

# Development Review Committee

## Staff Report

November 5, 2014



<b>Case No:</b>	14MINORPLAT1016
<b>Project Name:</b>	Rejent Minor Plat
<b>Location:</b>	10400 Broad Run Road
<b>Owner/Applicant:</b>	Michael and Laura Rejent
<b>Representative:</b>	Jeffrey K. Meyer, PLS
<b>Project Area/Size:</b>	16.28 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>	Matthew R. Doyle, Planner I

### REQUEST

- Minor Plat Waiver

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to create 2 lots from 1. Tract B would create new, direct access to Broad Run Road, which is classified as a secondary collector roadway. The Land Development Code (LDC) in 7.8.60.B.4 states that, "Direct access to major arterial, minor arterials and collector level roadways from individual single-family lots is prohibited." Initially, the applicant proposed sharing the existing access from Broad Run Road; however, the existing driveway and bridge do not meet the minimum requirements for emergency vehicles and would require major improvements to do so. Thus, the applicant requests a waiver of 7.8.60.B.4 to construct a driveway.

As part of the new driveway, the applicants would need to construct a bridge over Broad Run Creek, which is a USGS Perennial Blue-line Stream. Roads and bridges are permitted in the buffer area and may cross a protected waterway, subject to the Planning Commission's approval based on the recommendations of the Public Works, Planning and Design Services, and the Metropolitan Sewer District. In section 4.8.6.J, the LDC specifies the responsibilities associated with construction activities for stream and buffer area crossings. As long as these are followed, none of the agencies object to the construction of the new driveway and bridge.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single family residential	R-4	N
<b>Proposed</b>	Single family residential	R-4	N
<b>Surrounding Properties</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**

None

**INTERESTED PARTY COMMENTS**

Staff has not received any comments.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Chapter 7.8.60.B.4  
to allow the creation of a single family residential lot proposing  
new, direct access to a 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 the traffic generated from Tract B on the proposed plat would have little impact on nearby communities.

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

STAFF: Guideline 3, policy 6 wants 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 traffic generated from Tract B on the proposed plat would have little impact on nearby communities.

- (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 Tract B on the proposed plat complies with all other applicable regulations in the LDC.

- (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 Tract B on the proposed plat is in a rural area of Jefferson County and creating new, direct access to Broad Run Road would have little impact on nearby communities with respect to traffic.

### TECHNICAL REVIEW

The minor subdivision plat is in order and has received preliminary approvals from Transportation Planning Review, the Metropolitan Sewer District, Public Health and Wellness, and the Fern Creek Fire Department.

Per Fern Creek Fire Department approval, any new construction proposals will require a separate review that will include at a minimum: (1) adequate water supply and availability; (2) access from Broad Run Road must meet certain weight and width requirements; (3) any bridge crossing Broad Run Creek must be engineer certified for weight; and (4) topography including grade and elevation requirements.

MSD is requiring that the driveway crossing over Broad Run Creek for Tract B will require design by a licensed, professional engineer and approval from MSD prior to issuance of a building permit.

### STAFF CONCLUSIONS

- The proposed waiver appears to be adequately justified based on staff analysis in the staff report.
- A new, driveway and bridge in the buffer area and crossing over Broad Run Creek to serve the new lot has all necessary agency approvals.

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 the waiver.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the minor plat waiver of section 7.8.60.B.4 to allow the creation of a single family residential lot proposing new, direct access to a collector level roadway.

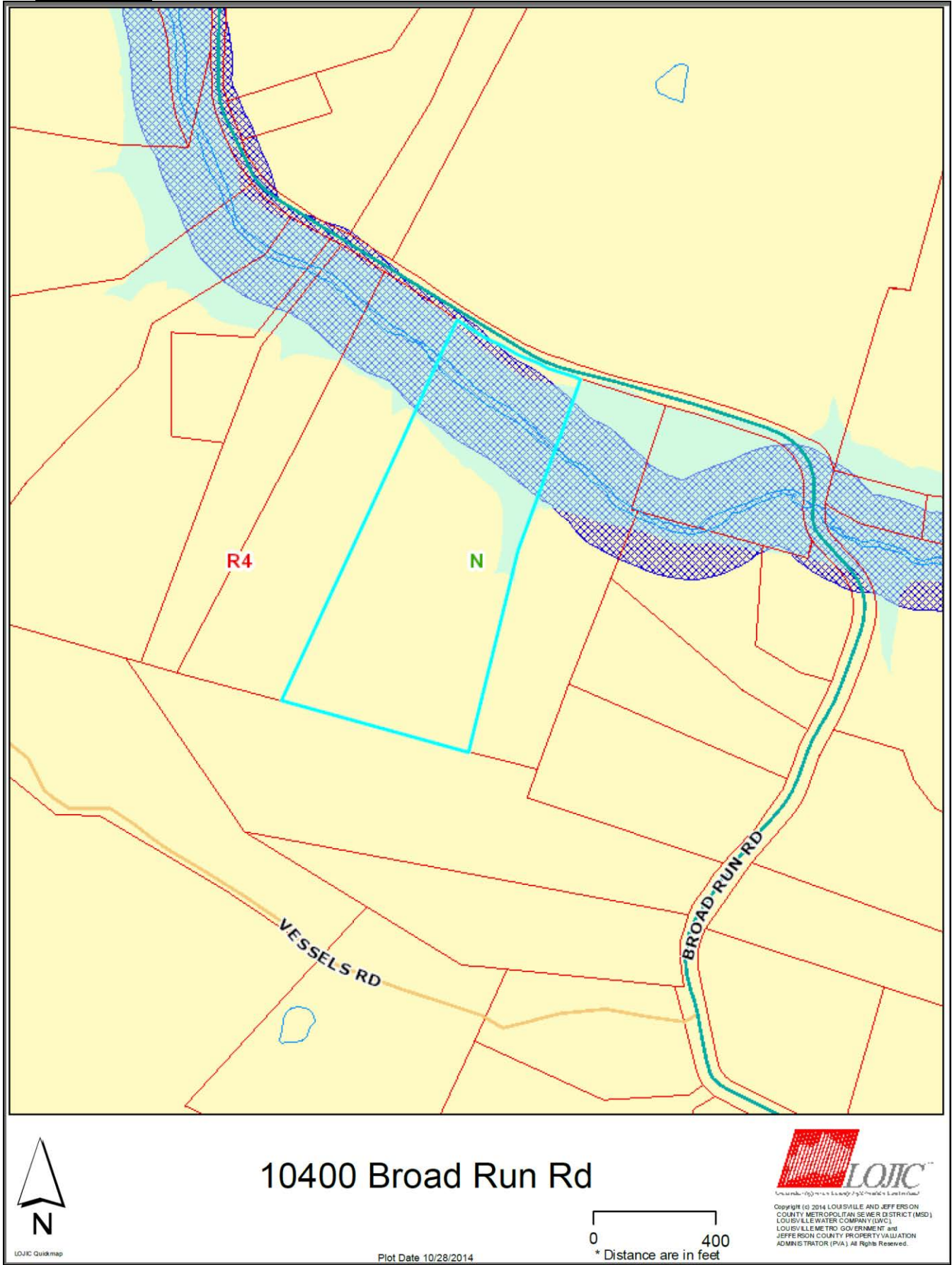
### NOTIFICATION

Date	Purpose of Notice	Recipients
10/23/14	Meeting before DRC	1 <sup>st</sup> tier adjoining property owners Registered neighborhood groups

### ATTACHMENTS

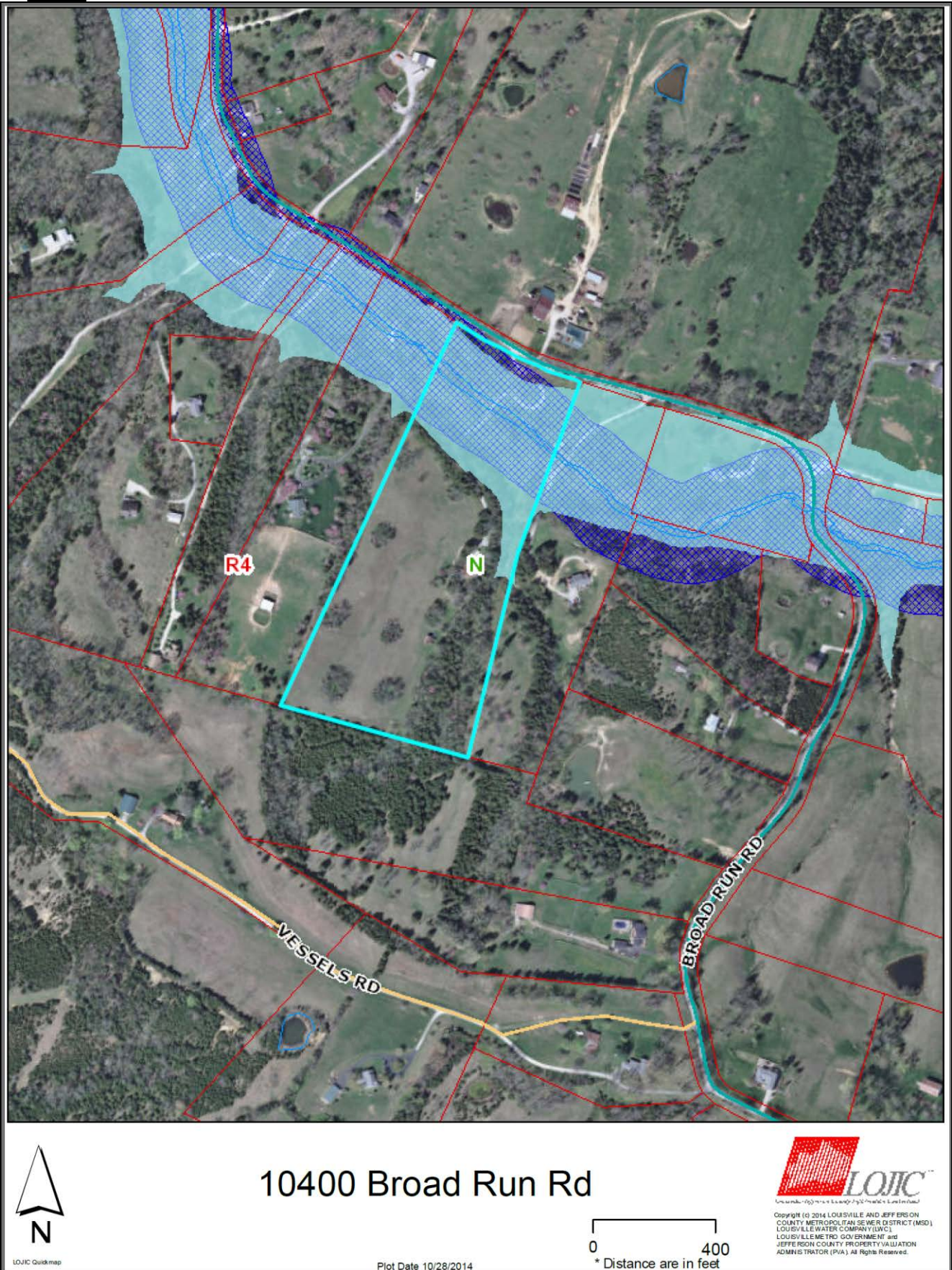
1. Zoning Map
2. Aerial

1. Zoning Map





2. Aerial



10400 Broad Run Rd



LOJIC Quickmap

Plot Date 10/28/2014

0 400  
\* Distance are in feet



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