

Development Review Committee
Staff Report
August 31, 2016



Case No	16DEVPLAN1148
Project Name	Jefferson Park Subdivision
Location	3900 and 3901 Jefferson Park Place
Owner	CDLS Allen Partnership
Applicant	Robert Buckler
Representative	Mark Patterson
Jurisdiction	Jeffersontown
Council District	20 – Stuart Benson
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Revision of District Development Plan/Preliminary Subdivision Plan to create 11 single family lots on 3.86 acres.
Amendment to Binding Elements.

CASE SUMMARY/SITE CONTEXT

This 3.86 acre site was originally subdivided to create twelve (12) single-family residential lots. A zone change from R-4 to R-5A was obtained, followed by a minor plat which consolidated the twelve lots into two for construction of townhomes. At that time a cul-de-sac, Jefferson Park Place, was developed to provide access to the interior of the site; no further development has occurred.

The applicant proposes to revert to the original plan for development of the property, creating eleven (11) buildable lots and one (1) open space lot for single-family residential development. The existing cul-de-sac, which provides access to Watterson Trail, will serve the lots.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-5A	Neighborhood
Proposed	Single-family residential	R-5A	Neighborhood
<i>Surrounding Properties</i>			
North	Single-family residential	R-5	Neighborhood
South	Single-family residential	R-4	Neighborhood
East	Single-family residential	R-4	Neighborhood
West	Single-family residential	R-4	Neighborhood

PREVIOUS AND ASSOCIATED CASES ON SITE

- 10-23-03** Major subdivision approval to create twelve (12) lots for single-family residential development (2003).
- 9994** Zone change request from R-4 Single-Family Residential to R-5A Multi-Family Residential (approved 8/20/2008) for development of townhomes.
- 11898** Minor Plat to consolidate 12 lots into two and dedicate right-of-way for R-5 Multi-Family Residential development.

INTERESTED PARTY COMMENTS

Staff has received no formal inquiries or interested party comments at this time.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised February 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP AND AMENDMENT TO BINDING ELEMENTS

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 development does not appear to adversely impact the environment or existing natural resources. Existing trees are to remain, and all tree canopy and landscaping requirements of the Land Development Code (LDC) are being met.

The provision of safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Sidewalks are being provided along Watterson Trail and along both sides of the existing cul-de-sac, Jefferson Park Place, fronting each of the building lots. Transportation Planning has reviewed and approved the internal circulation plan and its connection to the existing public roadway network.

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

STAFF: All existing trees have been designated as Tree Canopy Protection Area (TCPA) and will be preserved. Development meets or exceeds all tree canopy and landscaping requirements of the Land Development Code (LDC).

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 has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site.

The compatibility of the land use and the overall site design, including the location of buildings, parking lots, screening and landscaping, with existing and projected future development of the area;

STAFF: The overall site design and land use is compatible with the existing and future development of the area. This R-4 proposed use is less intense than would be permitted by the existing R-5A zoning.

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 (LDC).

TECHNICAL REVIEW

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon information in the staff report and 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 a Revised Detailed District Development Plan/Preliminary Subdivision Plan.

REQUIRED ACTIONS

APPROVE or **DENY** the Revised Detailed District Development Plan/Preliminary Subdivision Plan.

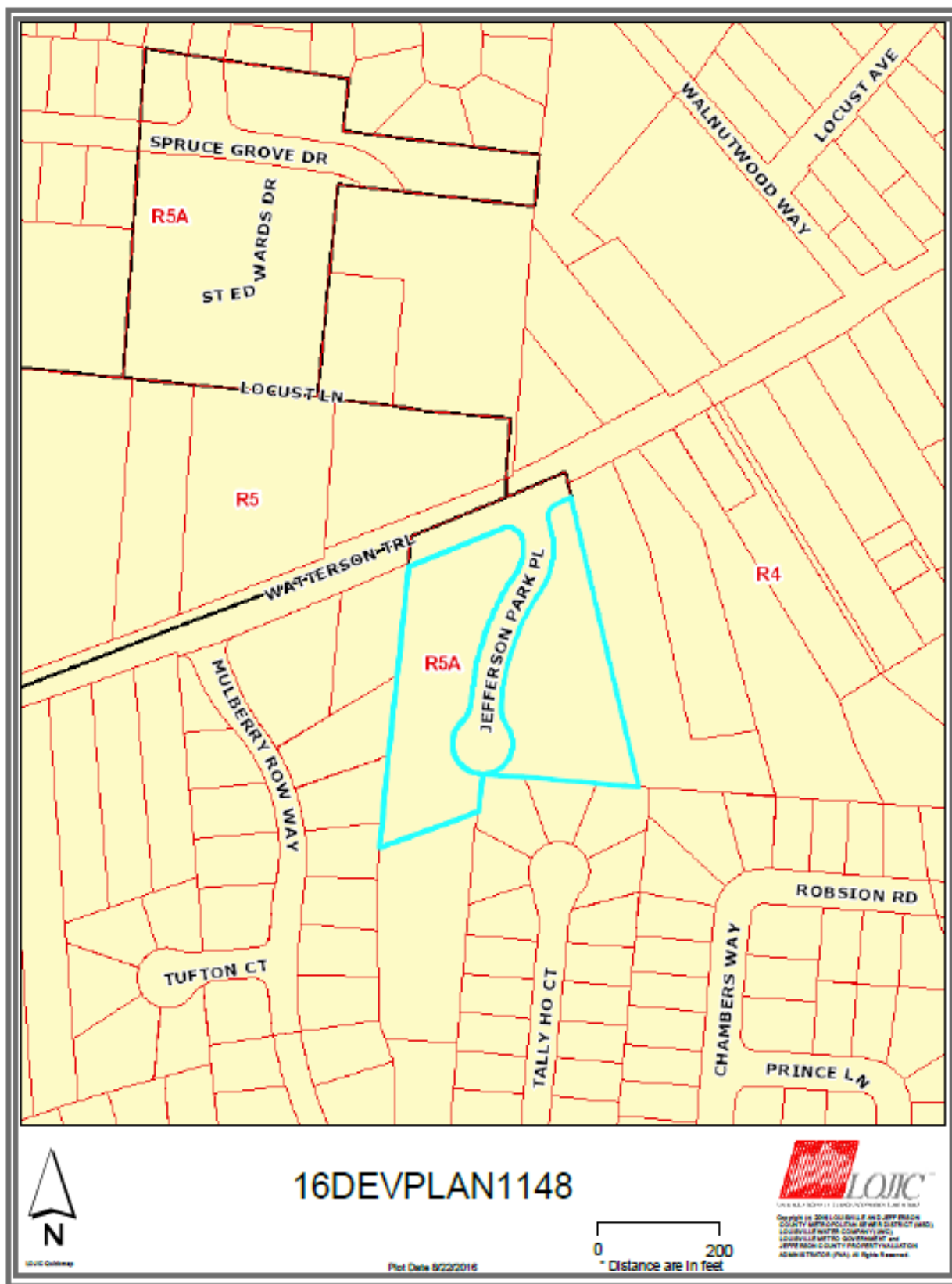
NOTIFICATION

Date	Purpose of Notice	Recipients
8/17/2016	DRC	Adjoining property owners, applicant, owner, and registered users of Council District 20.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Element Amendments

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

Case 9994 Binding Elements

1. The development shall be in accordance with the approved district development plan and binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The density of the development shall be limited to:
Lot 1: 14 units on 1.56 acres (net); 8.97 dwelling units per acre
Lot 2: 14 units on 1.43 acres (net); 9.79 dwelling units per acre
3. Signs shall be in accordance with Chapter 8 of the LDC.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
 - a. The development plan must receive full construction approval from Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
7. 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.
8. 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.
9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the (Date) Public Hearing.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the

lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

11. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan/**preliminary subdivision** plan and binding elements unless amended pursuant to the Land Development Code. **No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.** Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. ~~The density of the development shall be limited to:~~
~~Lot 1: 14 units on 1.56 acres (net); 8.97 dwelling units per acre~~
~~Lot 2: 14 units on 1.43 acres (net); 9.79 dwelling units per acre~~
2. Signs shall be in accordance with Chapter 8 of the LDC.
3. **No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.**
4. **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.**
5. **Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):**
 - a. **The development plan must receive full construction approval from Louisville Metro Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.**
 - b. **Encroachment permits must be obtained from Louisville Metro Public Works.**
 - c. **A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.**
6. **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.**

7. 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.
9. ~~The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the (Date) Public Hearing.~~
8. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. ~~Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.~~
9. 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 TCPAs etc.) and other issues required by these conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
10. 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 requirement.
11. 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.
12. 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."
13. All street signs shall be installed by the Developer, and shall conform with 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.

14. 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.
15. 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.
16. 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 larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
17. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. 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 development or preliminary subdivision plan.