

- Joel Warren -

# Land Development & Transportation Staff Report

December 14, 2017

"urban" [rural]

- lighting (BE down facing)

Buffering

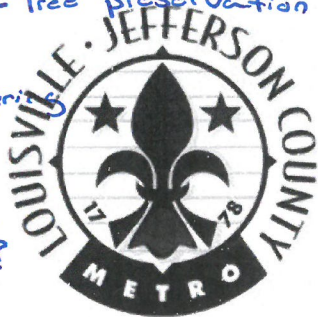
→ Non-proposed

- Traffic (cut-through)

- Tree preservation

→ 15' Buffer → see preservation 'Type C'

Agreed to buffering  
↓  
How much & where?  
↓  
Fence type



Case No:	16ZONE1052
Project Name:	The Farms at Lovers lane
Location:	6015 Lovers Lane
Owner(s):	Superior Builders, Inc.
Applicant:	Superior Builders, Inc.
Representative(s):	BlueStone Engineers, PLLC – Chris Crumpton
Project Area/Size:	9.77 acres
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Joel P. Dock, Planner I

## REQUEST(S)

- Change in zoning from R-4, Single-family Residential to R-5, Single-family Residential
- Major Preliminary Subdivision/District Development Plan

## CASE SUMMARY

The subject site is located on the East side of Lovers lane, roughly one mile East of Bardstown Road and one mile North of Interstate-265. The change-in-zoning is being requested in conjunction with a major preliminary subdivision plan for forty-four residential building lots and two open-space lots at the entrance along Lovers lane. The proposed subdivision will extend Sycamore Bend Trace from the Jefferson Trace Subdivision (PB 48, PG 5) to the right-of-way of Lovers Lane. An additional roadway connection will be provided from the proposed Farms at Lovers Lane preliminary subdivision (docket 10-14-03) to the South of the subject site and intersect with Sycamore Bend Trace before ending at a stub to the North.

## STAFF FINDING

The request is ready to be scheduled for a public hearing.

## TECHNICAL REVIEW

The subject site is located in Quadrant II: Northeastern Quadrant of the *Fern Creek Small Area Plan* which focuses on the continuation of the current pattern of residential subdivision growth and recommends that wooded areas shall be conserved to the fullest extent possible, while also restricting the area from commercial and other high intensity/density uses.

- *Guiding Principal 3.3.2* recommends a three-tiered approach to development where intensity and density of land uses decrease moving outward from the Bardstown Road and Interstate-265 interchange. The subject site is in the Tier 3 which should consist of "mostly low-density developments such as single-family residential, open-space, and agricultural land uses."
- *Transportation Recommendation 7.4.5* notes the concerns of citizens in the area related to cut-through traffic on subdivisions streets. Traffic calming devices are recommended where necessary and may include, "easy-to-install and inexpensive measures as maximum speed limit signs or turn prohibitions. Examples of more expensive traffic calming measures include chokers, chicanes, partial diverters, and street closure."



The proposed zoning district allows a slightly higher density than the surrounding properties, but overall the density requested is relatively low-density.

MSD and Transportation Planning have provided preliminary approvals for the project.

**STANDARD OF REVIEW FOR REZONINGS**

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
11/20/17	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 22 Notification of Development Proposals
	Hearing before PC	Sign Posting on property
	Hearing before PC	Legal Advertisement in the Courier-Journal

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements



1. Zoning Map



2. Aerial Photograph





### **3. Proposed Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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.
3. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter
  - 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.
  - d. A major subdivision plat creating the lots, easements, and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits
4. 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.
5. 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.
6. The site shall be developed in accordance with the tree preservation areas delineated on the tree preservation/landscaping plan. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan
7. The following note shall be provided within the deed restrictions for the subject site prior to recording of the record plat:
  - a. Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and are to be permanently protected. There shall be no disturbance or removal of any trees in the TCPAs identified on the tree preservation/landscape plan on file in the offices of the Planning Commission. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the





time of preliminary plan approval. No further clearing, grading, construction or other land disturbing activity shall take place 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. 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 preliminary subdivision plan.

8. 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 WPAs, TCPAs and other issues required by these binding elements / conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. 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.

10. MUTCD . . . .

11. Addressing . . . .

