

# Development Review Committee

## Staff Report

October 17, 2018



|                          |   |
|--------------------------|---|
| <b>Case No:</b>          | 18WAIVER1021  |
| <b>Project Name:</b>     | W Orell Road Driveways                                |
| <b>Location:</b>         | 7118, 7200, 7204 & 7206 W Orell Road                  |
| <b>Owner(s):</b>         | SKAP LLC, Ken Thieneman Builder Inc., Patricia Gibson |
| <b>Applicant:</b>        | TSB Development                                       |
| <b>Jurisdiction:</b>     | Louisville Metro                                      |
| <b>Council District:</b> | 14 – Cindi Fowler                                     |
| <b>Case Manager:</b>     | Dante St. Germain, Planner II                         |

### REQUEST

- **Waiver** from Land Development Code section 7.8.60.B.4 to allow direct access to a collector-level roadway from single family lots.

### CASE SUMMARY/BACKGROUND

The subject properties are located on W Orell Road near the intersection with Lower River Road. The properties were rezoned in 2007 under docket 9-10-07, from R-4 Single Family Residential to R-5A Multi Family Residential, for a multi-family development of approximately 35 acres. This development was not realized, and subsequent to the rezoning several parcels have been subdivided by minor plat from the larger parcel for single-family residential use. The subject parcels were subdivided in 2015 under case number 14MINORPLAT1099.

There was no request with the minor plat to obtain single-lot access to W Orell Road, a collector-class street. The applicant now requests a waiver for this access.

### STAFF FINDING

Staff finds that the requested waiver is adequately justified and meets the standard of review. 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 established in the LDC.

### TECHNICAL REVIEW

Transportation Planning has reviewed the plan and requests that the waiver be denied, with the lots accessing W Orell Road from shared access driveways.

### INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 7.8.60.B.4**

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

STAFF: The waiver will not adversely affect adjacent property owners as most of the lots that have been subdivided from the principal lot for single-family use have received waivers for independent access to W Orell Road.

- (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. This guideline is not violated because many of the lots fronting on W Orell Road have individual driveway access. The subject properties are located in the Neighborhood form and constitute low-density single-family uses.

- (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 requirement for shared access is impeding the development of the subject properties.

- (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 may deprive the applicant of the reasonable use of the land as shared access to W Orell Road is impeding development of the lots.

## **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver**

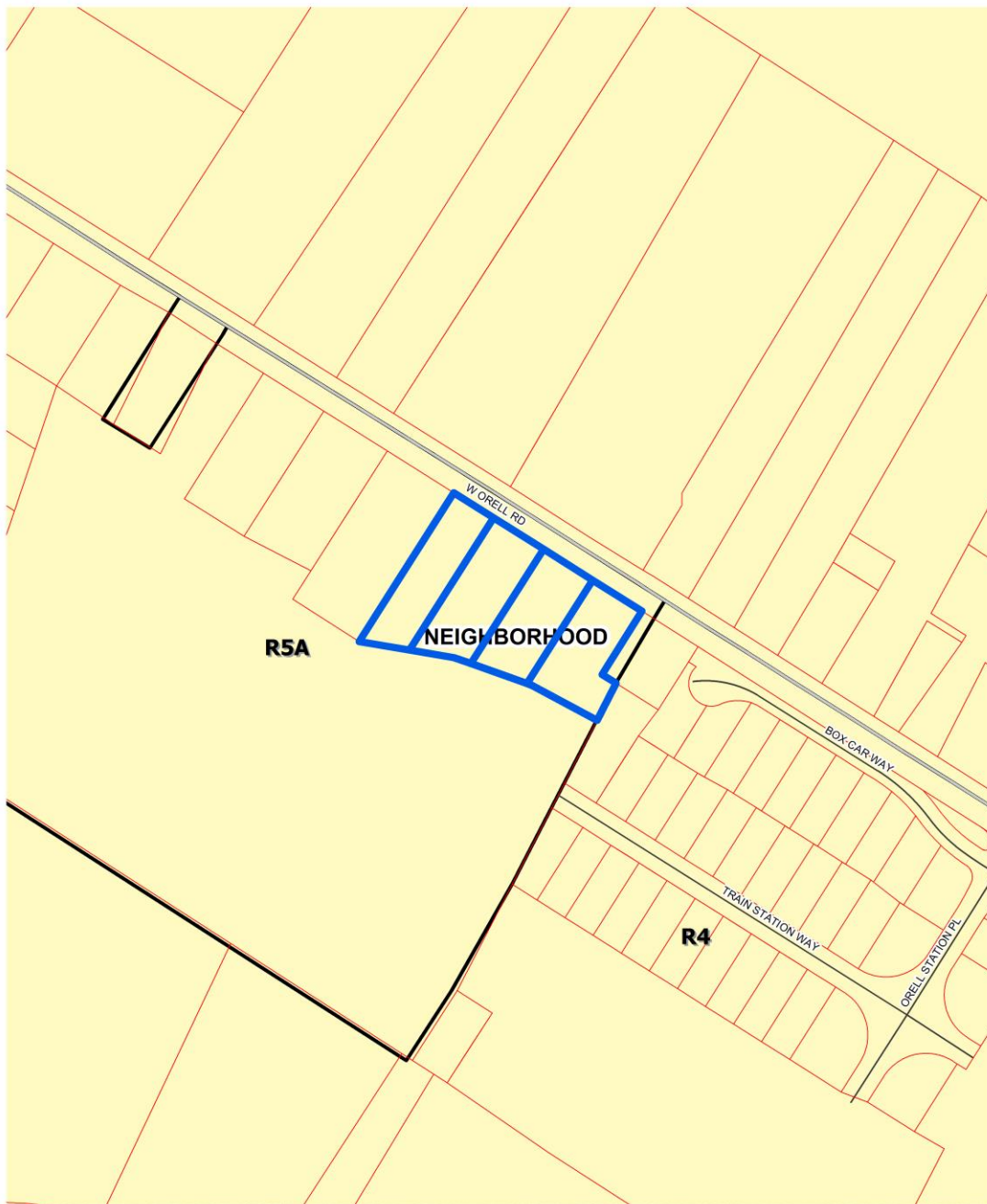
## **NOTIFICATION**

| Date       | Purpose of Notice                              | Recipients  |
|------------|--|---|
| 10/01/2018 | Development Review Committee<br>Public Meeting | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 14 |

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



7118, 7200, 7204, 7206 W Orell Rd

feet  
230  
Map Created: 10/9/2018



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2. Aerial Photograph



7118, 7200, 7204, 7206 W Orell Rd

feet



230

Map Created: 10/9/2018



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