 Oakdale Minor Plat
<b>Location:</b>	3904 S 3 <sup>rd</sup> Street
<b>Owners/Applicants:</b>	Davis Commercial Properties, Inc.
<b>Representative:</b>	Mick Logsdon
<b>Project Area/Size:</b>	.21 acres
<b>Existing Zoning District:</b>	R-6
<b>Existing Form District:</b>	Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	15 – Marianne Butler
<b>Case Manager:</b>	Laura Mattingly, Planner I

### REQUEST

- Amendment to Record Plat
- Substandard Minor Subdivision in a Traditional Neighborhood Form District

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

This case was continued from the October 5 DRC meeting. The applicant proposes to create two lots from one in the Oakdale Addition subdivision. This section of the subdivision was recorded in 1890. The lot is located in south Louisville, just south of the transition from S 3<sup>rd</sup> Street to Southern Parkway. The lot is currently used for storage and rental maintenance offices and the new lot line will divide an existing building. Access is remaining unchanged and both new lots will be accessed from S 3<sup>rd</sup> Street, as well as the 15' alley that runs along the western property lines. The applicant has submitted a crossover access agreement for the two new properties. Lot 1 will be 2,808 square feet while Lot 2 will be 6,357 square feet. Lot 1 does not meet the minimum lot area of 4,500.

Planning Commission staff is not authorized to approve plats that do not meet the minimum regulations per 7.8.12.G of the LDC. However, specific authorization is given to the Planning Commission in 7.1.85 of the LDC to approve subdivisions resulting in substandard lots in the Traditional Neighborhood Form District. This section of the LDC reads as follows:

“Where the Planning Commission finds that subdivision or resubdivision of a legally created lot in the Traditional Neighborhood Form District, Traditional Workplace Form District, or Traditional Marketplace Corridor Form District will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood, then the Planning Commission may approve the requested subdivision notwithstanding the fact that one or more of the resulting lots do not conform to the applicable requirements relating to area or width or size of yards.

“Any request for approval of a subdivision under the provisions of this regulation shall, to the fullest extent practicable, show the lots resulting from said subdivision to be uniform in terms of those features which do not conform to the zoning and form district regulations applicable to the property. A subdivision of property in accordance with the terms of this provision shall not affect the preexisting

nonconforming use status pertaining to the property. As a condition of approval, the Planning Commission may require restrictions to be placed on the subdivision plat.

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

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Storage and Maintenance Offices	R-6	Traditional Neighborhood
<b>Proposed</b>	Storage and Maintenance Offices	R-6	Traditional Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Religious building	R-6	Traditional Neighborhood
<b>South</b>	Single Family Residential	R-6	Traditional Neighborhood
<b>East</b>	Multi & Single Family, Office, Entertainment	C-1, R-6	Traditional Neighborhood
<b>West</b>	Religious buildings, Single Family	R5, R-6	Traditional Neighborhood

#### PREVIOUS CASES ON SITE

Plat Book 06 Page 62: Oakdale Addition, Recorded August 8, 1890.

#### INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

#### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (LDC)

#### TECHNICAL REVIEW

Per section 7.1.91 of the LDC, the Planning Commission shall have the power to amend any recorded plat, if reasonable notice and an opportunity to express objections or concerns have been given to all persons affected by the record plat amendment.

The minor subdivision plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Construction Review and the Louisville Fire Department.

The crossover access agreement has been reviewed and approved by legal counsel.

#### STAFF CONCLUSIONS

Regarding the approval of the substandard lot, DRC has discretion in this case; this is not a ministerial action. Approval of the requested subdivision requires that this committee finds the request will not conflict with the established pattern in the neighborhood and will promote the public health, safety, or welfare by facilitating development or rehabilitation of such property compatible with the surrounding neighborhood. As a condition of approval, the DRC may require restrictions to be placed on the subdivision plat.

The foremost request is to create two new lots with existing conditions that are to remain unchanged for the purpose of financing and conveyance. Staff finds that the proposal will promote the public health, safety, or

welfare by facilitating development or rehabilitation compatible with the surrounding neighborhood as it creates options for both sale or rent and for the parcels to be either owner-occupied or renter-occupied.

#### Record Plat Amendment

- This case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission.
- The request complies with all zoning and subdivision regulations.

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 amending the recorded plat and for granting the requested approval of the substandard lot.

#### Required Actions

- **APPROVE** or **DENY** the record plat amendment.
- **APPROVE** or **DENY** the creation of a substandard lot.

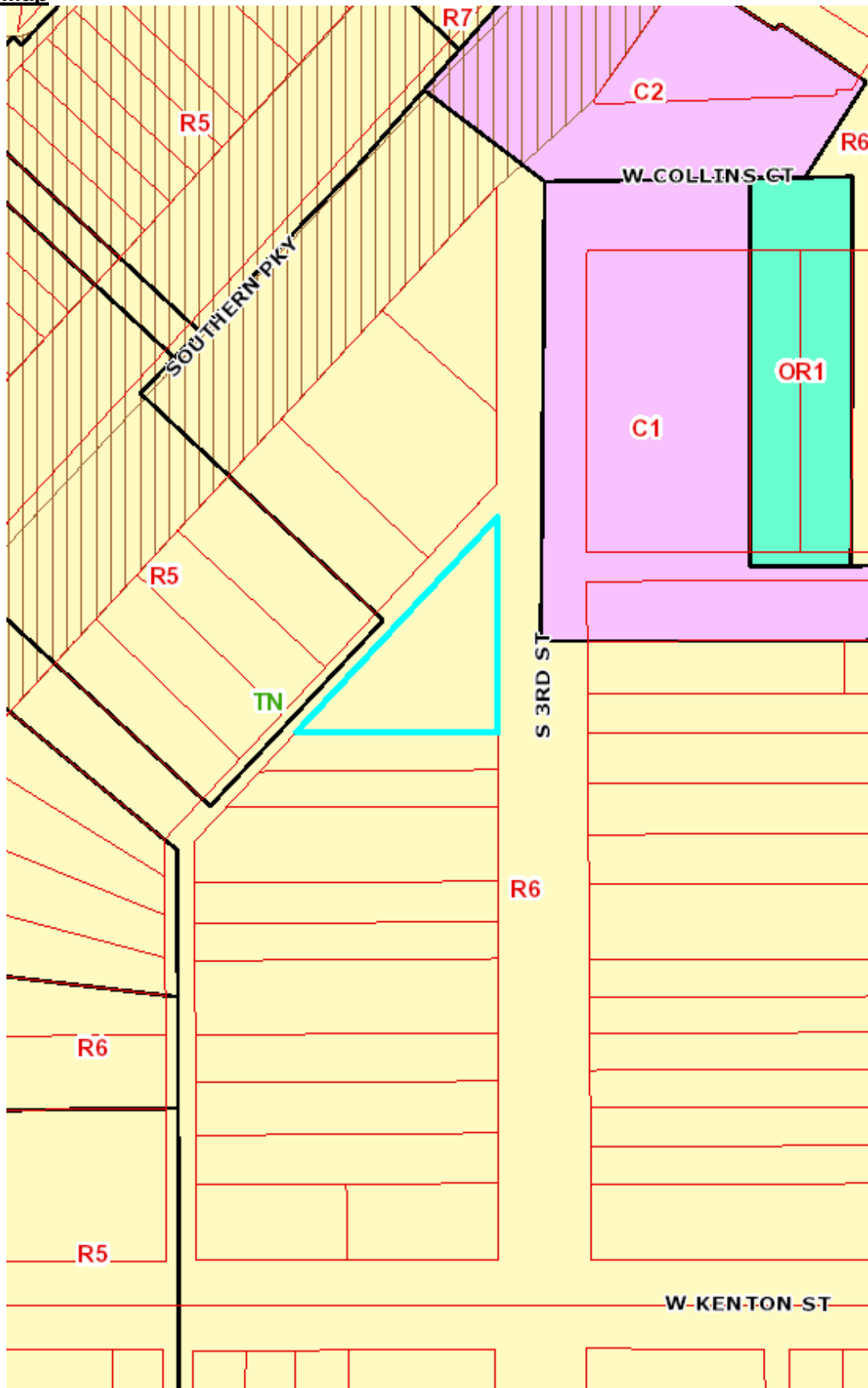
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
September 20, 2016	Hearing before LD&T	Registered neighborhood groups
September 21, 2016	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

