

Planning Commission
Staff Report
December 6, 2018



| | |
|--------------------------|------------------------|
| Case No: | 18SUBDIV1018 |
| Project Name: | Tamarack Grove |
| Location: | 8801 R Fairmount Rd |
| Owner(s): | Bonnie White |
| Applicant: | Pulte Group |
| Jurisdiction: | Louisville Metro |
| Council District: | 22 – Robin Engel |
| Case Manager: | Jay Lockett, Planner I |

REQUEST(S)

- **Waiver** of Land Development Code section 5.8.1.B to not provide sidewalks in the Fairmount Rd right-of-way
- **Major Preliminary Subdivision (Conservation Subdivision)**

CASE SUMMARY/BACKGROUND

The applicant is proposing to develop a vacant 17.52 acre tract under the Conservation Subdivision regulations contained in Land Development Code section 7.11. The site is located near Cedar Creek Rd in southeast Louisville Metro.

STAFF FINDING

The site is currently vacant agricultural land. The eastern edge of the site borders Cedar Creek, and the site generally slopes towards the creek. Fairmount Rd formerly crossed Cedar Creek, but the bridge has been demolished and there are no current plans to construct a new connection across. The proposed subdivision does not connect to Fairmount Rd, and instead is accessed through the neighboring Creek View Estates subdivision via Tamarack Grove Ln. The sidewalk waiver request is for the existing section of Fairmount Rd. The application of the conservation subdivision regulations will allow for a more clustered development pattern, and will conserve a significant contiguous area of land as open space. The reduced lot sizes permitted by the conservation subdivision regulations allows for significantly less land to be cleared and developed, and less impervious surface to be constructed.

TECHNICAL REVIEW

The preliminary subdivision adheres to all applicable Land Development Code and Cornerstone 2020 policies.

CONSERVATION SUBDIVISION CREDIT TABLE

| | |
|--|-------------------|
| Conservation Space Required | 228,903 SF (30%) |
| Conservation Space Provided | 234,414 SF (31 %) |
| Full Credit Conservation Area | 173,447 SF |
| Half Credit Conservation Area | 117,468 SF |
| Tree Canopy Required | 152,602 SF |
| Tree Canopy Provided | 153,016 SF |
| Conventional Subdivision Lot Yield | 45 |
| Open Space Credit Lots (5%) | 4 |
| Tree Canopy Credit Lots (10%) | 0 |
| Total Buildable Lots Allowed Under 7.11 | 49 |
| Lots Requested | 45 |

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC SECTION 5.8.1.B

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

STAFF: The waiver will not adversely affect adjacent property owners, as there are currently no existing sidewalks along Fairmount Rd. It is a narrow rural road that terminates at Cedar Creek since the former bridge crossing was removed.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The Fairmount Rd right-of-way terminates at the edge of the creek, as the bridge has been removed. The proposed subdivision is not planning to utilize the narrow Fairmount Rd.

- (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 applicant will still provide sidewalks on Tamarack Grove Ln per Land Development Code Requirements.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

REQUIRED ACTIONS:

- **APPROVED** or **DENY** the **Waiver**
- **APPROVED** or **DENY** the **Major Preliminary Subdivision Plan**

NOTIFICATION

| Date | Purpose of Notice | Recipients |
|----------|------------------------------------|---|
| 11-13-18 | Hearing before Planning Commission | 1 st tier adjoining property owners Attendants of neighborhood meeting Registered Neighborhood Groups in Council District 22 |

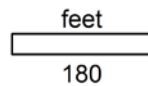
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

1. **Zoning Map**



18SUBDIV1018



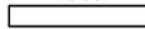
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2. **Aerial Photograph**



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feet



180



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3. Proposed Conditions of Approval

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 without approval of the Planning Commission.
2. The applicant shall submit a plan for approval by Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff if the revisions are in keeping with the intent of the approved tree preservation plan. 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.
3. 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.
4. 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."
5. 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.
6. 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.
7. 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.
8. 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 larvicide 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.
9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy

Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

10. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
 1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
12. 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.
13. Any proposed signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
14. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
15. A deed restriction in a form approved by Counsel to the Planning Commission shall permanently prohibit further subdivision or development of conservations areas.
16. The applicant shall submit a Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
17. In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.