

Development Review Committee

Staff Report

February 28, 2018



Case No:	18MINORPLAT1006
Project Name:	Kilgore Minor Plat
Location:	9801 Cedar Creek Road
Owner(s):	Kenneth McQuiston, Trustee
Applicant:	Richard Matheny, Cardinal Surveying
Jurisdiction:	Highview
Council District:	22 – Robin Engel
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- **WAIVER** of Land Development Code (LDC) section 7.8.60.B.4 to allow individual single-family driveway access to a collector level roadway.
- **WAIVER** of Land Development Code (LDC) section 5.8.1.B to not provide sidewalks along Cedar Creek Road.

CASE SUMMARY/BACKGROUND

The applicant proposes to create two lots from one along Cedar Creek Road between Cedar Creek Road and Stewart Farms Road located in Southeastern Louisville. The subject properties are surrounded by low density single-family homes. The subject property is located on the south side of Cedar Creek road with approximately 575 feet of frontage on this primary collector roadway. The one existing lot currently has a single-family residence, a detached garage, and a small shed in the rear of the property. The current parcels combined are 9.254 acres and are proposed to be subdivided into parcels that range from 4.632 and 4.622.

STAFF FINDING

- Aside from the requested waiver, 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 for approving a waiver of Section 7.8.60.B.4 and Section 5.8.1.B as established in the LDC.

TECHNICAL REVIEW

The minor subdivision plat is in order and has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, MetroSafe, and the Highview Fire Department.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 7.8.60.B.4 TO ALLOW ACCESS TO SINGLE-FAMILY LOT ON PRIMARY COLLECTOR LEVEL ROADWAY.

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

STAFF: The waiver will not adversely affect adjacent property owners as access will serve single-family residences and traffic will be the minimum necessary to serve them.

- (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 the proposed subdivision will accommodate single-family residences and traffic will be the minimum necessary to serve them. The communities abutting Cedar Creek Road are currently low-density.

- (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 the existing property serves single-family residences.

- (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 because Transportation Planning has preliminarily approved the proposed additional single-family access on this primary collector level roadway. The lots resulting from the subdivision conform to the zoning and form district regulations applicable to the property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 5.8.1.B TO NOT PROVIDE A SIDEWALK ALONG CEDAR CREEK RD:

(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 along Cedar Creek Road.

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

STAFF: 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. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. Not providing a sidewalk adjacent to this site will not alter the character of the area or the existing roadway system.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

STAFF: The extent of the regulation is the minimum necessary to afford relief to the applicant.

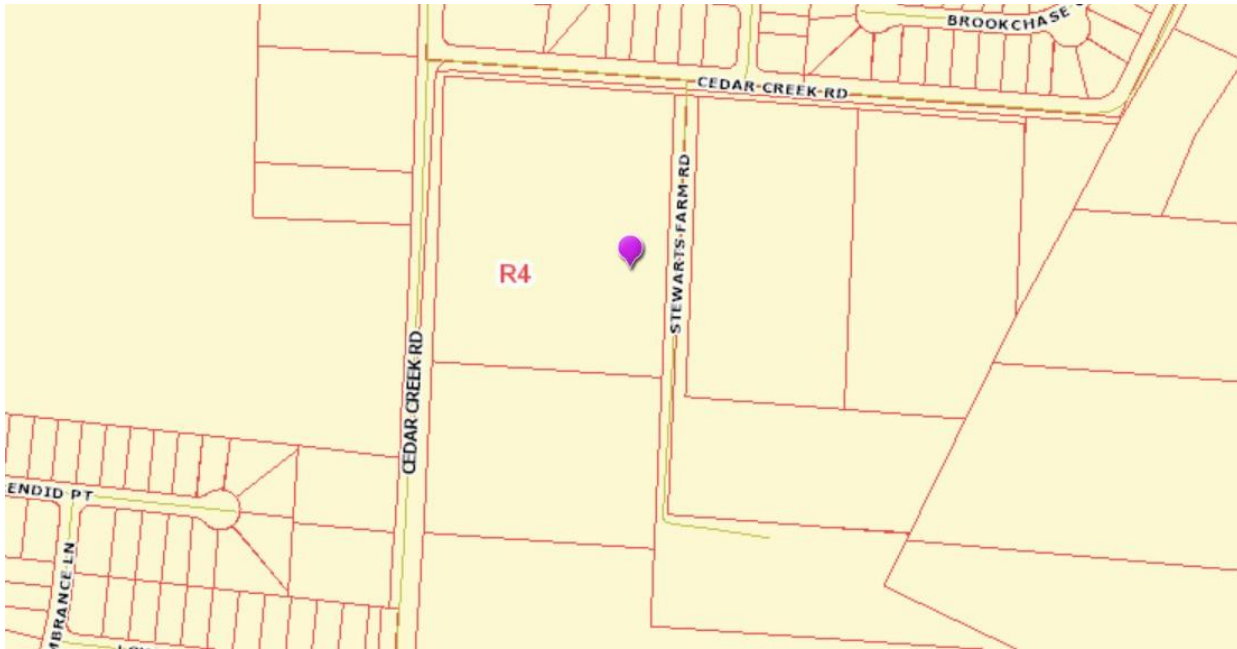
NOTIFICATION

Date	Purpose of Notice	Recipients
02/28/18	Hearing before Development Review Committee	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 22

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. **Aerial Photograph**

