

Land Development and Transportation

Staff Report

January 14, 2016



Case No:	15SUBDIV1018 & 15DEVPLAN1196
Project Name:	Cooper Farms, Section 12
Location:	6935 Franklin Farmer Way
Owners:	New Walnut Hill, LLC
Applicant:	Ball Homes, LLC – Rocco Pigneri
Representative(s):	Mindel Scott & Associates – Kathy Linares
Project Area/Size:	20.82 Acres
Existing Zoning District:	R-5, Single-Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Revised Major Preliminary Subdivision Plan** to create 53 residential lots and 2 open space lots.
- **Revised General District Development Plan** to create 53 residential lots and 2 open space lots.

CASE SUMMARY

The applicant proposes to revise Cooper Farms Subdivision, formerly Walnut Hills Subdivision, approved under Docket 10-22-96; later revised through zoning change docket 9-35-99. Within this 12th section of Cooper Farms Subdivision the applicant proposes to increase the number of residential lots from 52 to 53 lots, while also revising the layout of the two cul-de-sacs intersecting the Park Lake Drive connection and slightly increasing the amount of open space being provided. Additionally, open space Lots 499 and 502 as shown on the approved plan of docket 9-35-99/10-22-96 and walking trail exhibit of case 18745 that proposed a 4' scenic walkway across these lots is being eliminated. Pedestrian access for residents to McNeely Lake Park via the scenic walkway meandering through the subdivision will instead be provided through open space Lot 55.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single family residential	R-5	N
Proposed	Single family residential	R-5	N
Surrounding Properties			
North	Single family residential	R-4/R-5	N
South	Residential/Recreation Park	R-4/R-5	N
East	Recreation Park	R-4	N
West	Single family residential	R-5	N

PREVIOUS CASES ON SITE

- 10-22-96: Major Preliminary Subdivision Plan for Walnut Hills.
- 9-35-99: Change-in-zoning from R-4 to R-5 for Walnut Hills Subdivision, except sections 1A and 1B to remain R-4 innovative subdivision. Name change to Cooper Farms approved June 14, 2001.
- 18745: *Walking trail exhibit* provided as part of Revised Major Preliminary Subdivision, Revised General District Development Plan, and Amendment to Binding Elements resulting in the addition of binding element 14 to the Subdivision (Approved 5/23/15).
- 19175: Amendment to Binding Element 7 and Note 23 of the approved general plan/preliminary major subdivision plan to allow proposed sanitary sewers and forced main to be constructed within open space lots (Approved 6/5/2013).

INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised December 2015)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RGDDP and AMENDMENT TO BINDING ELEMENTS

- 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 subdivision is adjacent to a heavily wooded area of McNeely Lake Park and will be providing a 15' landscape buffer/tree canopy protection area on all residential lots abutting the park. The two open space lots, lots 54 and 55, meet minimum requirements for tree canopy protection areas (TCPA). Lot 54 will be preserving a small intermittent stream. A forced main has been constructed on site to eliminate the need for McNeely lake Wastewater Treatment Plant, thus, eliminating discharge into the lake (source: case 19175).

- 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 will be provided. Through this section of the subdivision Park Lake Drive will be connected to adjacent neighborhoods and will contain sidewalks on both sides of the street.

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

STAFF: Provisions of sufficient open space will be provided. Roughly 7 acres of open space is provided and minimum TCPA requirements are being met or exceeded.

- 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 has approved the preliminary development plan 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. A forced main has been constructed on site to eliminate the need for McNeely Lake Wastewater Treatment Plant, thus, eliminating discharge into the lake

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways.

- 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.

TECHNICAL REVIEW

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

Binding Element 14 of case 9-35-99/10-22-96, 18745, and 19175 required a one-time fee-in-lieu of \$17,000 to be paid to Louisville Metro Parks for the construction of trails in McNeely Lake Park. This fee was paid by check to Louisville Metro Parks dated 11/17/2014. Confirmation of payment is included in the file for this case as part of the official record and a minor modification to this binding element to clarify payment for future revisions in the subdivision is proposed. Binding Element 14 has been copied in full with proposed additional language in bold font below:

“Prior to the recording of the record plat for the next section within the Cooper Farms Subdivision, the developer shall pay a one-time-only fee-in-lieu to Louisville Metro Parks for the equipment and labor to build 1,700 linear feet of trails in McNeely Lake Park. The total fee-in-lieu shall be the unit cost of \$10.00 per linear foot of trail for a total of \$17,000.00 (Paid in full to the order of Louisville Metro Parks by Ball Homes, LLC with check dated 11/17/14).”

STAFF CONCLUSIONS

The Revised Major Preliminary Subdivision and Revised General District Development Plan appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

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 Revised Major Preliminary Subdivision and Revised General District Development Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Major Preliminary Subdivision and Revised General District Development Plan.

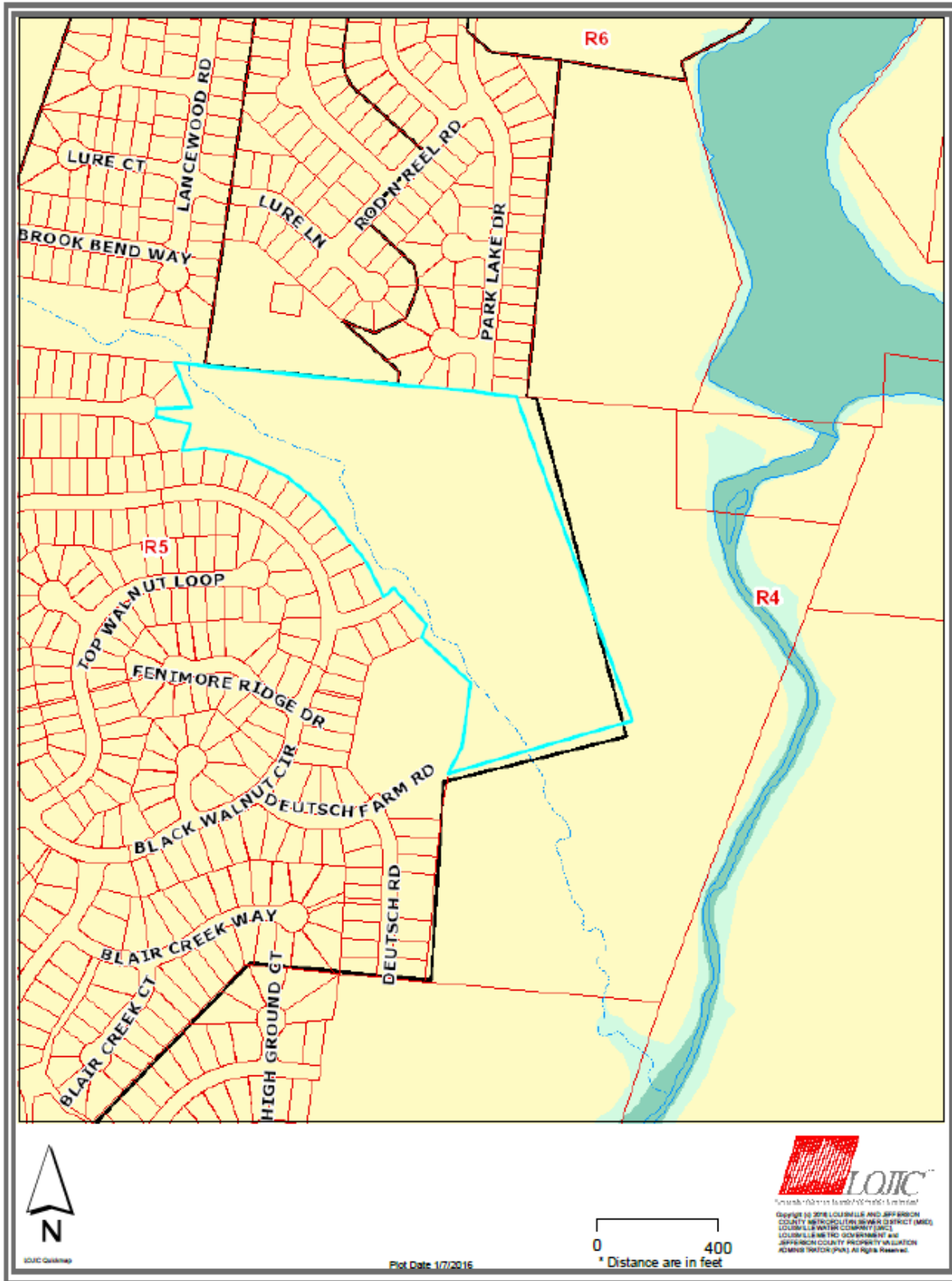
NOTIFICATION

Date	Purpose of Notice	Recipients
12/28/15	LD&T	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

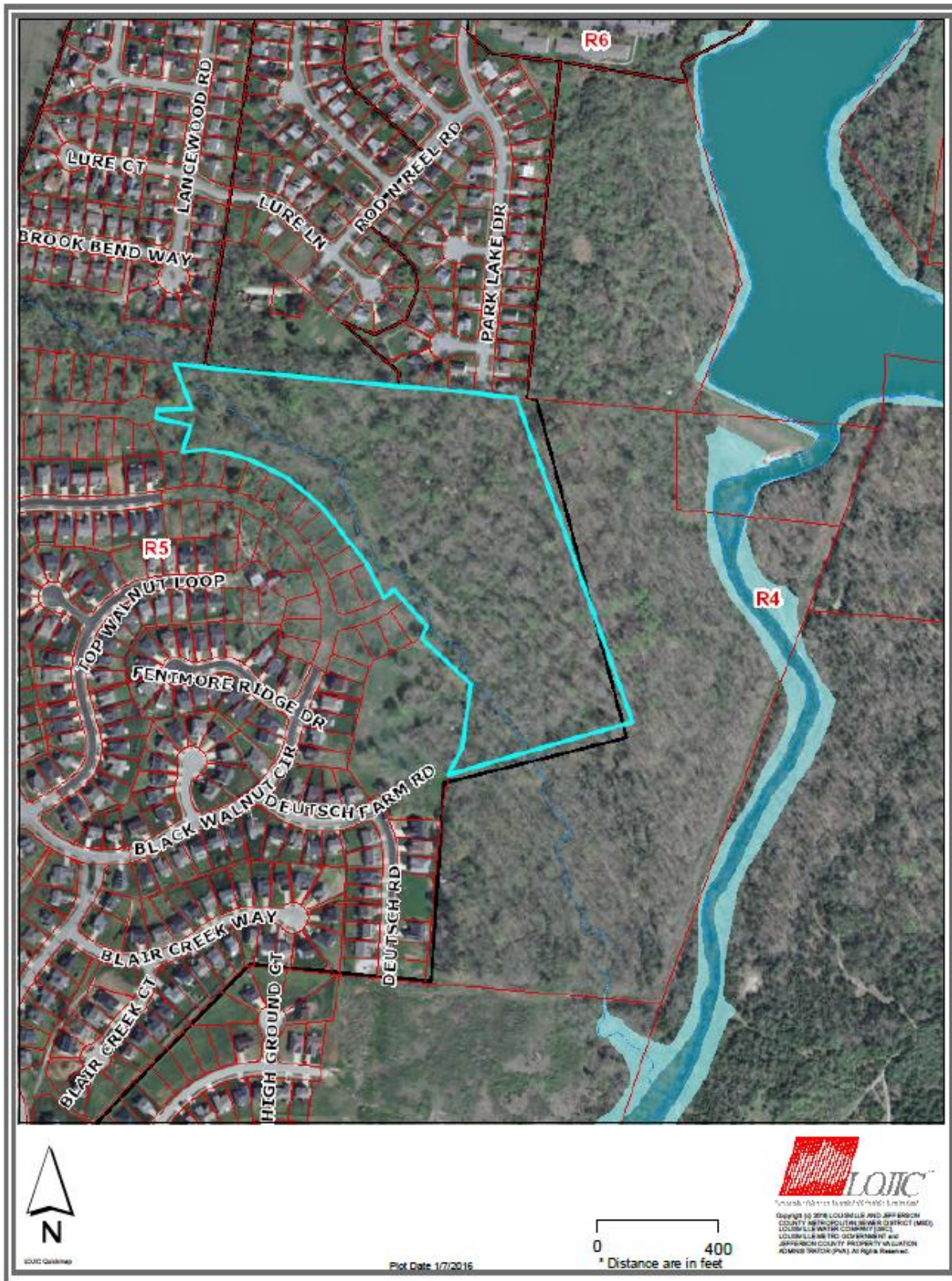
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements

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.
2. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission
3. 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.
4. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). A partial plan may be submitted to delineate clearing necessary for preliminary site investigations. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
5. 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.
6. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources Conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
7. Woodland Protection Areas (WPAs) identified on the plan represent portions of the site the developer has agreed to preserve. These are permanent tree preservation areas. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of landscape plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond that required for sanitary sewer installation, 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.
8. Dimension lines have been used on this plan to establish the general location of WPAs and represent minimum distances. The final boundary for each WPA shall be established in the field to include canopy area of all trees at or within the dimension line.

9. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet from the edge of the tree canopy and shall remain in place until all construction is completed.
10. No parking, material storage, or construction activities are permitted within the WPAs.
11. A tree-protection fence shall be installed 3-feet from the property line to protect off-site trees.
12. The developer shall be responsible for construction of a left turn lane from Mt. Washington Road into Walnut Hills as part of Section 1 B. KTC will acquire the necessary right-of-way for the offsite roadway improvements east and west of Walnut Hills and execute an agreement for the same improvements. If the right-of-way is not obtained by KTC before the recording of Section 1 B, then the developer will bond the improvements and construct them as soon as the right-of-way is obtained.
13. A detailed plan showing the proposed walking/jogging trails shall be submitted to the Division of Planning and Development Services (DPDS) prior to recording 80 percent of the lots within the development.
14. Prior to the recording of the record plat for the next section within the Cooper Farms Subdivision, the developer shall pay a one-time-only fee-in-lieu to Louisville Metro Parks for the equipment and labor to build 1,700 linear feet of trails in McNeely Lake Park. The total fee-in-lieu shall be the unit cost of \$10.00 per linear foot of trail for a total of \$17,000.00

4. Proposed Binding Element Amendment

- 14 Prior to the recording of the record plat for the next section within the Cooper Farms Subdivision, the developer shall pay a one-time-only fee-in-lieu to Louisville Metro Parks for the equipment and labor to build 1,700 linear feet of trails in McNeely Lake Park. The total fee-in-lieu shall be the unit cost of \$10.00 per linear foot of trail for a total of \$17,000.00 **(Paid in full to the order of Louisville Metro Parks by Ball Homes, LLC with check dated 11/17/14).**