

Development Review Committee

Staff Report

June 3, 2015



Case No:	15MINORPLAT1046 & 15MOD1009
Project Name:	Altawood Place
Location:	13415 Altawood Court
Owners:	Altawood Development, LLC
Applicant:	JAS Companies
Representative:	Jason Sams – JAS Companies
Project Area/Size:	6.1 acres.
Existing Zoning District:	R-4, Single-Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Waiver and Amendment to Conditions of Approval

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting a waiver of section 7.8.60.B.4 to allow Tracts 3 and 4 single-family direct driveway access to Rollington Road, a collector level roadway, and an amendment to the conditions of approval of case 14SUBDIV1007 to allow construction traffic for Tracts 1 and 2 access from Altawood Court. With this request, Tracts 1 and 2 would have individual driveway access to Altawood Court, a local road, and construction traffic for Tracts 3 and 4 would be limited to Rollington Road. Additionally, the applicant proposes to remove the Altawood Place private access easement. No further subdivision is proposed.

The subject site lies within the Altawood Subdivision (originally created as Woodbourne Subdivision, Section 3 in July 1913), listed on the National Register of Historic Places (May 2001). The current subdivision was granted as a revision to docket 10-17-06 by the Land Development and Transportation Committee on September 11, 2014 under docket 14SUBDIV1007.

The applicant proposes to modify condition of approval 2 (14 on docket 10-17-06), which currently states the following:

2. All construction traffic shall be limited to entering the property from Rollington Road. No construction Traffic shall use Altawood Court.

The applicant proposes the following language instead:

2. All construction traffic shall be limited on Tracts 1 and 2 to Altawood Court. All construction traffic shall be limited on Tracts 3 and 4 to Rollington Road.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-4	N
Proposed	Single Family Residential	R-4	N
Surrounding Properties			
North	Single Family Residential	R-5 and PD	N
South	Single Family Residential	R-4 and PD	N
East	Single Family Residential	PD	N
West	Single Family Residential	R-4, R-5, and PD	N

PREVIOUS CASES ON SITE

- 10-19-00 & 10-17-06: LD&T committee approved a preliminary subdivision plan for 18 buildable lots on 6.1 acres within Altawood Court neighborhood. The Altawood subdivision is listed on the National Register of Historic Places as one of the first subdivisions created in Jefferson County. There was significant opposition to the approval of the subdivision plan but the plan met all applicable Land Development Code regulations. The case was appealed to the Kentucky Court of Appeals and decision was rendered to allow plan approval on 6/16/2008.
- 12329: Extension of Expiration was granted by Planning Commission staff until June 8, 2010.
- 13833: Extension of Expiration was granted by Planning Commission staff until June 8, 2011.
- 15566: Extension of Expiration was granted by DRC and would have expired on June 8, 2012.
- 17216: Extension of Expiration was granted by DRC and would have expired on June 8, 2013.
- 18877: Extension of Expiration was granted by DRC and would have expired on June 8, 2014.
- 14EXTENSION1002: Extension of Expiration was granted by DRC and will expire on June 8, 2015.
- 14SUBDIV1007: Revised Preliminary Subdivision Plan with amendments to conditions of approval approved by LD&T on September 11, 2014.

INTERESTED PARTY COMMENTS

Staff received an e-mail from Paula Aroh with Neighbors for Area Preservation (NAP) and an Altawood Resident. In this e-mail, Paula Aroh expressed concerns with respect to construction traffic using Altawood Court due to the narrowness of the road and historic entryway which was recently the subject of a landscape truck accident.

Staff received a phone call from Ann Bearden, 3914 Altawood Court (adjoins the subject property), who has concerns about construction traffic using Altawood Court, the potential for damage to the historic entryway, and has questions about the orientation of the proposed houses on the two lots with Altawood Court frontage.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR
AMENDMENTS TO 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 changes to the conditions of approval do not appear to affect the conservation of natural resources on the property.

- 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 subdivision and the community are being provided. Temporary construction traffic shall be mindful of their movement around the entrance pillars/signature entrance, as well as existing residential traffic and pedestrians.

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

STAFF: The proposed changes to the conditions of approval do not affect open space 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 proposed changes to the conditions of approval do not affect compliance with the regulations of the Metropolitan Sewer District and will ensure the provisions 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 proposed changes to the conditions of approval do not affect the compatibility of the overall site design and land use with the existing and future development of the area.

- 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 proposed changes to the conditions of approval do not affect conformance of the development plan to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC 7.8.60.B.4 & 6.1.3 TO ALLOW
SINGLE FAMILY DIRECT DRIVEWAY ACCESS TO A COLLECTOR LEVEL ROADWAY**

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

STAFF: The waiver will not adversely affect adjacent property owners as traffic on Altawood Court will be reduced to that necessary to serve two single-family lots instead of four existing lots served by a private access easement intersecting Altawood Court. Furthermore, existing lots with frontage and direct access to Rollington Road in Louisville Metro are lots of greater than 1 acre with significant distance between driveways.

- (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. The waiver will not violate specific guidelines of Cornerstone 2020 as existing lots with frontage and direct driveway access along Rollington Road in Louisville Metro have driveway openings that are spaced at substantial distances. Additionally, the frontage of Tracts 3 and 4 are of a sufficient width for future driveway access points to be spaced in compliance with those standards specified in Table 4, Section 1.3.C of the Access Management Design Standards (Land Development Code - Appendix 6A).

- (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 direct driveway access to a collector level roadway for individual single-family lots is prohibited.

- (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 as the existing single family residential lots are in a low to medium-density residential area on the outskirts of Louisville Metro and the frontage of these lots is sufficient enough to provide driveway access points at a distance that is compliant with Table 4, Section 1.3.C of the Access Management Design Standards (Land Development Code - Appendix 6A).

TECHNICAL REVIEW

Preliminary approval has been received from MSD & Worthington Fire Department. Preliminary approval has not been received for the minor subdivision plat from Transportation Planning.

STAFF CONCLUSIONS

- The proposed changes to the conditions of approval appear adequately justified based on staff analysis in the standard of review.
- The proposed waiver appears adequately justified based on staff analysis in the staff report. Residential traffic within the historic Altawood Subdivision will be reduced to levels necessary to serve two lots.

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 the Waiver and proposed amendment to the Conditions of Approval.

REQUIRED ACTION

- **APPROVE** or **DENY** the Amendment to Conditions of Approval.
- **APPROVE** or **DENY** the Waiver.

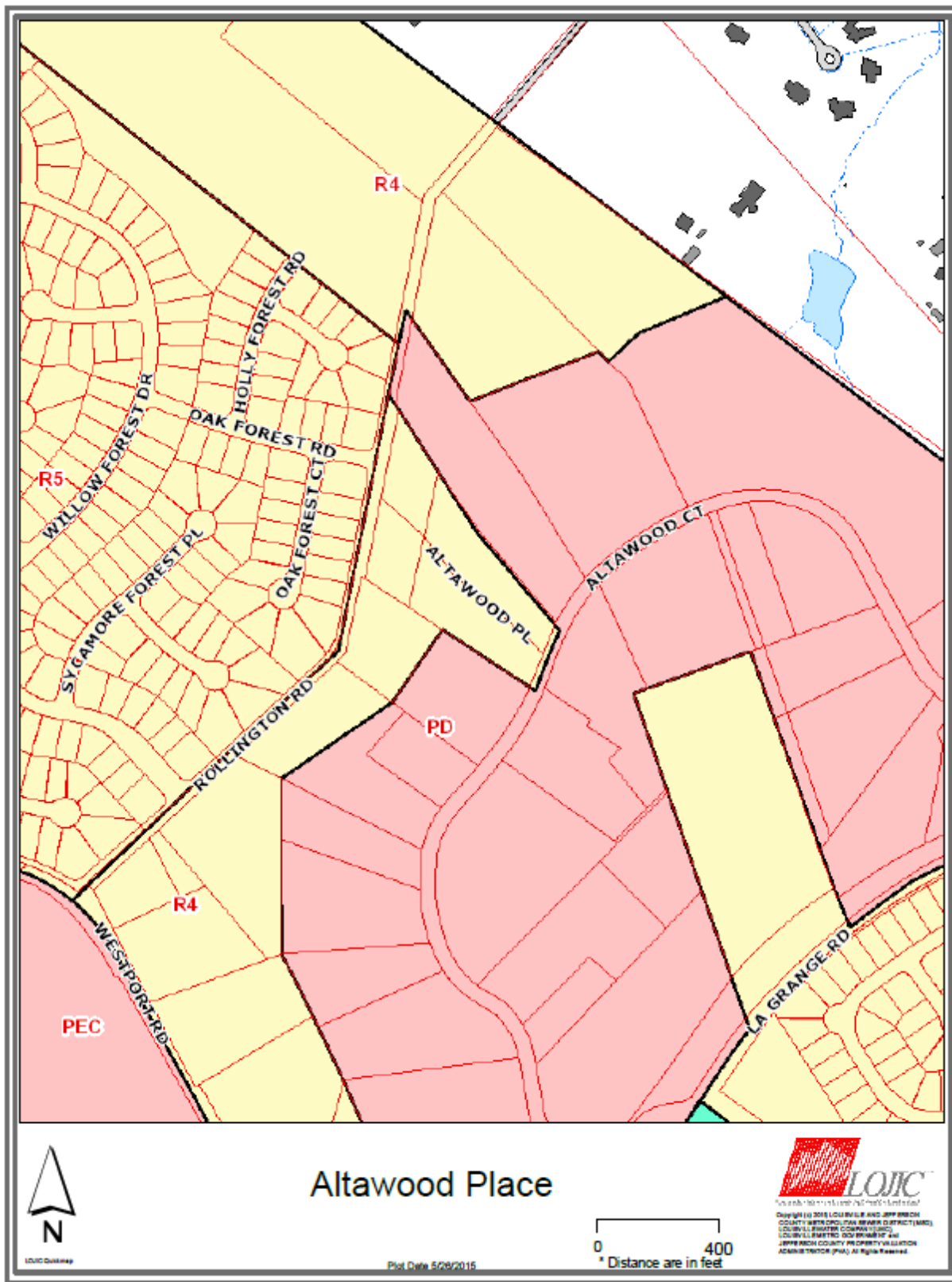
NOTIFICATION

Date	Purpose of Notice	Recipients
5/22/15	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial
3. Existing Binding Elements
4. Proposed Change to Binding Elements

1. Zoning Map



2. Aerial



3. Existing Conditions of Approval

1. The development shall be in accordance with the approved residential development for Altawood Estates to create 4 single family lots per the revised preliminary subdivision plan.
2. All construction traffic shall be limited to entering the property from Rollington Road. No construction traffic shall use Altawood Court.

4. Proposed Conditions of Approval

1. The development shall be in accordance with the approved residential development for Altawood Estates to create 4 single family lots per the revised preliminary subdivision plan.
2. All construction traffic shall be limited on Tracts 1 and 2 to Altawood Court. All construction traffic shall be limited on Tracts 3 and 4 to Rollington Road.