

Land Development & Transportation Committee Staff Report

July 28th, 2016



Case No:	16WAIVER1019
Project Name:	Sidewalk Waiver
Location:	6215 Bay Pine Drive
Owner:	Jerry Fleener, Fleener Construction
Applicant:	Same
Representative:	Same
Project Area/Size:	.22 acres
Existing Zoning District:	R-4, Single Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	23-James Peden
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Waiver of Section 5.8.1.B of the Land Development Code (LDC) to not provide a sidewalk along Bay Pine Drive

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a new single family home on a .22 acre lot located on the north side of Bay Pine Drive. Bay Pine Drive is a local level road, located in a single family residential subdivision west of Smyrna Pkwy, approximately 1 mile north of I-265 in the south central portion of Louisville Metro. Section 5.8.1.B requires construction of a sidewalk for all developments, including single family lots less than 5 acres. Under Section 6.2.6 of the Land Development Code, Tables 6.2.1 & 6.2.2, a four foot sidewalk would be required. The nearest sidewalk is at the corner of Bay Pine Drive and Smyrna Pkwy, approximately 120' from the site. There are no sidewalks along Bay Pine Drive or any of the similar streets within this subdivision. There is also no TARC route on Smyrna Pkwy near this location.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

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 5.8.1.B to not provide a 4' sidewalk along Bay Pine Drive:

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

STAFF: The waiver will not adversely affect adjacent property owners as there are no existing sidewalks along Bay Pine Drive.

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

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, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. These guidelines are not violated with this waiver as the low-intensity impact of the proposed home does not necessitate the need for pedestrian connections and would be inappropriate in this area where there is no precedent for sidewalks.

- (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 all other aspect of the development are in conformance with the Land Development Code.

- (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 land or create an unnecessary hardship as the new proposed single family home is a low intensity use that does not warrant the need for sidewalks where none currently exist, or have the potential to exist.

TECHNICAL REVIEW

There are no outstanding technical review items.

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 Land Development & Transportation Committee must determine if the proposal meets the standards granting an LDC Waiver established in the Land Development Code.

REQUIRED ACTION

- **APPROVE** or **DENY** the requested waiver of LDC Section 5.8.1.B

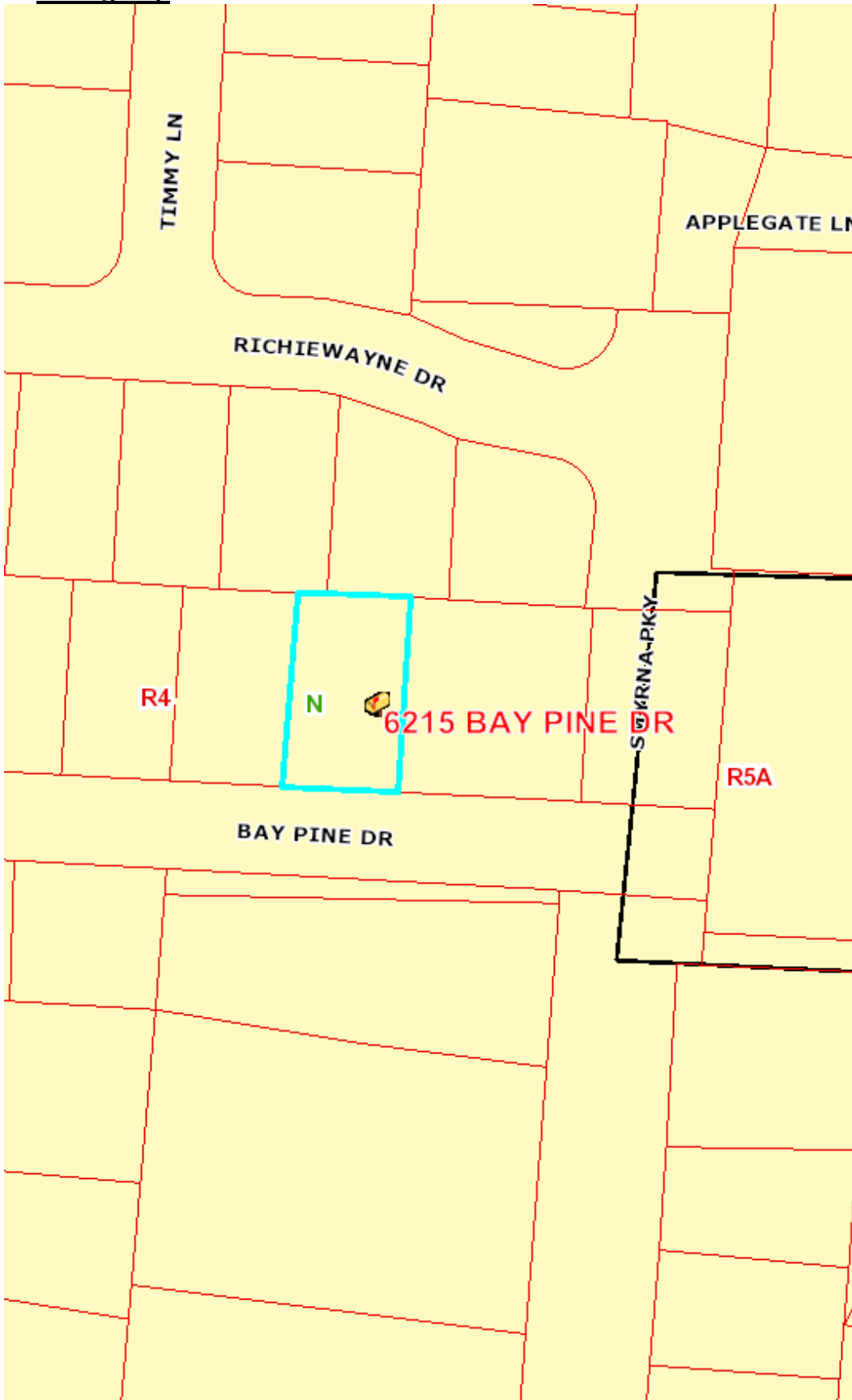
NOTIFICATION

Date	Purpose of Notice	Recipients
7/13/16	Hearing before LD&T	Registered neighborhood groups
7/13/16	Hearing before LD&T	1 st tier adjoining property owners

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

