

Land Development & Transportation Committee

Staff Report

July 9, 2020



Case No:	20-DDP-0011 & 20-RSUB-0002
Project Name:	The Woods of Farnsley Moorman
Location:	6700 Woods Mill Drive
Owner(s):	Matthew Corcoran, Corcoran Home Building & Remodeling
Applicant:	Matthew Corcoran, Corcoran Home Building & Remodeling
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS

1. **Waiver** of Land Development Code 7.3.30.E to permit more than 15% of a rear yard to occupy a drainage easement (20-WAIVER-0028)
2. **Revised Detailed District Development Plan**
3. **Revised Preliminary Subdivision Plan**

CASE SUMMARY/BACKGROUND

The subject site is zoned PRD Planned Residential Development in the Neighborhood form district. The subdivision in its totality is 13.2 acres with frontage on Moorman Road and Tierney Ave in Southwestern Louisville Metro, west of Dixie Highway and South of Greenbelt Highway/Gene Snyder/Interstate-265. The subject site is located in the Pleasure Ridge Park neighborhood of Louisville Metro.

The subject site is partially developed as shown on the previously approved plan, 18DEVPLAN1193, with forty-two (42) single family homes/lots. The applicant is requesting a change in lot lines for the remaining vacant lots, resulting in the total number of lots being reduced from 81 lots to 80. The total open space is being reduced from 134,518 square feet to 93,943 square feet and the total provided parking is increasing from 225 spaces to 240 spaces.

Previous cases:

- 18DEVPLAN1193: Revised District Development Plan for an eighty-one (81) lot, single family residential subdivision
- 16ZONE1053: Change in zoning from R-5A Multi-family Residential to PRD Planned Residential Development with a detailed district development plan for eighty-two (82) townhouse style units and an alternative housing style waiver
- 9-45-01: Change in zoning from R-4 to R-5 and R-5A for single-family subdivision and multi-family development

STAFF FINDING

The Detailed District Development Plan, Revised Preliminary Subdivision Plan and waiver requests are adequately justified and meet the standard of review.

TECHNICAL REVIEW

There are no outstanding technical issues concerning this request.

INTERESTED PARTY COMMENTS

Staff received a phone call from a neighbor in the Farnsley Moorman subdivision on March 16, 2020, requesting more information about the location of the proposal, and what is being proposed. Staff received an email on June 23, 2020 from a nearby resident on North Drive requesting a copy of the proposed plan; this email is included with the case file.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF SECTION 7.3.30.E TO PERMIT MORE THAN 15% OF A REAR YARD TO OCCUPY A DRAINAGE EASEMENT

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

STAFF: The waiver will not adversely affect adjacent property owners as the rear yards overlap with easements that will only affect the property owners of the new lots.

- (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 does not address drainage easements, and addresses yard requirements only as buffers between incompatible uses. The adjacent uses are not incompatible with the proposed use.

- (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 overlap is made necessary by a easements to the rear of the new lots, which is the appropriate place for easements.

- (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 the land or would create an unnecessary hardship on the applicant by requiring the applicant to move the easement or extend the rear yards, either of which would reduce the usability of the property.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: No changes to the site layout are proposed with this request. There do not appear to be any natural resources on the site, which is already partially developed.

- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: There are no changes to existing vehicular or pedestrian circulation in and around the subject site associated with this request.

- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The total open space is being reduced from 134,518 square feet to 93,943 with the currently proposed plan. The required amount of open space is 74,641 square feet, so the current proposal meets the LDC requirement.

- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The subject site is already partially developed, and MSD has provided preliminary plan approval. New building permits for the proposed structures will be obtained. MSD reviews all building permits.

- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The currently proposed plan is very similar to the approved plan, 18DEVPLAN1193. The total number of proposed lots is reduced from 81 lots to 80, the total open space is reduced from 134,518 square feet to 93,943 square feet and the total provided parking is increasing from 225 spaces to 240 spaces. The overall site design is essentially the same as the currently approved plan.

- (f) Conformance of the development plan with Plan 2040 and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of Plan 2040 and to requirements of the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan**
- **APPROVE** or **DENY** the **Revised Preliminary Subdivision Plan**

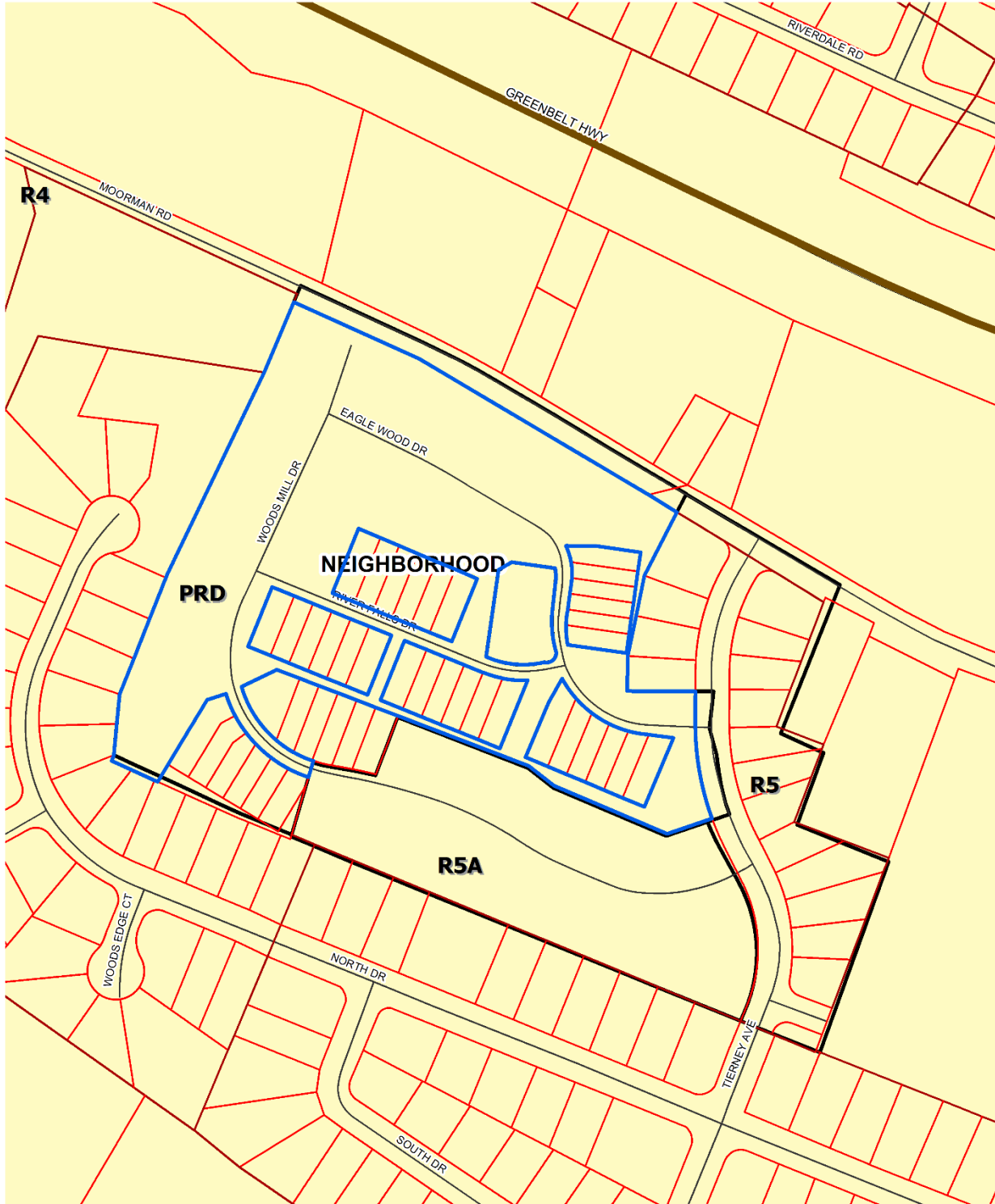
NOTIFICATION

Date	Purpose of Notice	Recipients
7-9-2020	Hearing before LD&T	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 1

ATTACHMENTS

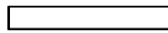
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements

1. Zoning Map



6700 WOODS MILL DRIVE

feet



230

Map Created: 6/23/2020



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2. Aerial Photograph



6700 WOODS MILL DRIVE

feet



380

Map Created: 6/23/2020



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3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. There shall be no direct vehicular access to Moorman Drive.
3. No outdoor advertising signs, small free-standing signs, pennants, balloons, or banners shall be permitted on the site.
4. There shall be no outdoor storage on the site.
5. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site.
6. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a permit for building or any clearing/grading activities. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - c. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits, except that grading/clearing and foundation only permits may be issued to ensure the accuracy of property lines as they relate to common side walls for residential units.
8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line or permitted on the site.
10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and

developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

11. If work is required within the easements causing removal or damage of landscaped materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.

12. The site shall be developed in accordance with the tree preservation areas delineated on the tree preservation/landscaping plan. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

13. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat.

- a. Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified in the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of preliminary plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved preliminary subdivision plan.

14. 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, TCPAs 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.

15. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirements.

16. Moorman Road pavement width shall be widened to 12 feet from center adjacent to the subject property, and a 6-8 foot earthen shoulder shall be constructed along the frontage of the subject property, as required by the Director of Metro Public Works. These improvements shall be completed prior to requesting a certificate of occupancy for any structure on the subject property.