

Land Development & Transportation Committee

Staff Report

January 26, 2017



Case No:	16WAIVER1057
Project Name:	10101 Keys Ferry Road
Location:	10101, 10013 & 10015 Keys Ferry Road
Owners:	Samuel & Debra Skipper
Applicant:	Samuel Skipper
Project Area/Size:	.926 acres
Zoning/Form District:	R-4/Village
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Dante St. Germain – Planner I

REQUEST

- Waiver from Land Development Code section 5.8.1.B to not provide sidewalks along Keys Ferry Road and Larlyn Drive.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to build a new single-family residence on combined lots located at 10013, 10015, and 10101 Keys Ferry Road, at the corner of Keys Ferry Road and Larlyn Drive. The property is currently vacant and sidewalks are not present. The applicant requests to not provide sidewalks along either Keys Ferry Road or Larlyn Drive and requests a waiver from Land Development Code section 5.8.1.B in order to not provide the sidewalks.

The frontage on both Keys Ferry Road and Larlyn Drive is occupied by drainage swales. MSD has filled the Keys Ferry Road swale with rip rap to protect the ditch. The Larlyn Drive swale is characterized by a sharp elevation change. No space exists in the current right-of-way for sidewalks, as the swales occupy the space between the roadway and the property lines. To construct sidewalks, additional right-of-way would need to be dedicated, or the drainage would need to be piped. Additionally, at the intersection of Keys Ferry Road and Larlyn Drive, elevation changes and the presence of utilities would make connecting sidewalks at the corner very challenging and costly. Considerable grading would be required for ADA compliance.

No sidewalks currently exist in the vicinity to which to connect. The nearest sidewalks are approximately one mile away by roadway. The nearest TARC bus line is located more than one mile away.

The Fairdale Neighborhood Plan, adopted in November 2006, includes this site in the neighborhood study area. The neighborhood plan supports the construction of sidewalks in Fairdale as new development is constructed as per the Land Development Code. However, the neighborhood plan emphasizes sidewalks in the Village Center form district area rather than in the Village Outlying areas where this property is located.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	Village
Proposed	Single-Family Residential	R-4	Village
Surrounding Properties			
North	Single-Family Residential	R-4	Village
South	Single-Family Residential	R-4	Neighborhood
East	Single-Family Residential	R-4	Village
West	Single-Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

None.

INTERESTED PARTY COMMENTS

No interested party comments were received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
 Land Development Code
 Fairdale Neighborhood Plan

**STANDARD OF REVIEW AND STAFF ANALYSIS
 FOR SIDEWALK WAIVER OF LDC 5.8.1.B**

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

STAFF: The waiver will not adversely affect adjacent property owners as the nearest sidewalk is approximately one mile away by roadway. No sidewalks exist nearby to which to connect.

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

STAFF: The proposed waiver of the sidewalk will not violate specific guidelines of Cornerstone 2020 as Guideline 9, Policy 1 encourages, where appropriate, the safe movement of pedestrians between closely related land uses and public transportation corridors. The property is located in an area that is more than one mile from the nearest public transportation corridor and no sidewalks currently exist within approximately one mile by roadway.

- (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 construction of the sidewalks would be costly to the applicant without contributing to any existing sidewalk network in the vicinity.

- (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 provision of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as it would cause the applicant considerable financial hardship to construct the sidewalks without contributing to any existing sidewalk network in the vicinity.

TECHNICAL REVIEW

The proposed sidewalk waiver has been reviewed by Transportation Planning. It is the engineering opinion of Transportation Planning that the provision of sidewalks would be prohibitively difficult and costly for the applicant.

STAFF CONCLUSIONS

- The proposed waiver appears to be adequately justified based on staff analysis in the staff report.

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 ACTION

- **APPROVE** or **DENY** the requested waiver from LDC section 5.8.1.B

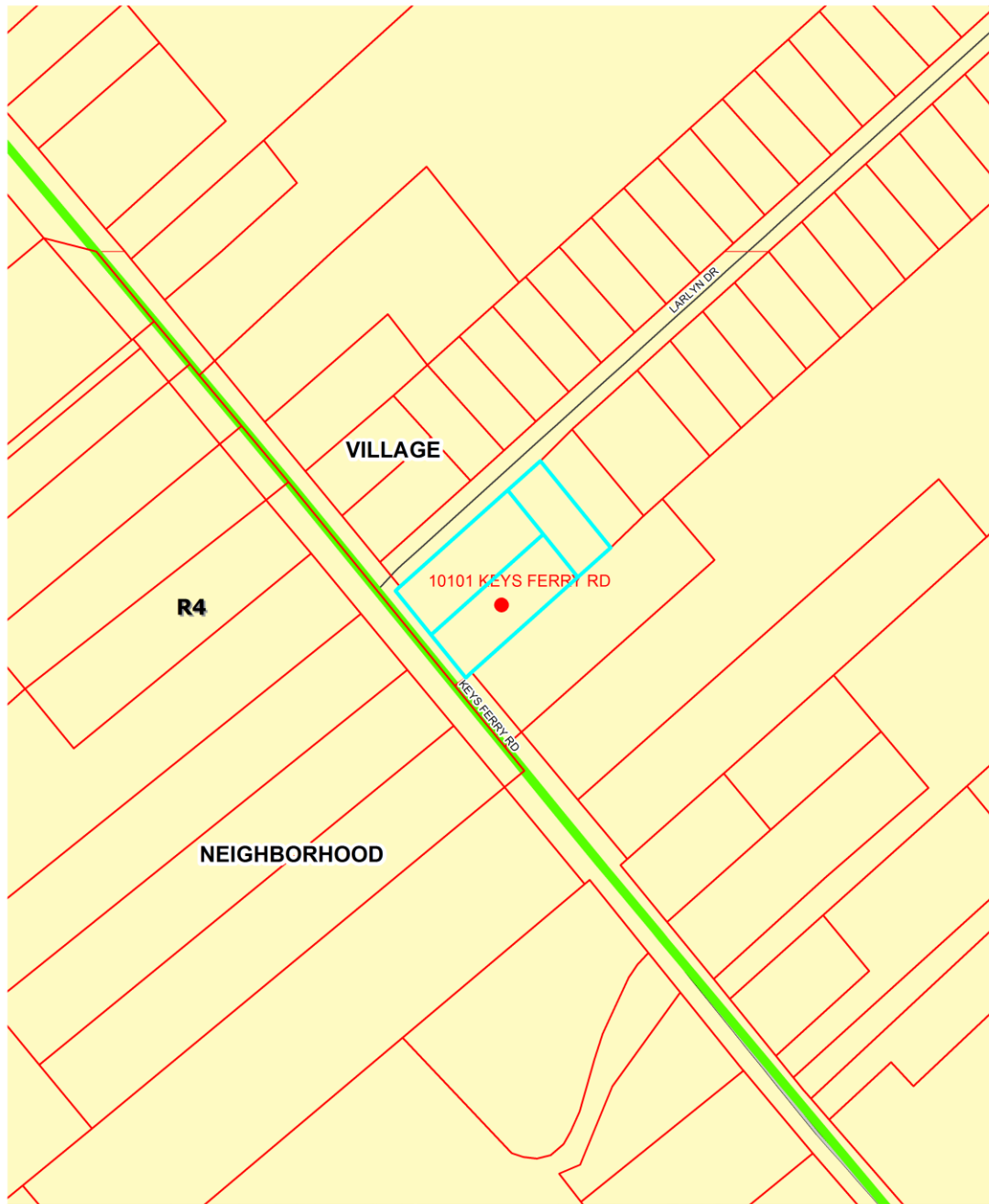
NOTIFICATION

Date	Purpose of Notice	Recipients
01/09/2017	LDT Public Meeting	1 st tier adjoining property owners

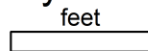
ATTACHMENTS

1. Zoning Map
2. Aerial
3. Street View of Site

1. Zoning Map



10101 Keys Ferry Road

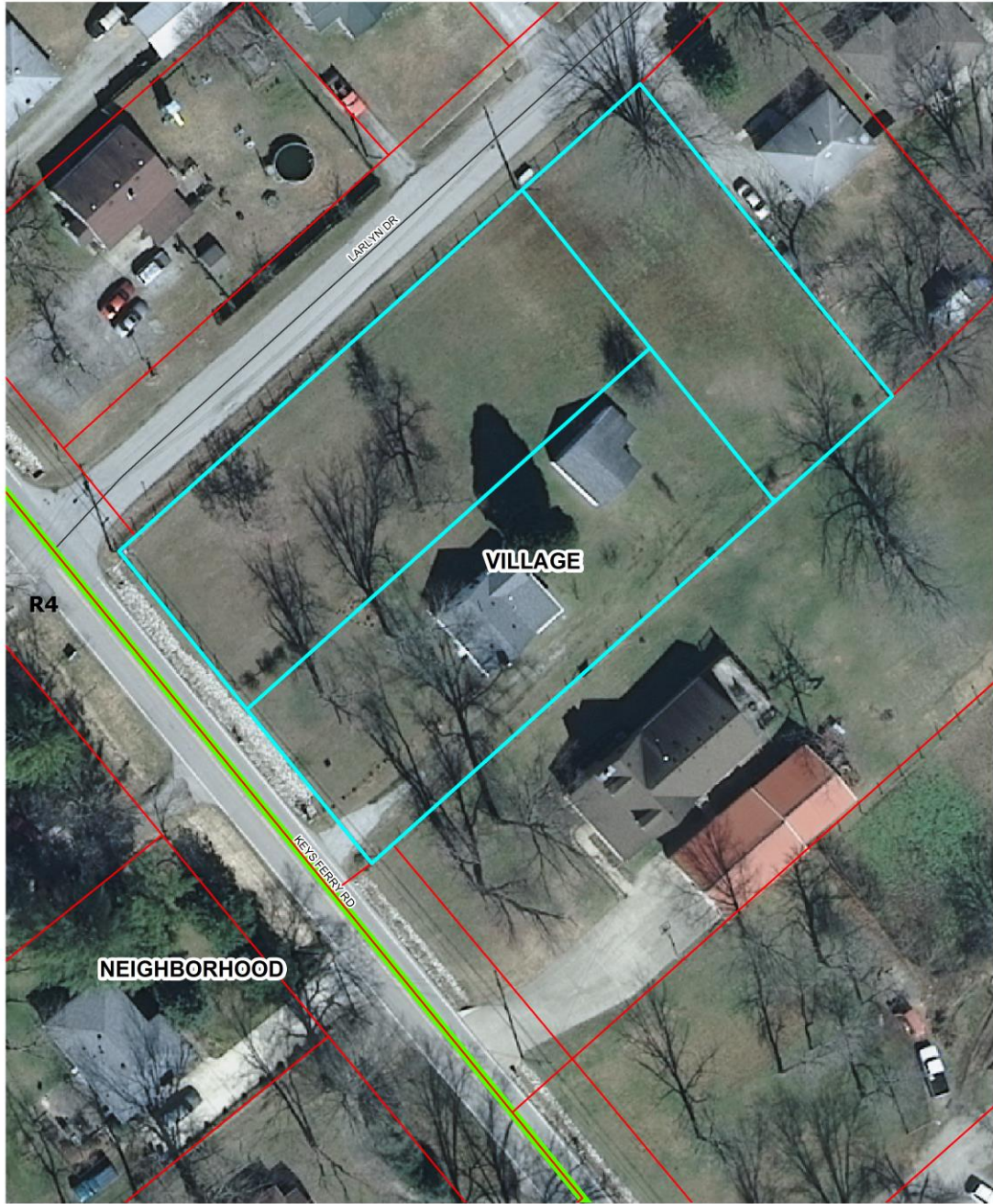


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Map Created: 1/11/2017

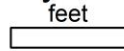


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2. Aerial



10101 Keys Ferry Road



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3. Street View of Site



