

**Land Development & Transportation
Committee
Staff Report
January 27, 2022**



Case No:	21-RSUB-0012
Project Name:	Olmsted Place
Location:	2050 Millvale Road
Owner(s):	Olmsted Place LLC
Applicant:	Olmsted Place LLC
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Dante St. Germain, AICP, Planner II

REQUESTS

- **Waiver** from 7.3.30.B to allow lots for detached houses to not abut public streets (22-WAIVER-0002)
- **Revised Major Preliminary Subdivision** (21-RSUB-0012)

CASE SUMMARY/BACKGROUND

The applicant proposes a new 6-lot subdivision with one open space lot. Big Run crosses the south-eastern portion of the site, running through an area of steep slopes. The site is zoned R-4, single-family residential and located along Millvale Road approximately 0.6 miles north of the intersection of Taylorsville and Bardstown Road near Cherokee Park. Land disturbance of slopes greater than 30% is occurring on the west side of proposed roadway 'A' and in the northwest area of lot 4 for the placement of sanitary sewer and drainage. This land disturbance was previously approved under docket 20-MSUB-0007. Connectivity is provided to the adjacent rehabilitation facility.

Docket 20-MSUB-0007 proposed that the streets in the subdivision be public streets. The applicant now proposes private streets. LDC section 7.3.30.B requires all lots for detached houses in a major subdivision to abut public streets. The applicant therefore requests a waiver from this provision. Section 6.2.1.D requires the applicant obtain approval for the private streets from the Directors of Works and Planning. This approval has been provided.

STAFF FINDING

Staff finds that the proposed subdivision generally meets the requirements of the Land Development Code, with the exception of the requested waiver. Staff finds that the requested waiver is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Land Development Code (2022) Louisville Metro

Plan 2040

The plan has received preliminary approval from all applicable agencies.

INTERESTED PARTY COMMENTS

One interested party comment was received by staff requesting additional information about the subdivision request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 7.3.30.D

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

STAFF: The waiver will not adversely affect adjacent property owners as the most affected property owner will be provided with a private access easement through the private roads.

(b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as Plan 2040 guidelines encourage connectivity, which is being provided to the adjacent rehabilitation facility.

(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 applicant has been unable to obtain agreement from an adjacent property owner to create public right-of-way across a shared bridge. The applicant did originally propose public streets.

(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: 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 by preventing the applicant from subdividing a large parcel.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised Major Preliminary Subdivision**

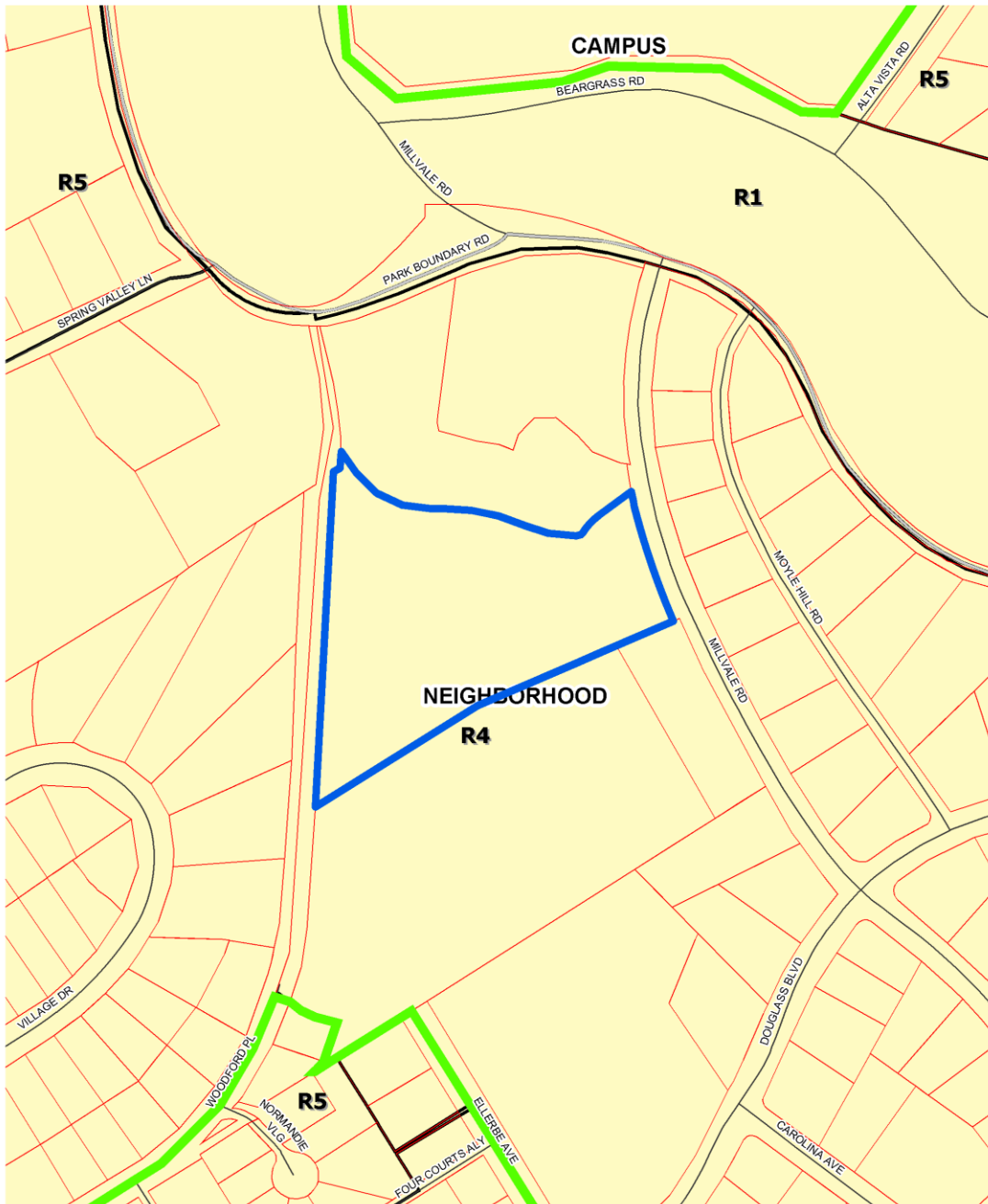
NOTIFICATION

Date	Purpose of Notice	Recipients
01/13/2022	PC Public Hearing	1 st tier adjoining property owners & current residents Registered Neighborhood Groups in Council District 8 Persons who signed in at the neighborhood meeting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. Zoning Map



2050 Millvale Road

feet



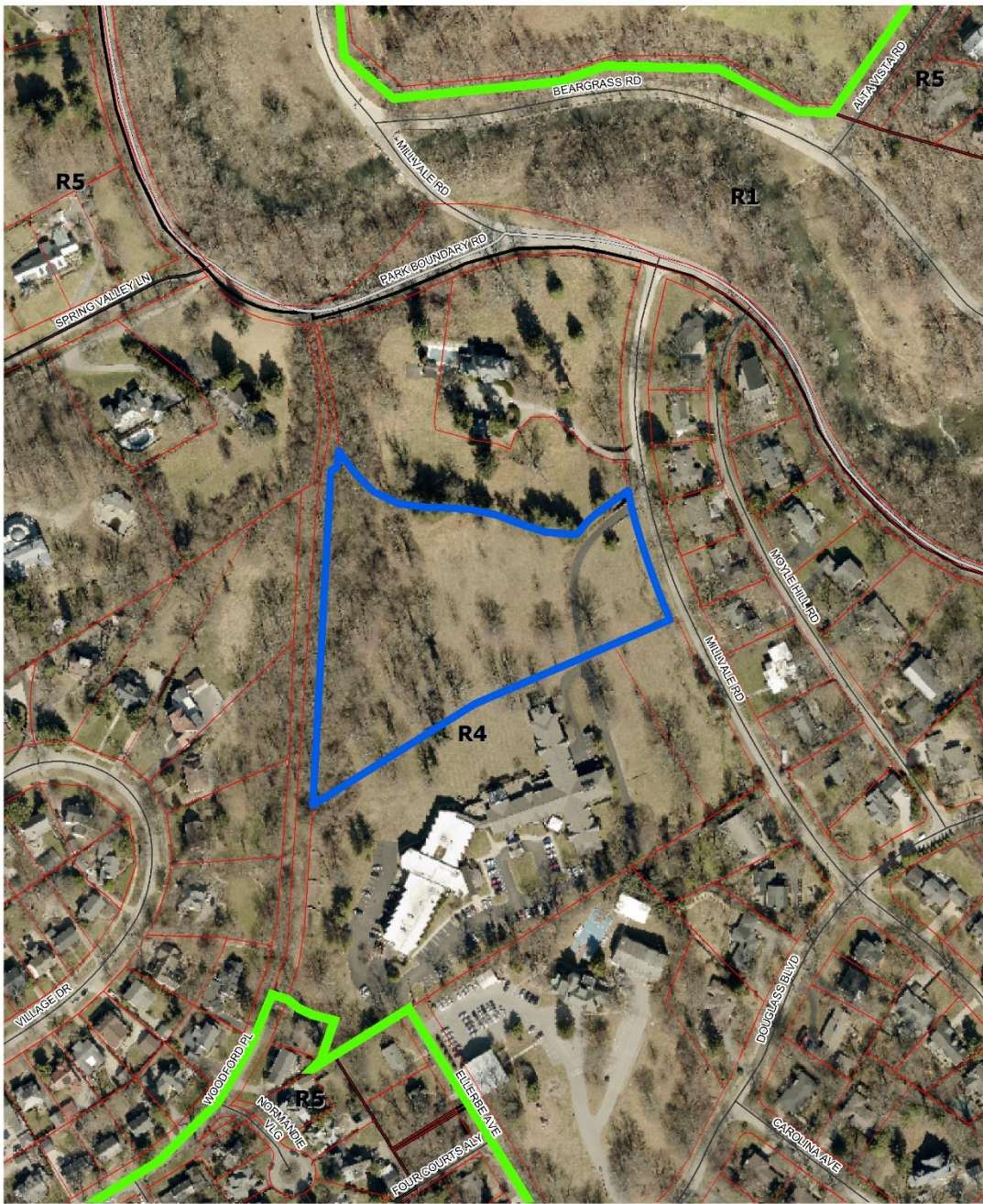
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Map Created: 1/19/2022



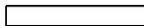
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2. Aerial Photograph



2050 Millvale Road

feet



230

Map Created: 1/19/2022



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3. Proposed Conditions of Approval

1. The development shall be in accordance with the approved Residential Development Preliminary Plan. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission.
2. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.
3. A note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected prior to any grading or construction activities - preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the dripline of the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
4. All street signs shall be installed by the Developer, and shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. Street signs shall be installed prior to the recording of the subdivision record plat or occupancy of the first residence on the street, and shall be in place at the time of any required bond release. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
5. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity. A note to this effect shall be placed on the record plat.
6. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots ensuring prevention of mosquito breeding, until such time as the drainage bond is released.
7. After release of the drainage bond, mosquito abatement on open space lots shall be the responsibility of the Homeowners Association. Accumulations of water in which mosquito larvae breed or have the potential to breed are required to be treated with a mosquito larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
8. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.
9. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
10. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.

- a. Articles of Incorporation filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by Counsel to the Planning Commission addressing responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
 12. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
 13. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
 14. Building envelopes and limits of disturbance shall be substantially similar to those shown on the preliminary plan and must be shown and recorded on the record subdivision plat.
 15. Prior to the recording of the Record Subdivision Plat, Louisville Metro Public Works may require a bond be posted with Develop Louisville as part of Transportation Planning review in an amount not to exceed \$300,000, based on the structural evaluation of the bridge during the rehabilitation work and recommended in the letter provided by Al S. Bozich and dated May 27, 2020 for the future bridge maintenance and repairs. Funds will remain available for future bridge maintenance, and any funds remaining after repair will be released.
 16. All property owners within 500 feet of a proposed blasting location shall be notified 30 days before any blasting operations occur, and be offered pre- and post-blast surveys. Any blast surveys shall be done in a manner consistent with Kentucky Blasting Regulations.
 17. A bond in the amount of \$11,600 shall be posted by the developer to Transportation Planning prior to recording of the major subdivision plat for any future maintenance to the private road in case the HOA fails to fulfill their maintenance obligation. The bond shall remain in place until the road is dedicated as a public right-of-way.