

Development Review Committee Staff Report

June 1, 2016



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|----------------------------------|------------------------------|
| Case No: | 16WAIVER1014 |
| Project Name: | 1404 Goddard Avenue |
| Location: | 1404 Goddard Avenue |
| Owners: | Max Onan |
| Applicant: | Max Onan |
| Representative(s): | Max Onan |
| Project Area/Size: | 3,685 SF |
| Existing Zoning District: | R-5B, Two-Family |
| Existing Form District: | TN, Traditional Neighborhood |
| Jurisdiction: | Louisville Metro |
| Council District: | 8 – |
| Case Manager: | Joel P. Dock, Planner I |

REQUEST

- Sidewalk Waiver

CASE SUMMARY

The applicant proposes to construct a single-family home on a vacant lot abutting Goddard Avenue. Goddard Avenue is a local road that intersects Baxter Avenue and Barrett Avenue. Construction of a single-family home meets the threshold in the TN form district for requiring sidewalks to be provided by the owner/developer of the site. The applicant has requested a waiver to not provide sidewalks along the frontage of the site. The vacant lot is to be developed in an infill context and meets all setback requirements of the form district.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|--------------------------------------|---------------|--------|---------------|
| <i>Subject Property</i> | | | |
| Existing | Vacant | R-5B | TN |
| Proposed | Single-Family | R-5B | TN |
| <i>Surrounding Properties</i> | | | |
| North | Single-Family | R-5 | TN |
| South | Multi-Family | R-7 | TN |
| East | Single-Family | R-5 | TN |
| West | Single-Family | R-5B | TN |

PREVIOUS AND ASSOCIATED CASES ON SITE

Staff found no associated cases on-site.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised April 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR SIDEWALK WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the neighborhood is developed and a large portion of homes that do not currently have sidewalks on this side of the street contain landscaping, mature trees, fences, and walks in front yards near the R/W and pavement.

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

STAFF: The proposed waiver of the sidewalk does not violate specific guidelines of Cornerstone 2020 as 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. The sidewalk network does not exist on this side of the street beginning at 1444 Goddard Avenue and continuing to its intersection with Barrett Avenue. The width of the roadway pavement in relation to property lines and existing structures prevents a completed sidewalk. Additionally, mature trees and man-made improvements at or near the roadway pavement hinders sidewalk improvements.

- (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 construction of the sidewalk would require additional dedication to right-of-way or the granting of a sidewalk easement along the property which would reduce the buildable area of the lot and create the need for dimensional variances.

- (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 proposed development meets all other zoning and form district regulations of the Land Development Code and construction of sidewalks only abutting this site would not improve the existing conditions of the pedestrian network along Goddard Avenue.

TECHNICAL REVIEW

The street frontage along this site has restricted parking. The applicant will need to work to resolve this issue prior to building permit approval by requesting the removal of this restriction or providing adequate off-street parking facilities. Transportation Planning staff has been involved on this project and has no concerns with the granting of the sidewalk waiver due to existing conditions and future demand.

The site visually contains a steep slope, but LOJIC does not label the site as having slopes greater than 20% defined as "steep" by the Land Development Code. Lots containing areas that meet the LDC definition of

“steep slopes” that were created prior to the effective date of the regulation contained in LDC 4.7.5 would be required to demonstrate that the development is appropriate and considers the potential risks associated with development of steep slopes. Lots created after the effective date of the regulation would be required to submit a geotechnical report.

STAFF CONCLUSIONS

The Sidewalk Waiver appears to be adequately justified and meets the standard of review 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 a Sidewalk Waiver.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Sidewalk Waiver to omit the sidewalk requirement along the frontage at 1404 Goddard Avenue.

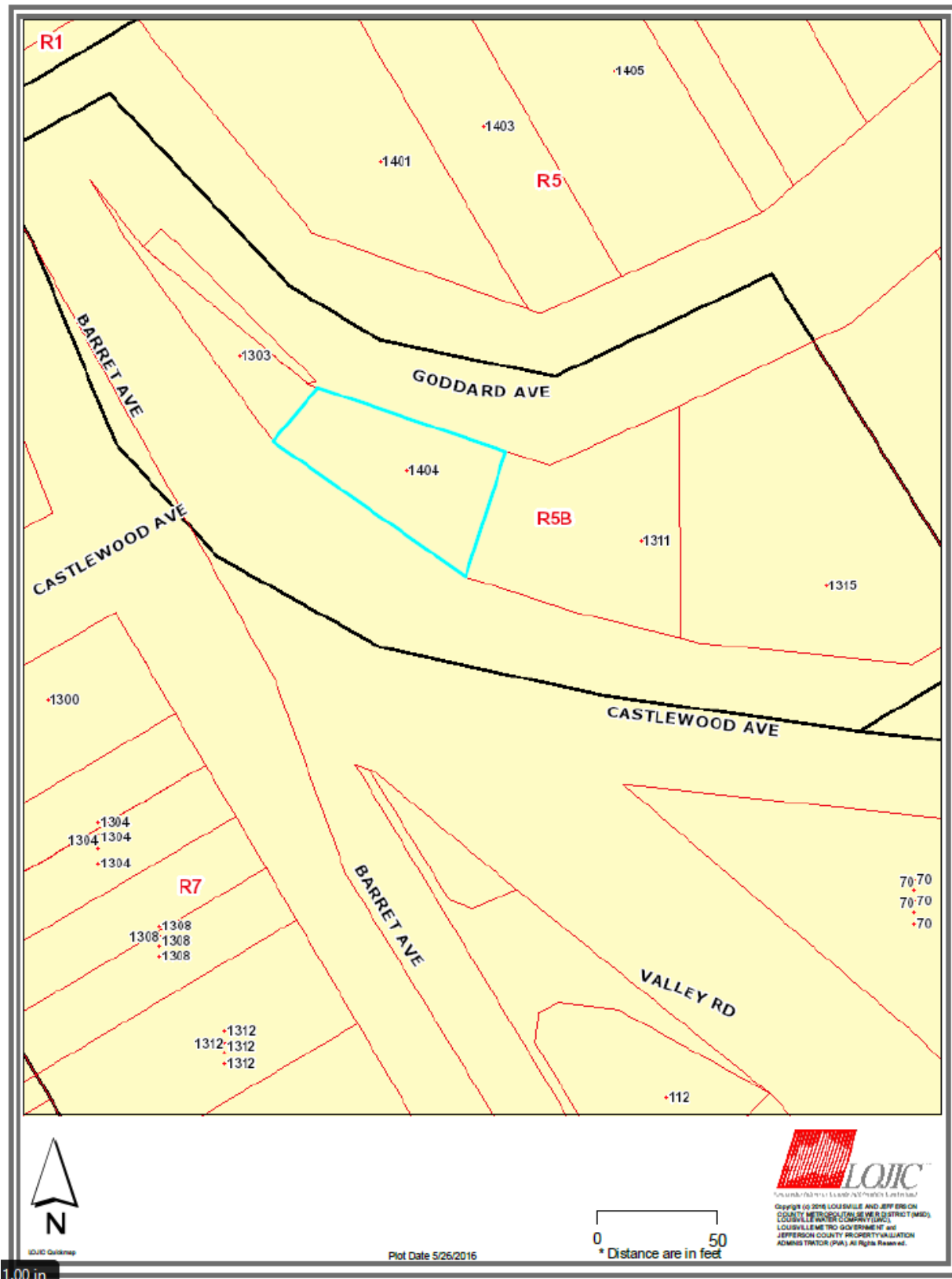
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|-------------------|--|
| 5/23/16 | DRC | Adjoining property owners, applicant, owner, and registered users of Council District 1. |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph



