

Development Review Committee

Staff Report

May 11, 2022



Case No:	22-AMEND-0004
Project Name:	Proposed Garage Addition
Location:	3025 Long Creek Way
Owner(s):	Charles Booth
Applicant:	Cardinal Surveying
Jurisdiction:	Louisville Metro
Council District:	19 – Anthony Piagentini
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- Amendment to Binding Element/Condition of Approval

CASE SUMMARY/BACKGROUND

The applicant is proposing to build a detached 4 car garage on a lot with an existing 2 story single family home with an attached garage. The site is zoned R-4 in the Neighborhood Form District. The proposed garage is encroaching in the recorded 150 ft rear build limit line that is related to the conditions of approval that are associated with the previously approved major preliminary subdivision plan known as Lake Forest. The subject site is known as lot 5604 on the previously approved plan even though the most recent recorded record plat under plat book 51, page 81 shows it as lot 5606. The proposed garage will be encroaching in the 150 ft rear build limit line by 424.2 square feet. The applicant wants to amend the condition of approval to allow the construction of the proposed garage. The related condition of approval reads as the following:

Condition #8: Lots 5604 and 5605 shall show a slope easement (no construction) for the portion of those lots within 100 feet of the nearest Floyds Fork bank and (b) a rear building limit line prohibiting structures and impervious surfaces 150 feet on each lot from the nearest Floyds Fork bank. Any replat of those lots shall reflect the same easement and build limit line.

Related Cases:

- 10-27-89: A major preliminary subdivision plan to create 214 buildable lots on 132.4 acres in the R-4 zoning district.

STAFF FINDING

Staff finds that the request is adequately justified and meets the standard of review. The proposed garage will be outside of the steep slopes, flood plain and stream buffer for Floyds Fork.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request

INTERESTED PARTY COMMENTS

Staff received letters of support of the proposal from the neighboring residents at 3026 Long Creek Way and 3021 Long Creek Way

STANDARD OF REVIEW AND STAFF ANALYSIS FOR AMENDMENT TO BINDING ELEMENTS/CONDITIONS OF APPROVAL

- 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: The proposed garage is being placed outside of the steep slope easement, the flood plain, and the protected waterway boundary. The garage is also being placed on an already cleared area of the lot.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community:

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community have been provided, and Metro Public Works has approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.

- 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 Metropolitan Sewer District will review the construction plans and will ensure 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.

- 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 overall site design and land uses are compatible with the existing and future development of the area. Buildings and parking lots will meet all required LDC setbacks.

- f. Conformance of the development plan with the Comprehensive Plan 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 the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **AMENDMENT TO BINDING ELEMENT/CONDITIONS OF APPROVAL**

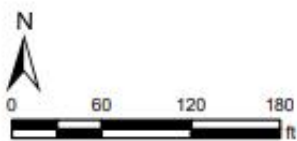
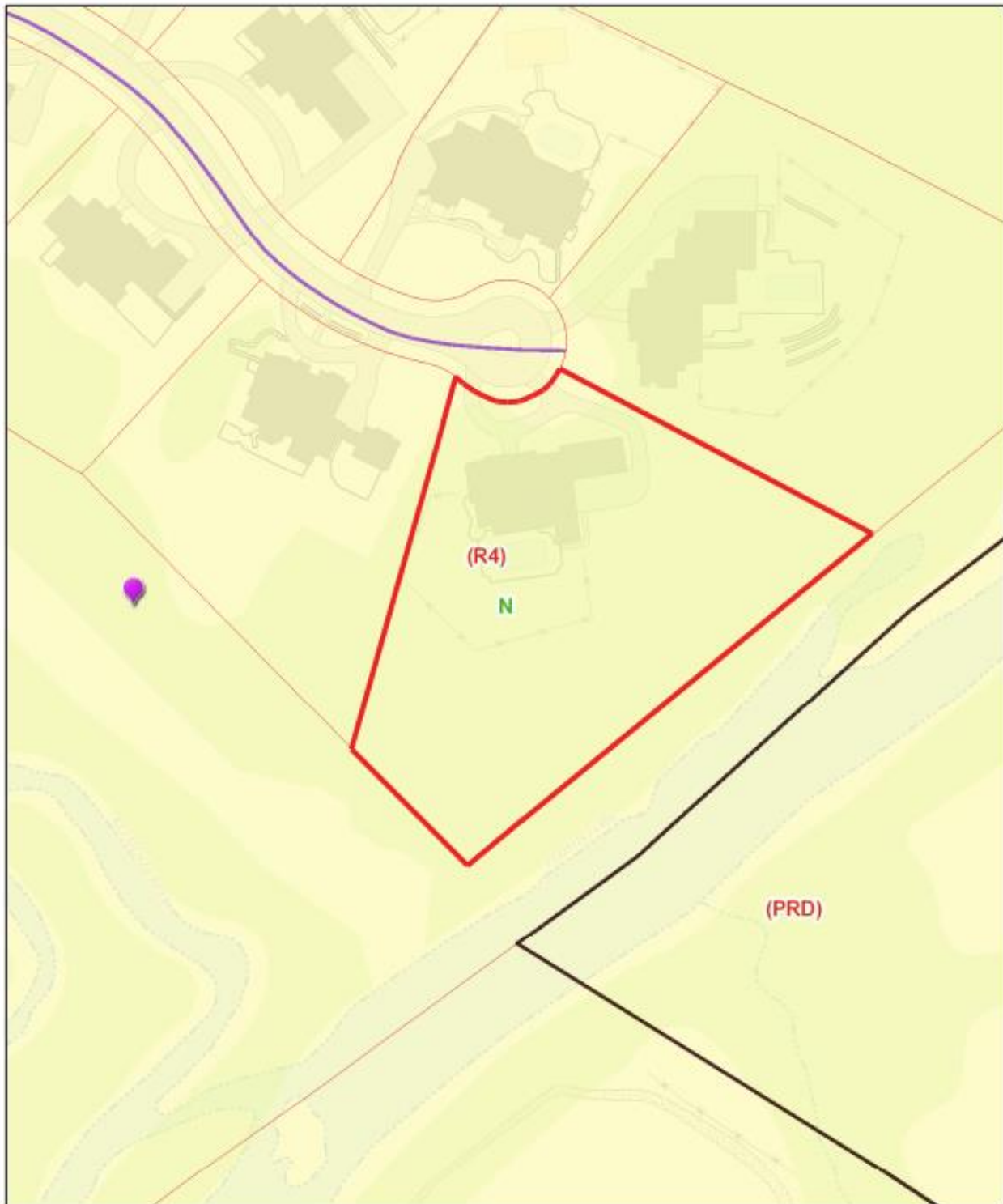
NOTIFICATION

Date	Purpose of Notice	Recipients
04-29-22	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval with proposed changes.

1. Zoning Map



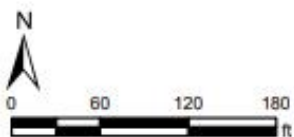
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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



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3. Existing Binding Elements/Conditions of Approval 10-27-89 With Proposed Changes

1. 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."
2. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and USDA Soil Conservation Service recommendations. A copy of the approved plan shall be submitted to the Planning Commission prior to recording the plat.
3. New Median construction shall be designed for sight distance to comply with all Works Department requirements. Existing medians within Lake Forest shall be reconstructed for adequate sight distance as determined by the Works Department and according to the schedule set forth in a letter from Dale Hettinger to Richard K. Johnson dated September 17, 1993.
4. For lots 3988, 3989, 3970, 3971, and 3972 located on Champion Lakes Place, the 630 elevation contour line shall be used as the building limit line. Measures to avoid stream relocation of the Floyds Fork tributary located in the rear of these lots are strongly encouraged; decks extending beyond the 630 elevation contour line shall be permitted.
5. Lots 3941, 3942, and 3943 shall show slope easements (no construction activity) on each lot 40 feet from the rear property lines. Lot 3944 shall show a slope easement (no construction activity) 30 feet from the rear property lines.
6. Lot 3945, 3946, 3947 shall not be re-platted with the closest lot line near Floyds Fork or a tributary thereof than as currently shown.
7. The rear building limit line of lots 3938 and 3916 shall not extend east of the 670 contour, and such lots shall not be replatted with a rear building limit line streamward of such 670 foot contour.
8. Lots ~~5604~~ **5606** and 5605 shall show a slope easement (no construction) for the portion of those lots within 100 feet of the nearest Floyds Fork bank; and (b) a rear building limit line prohibiting structures and impervious surfaces 150 feet on each lot from the nearest Floyds Fork bank. Any replat of those lots shall reflect the same easement and building limit line. **Any encroachment of these easements or re plat of those lots shall reflect the same easements and build limit lines as described above unless modified by the Planning Commission**
9. Slope easements in the above conditions of approval shall run to the benefit of, and be enforceable by the Louisville & Jefferson County Planning Commission, and NTS/Lake Forest Residential Corporation or Floyds Fork Investment Company or an assignee thereof.
10. The site shall be developed in accordance with the woodland protection area as delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
11. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel.
12. All plans setting out woodland protection areas must contain the following notes:
 - i. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall be permanently preserved. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. NO further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs 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.
13. A bicycle and pedestrian path shall be constructed by the developer within the 20 foot bike and pedestrian easement connecting Crystal Springs Way and Highland Springs Place. The width and

construction material of the bicycle and pedestrian path shall be consistent with that of the sidewalks in the subdivision.