

**Land Development & Transportation Committee
Staff Report**

December 10, 2015



Case No:	15SUBDIV1011
Request:	Conservation Subdivision for 254 lots on 74.43 acres and a Sidewalk Waiver
Project Name:	Parkside at Mt. Washington
Location:	11100, 11103, 11105 & 11107 Sentimental Lane; 7101 Mt. Washington Road and 11002 & 11002R Cedar Creek Road
Owner:	Ball Homes, LLC
Applicant:	Ball Homes LLC
Representative:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Conservation Subdivision Plan with 254 building lots on 74.43 acres
- Waiver of Section 5.8.1.B and Section 6.2.6 of the Land Development Code to omit sidewalks along a portion of Sentimental Lane

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4
Existing Form District: Neighborhood
Existing Use: Agricultural
Proposed Use: Single Family Subdivision

The proposal is for a conservation subdivision with 254 buildable lots and 6 open space lots on the 74.43 acre tract, with a gross density of 3.41 dwelling units per acre and a net density of 3.99 dwelling units per acre (4.84 dwelling units per acre are allowed in the R-4 zoning district). All 254 lots are proposed as detached single family lots.

The development proposes to dedicate 4.93 acres to Primary Conservation Area and 17.78 acres to Secondary Conservation Area. This equates to approximately 30.5 percent of conservation area (30 percent is the minimum required).

The applicant is requesting a waiver of Section 5.8.1.B and Section 6.2.6 of the Land Development Code to not construct sidewalks along Sentimental Lane at Lots 201, 253 and 260. Sentimental Lane is being relocated however the right-of-way will remain and run along the western side of these proposed lots.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Agricultural	R-4	N
Proposed	Single Family Residential	R-4	N
Surrounding Properties			
North	Single Family Residential/Park	R-4	N
South	Single Family Residential	R-4	N
East	Single Family/Commercial	R-4 & C-2	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

- 10-16-04: On July 22, 2004 a preliminary subdivision plan was approved for 208 lots on 65 acres.
- 10-9672-07: On October 16, 2007 a revised preliminary subdivision plan was approved for 208 buildable lots on 65 acres.
- 10-16011-11: An application for a conservation subdivision proposing 261 buildable lots and 6 non-buildable lots on 64.52 acres. The plan was never approved.
- 10-18528-12: An application for a conservation subdivision proposing 257 buildable lots and 6 non-buildable lots on 64.52 acres. The plan was never approved.

INTERESTED PARTY COMMENTS

Staff has not received any comments regarding this case.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

REVIEW OF TECHNICAL STANDARDS FOR CONSERVATION SUBDIVISIONS

Section	Requirement	Notes	Compliance?
7.11.6	Conservation subdivisions shall consist of at least 30 percent of the total proposed subdivision acreage for property located in the R-4 zoning district.	Primary: 4.93 acres Secondary: 17.78 acres TOTAL: 22.71 acres % of Property: 30.5%	✓

Section	Requirement	Notes	Compliance?
7.11.9, A	Density Calculation: $\text{Maximum Lots Permitted} = \frac{\text{TA-PCA-IA}}{\text{Zoning District Minimum Lot Size}}$	Total Area (TA): 74.43 acres Primary Conservation Area (PCA): 4.93 acres Infrastructure Area (IA): 11.19 acres Minimum Lot Size for R-4: 9,000 sf $\begin{array}{r} \text{Maximum} \\ \text{Lots} \\ \text{Permitted} \end{array} = \frac{(74.43 - 4.93 - 11.19) \times 9,000}{9,000}$ $\begin{array}{r} \text{Maximum} \\ \text{Lots} \\ \text{Permitted} \end{array} = \frac{(58.31) \times 9,000}{9,000}$ $\begin{array}{r} \text{Maximum} \\ \text{Lots} \\ \text{Permitted} \end{array} = \frac{2,539,983.6}{9,000}$ $\begin{array}{r} \text{Maximum} \\ \text{Lots} \\ \text{Permitted} \end{array} = 282$ TOTAL PROPOSED LOTS: 254 254 < 282	✓
7.11.9, B	Dimensional Standards: Maximum Attached/Semi-Attached Units for R-4 with 30% Conservation Area: 20%	Proposed Attached Units: 0 Total Units: 254 % Attached Units: 0%	✓
7.11.9, B	Dimensional Standards: Setbacks	Setbacks are listed on the plan.	✓
7.11.9, B	Dimensional Standards: Average Lot Size: 5,500 sf	Proposed Average Lot Size: 6,912 sf	✓
7.11.9, C	Building and Lot Design Standards	Appears to be in compliance.	✓
7.11.9, D.1	Streetscape Standards: Streets	Appears to be in compliance.	✓
7.11.9, D.2	Streetscape Standards: Street Trees	To be determined with submittal of landscape plan	-
7.11.9, D.3	Streetscape Standards: Sidewalks	Appears to be in compliance.	✓

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1:
Waiver requested from Section 5.8.1.B and 6.2.6 of the Land Development Code to
omit the required sidewalk along Sentimental Lane along the western side of lots
201, 253 and 260**

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

STAFF: The waiver will not adversely affect adjacent property owners as Sentimental Lane will act more like a private driveway for the adjoining property and sidewalks are being proposed on other public streets within the development.

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

STAFF: The waiver will not violate the comprehensive plan.

- (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 since this portion of Sentimental Lane will not be maintained by the developer, will not connect between Streets A and Streets C and will act primarily as a private driveway.

- (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 applicant is constructing sidewalks along other proposed streets within the vicinity to help meet pedestrian circulation needs, although there isn't a direct connection to Lot 260, which is identified as conservation space on the plan, from Streets A or B.

TECHNICAL REVIEW

- The proposed subdivision connects to an approved stub at the rear of the adjoining Woods of Penn Run conservation subdivision and provides stubs to two large tracts located to the south closer to Cedar Creek Road.
- The development proposes open space abutting the McNealy Lake Park boundary. The developer has agreed to work with Metro Parks on the design and location of a pedestrian connection to the park.
- Transportation Review, MSD, Louisville Water Company and Highview Fire Department have all preliminarily approved the subdivision request.

STAFF CONCLUSIONS

The proposed subdivision meets the requirements of the Conservation Subdivision regulations with the exception of the waiver request.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the requirements for approval of a Conservation Subdivision and for granting a Waiver in the Land Development Code.

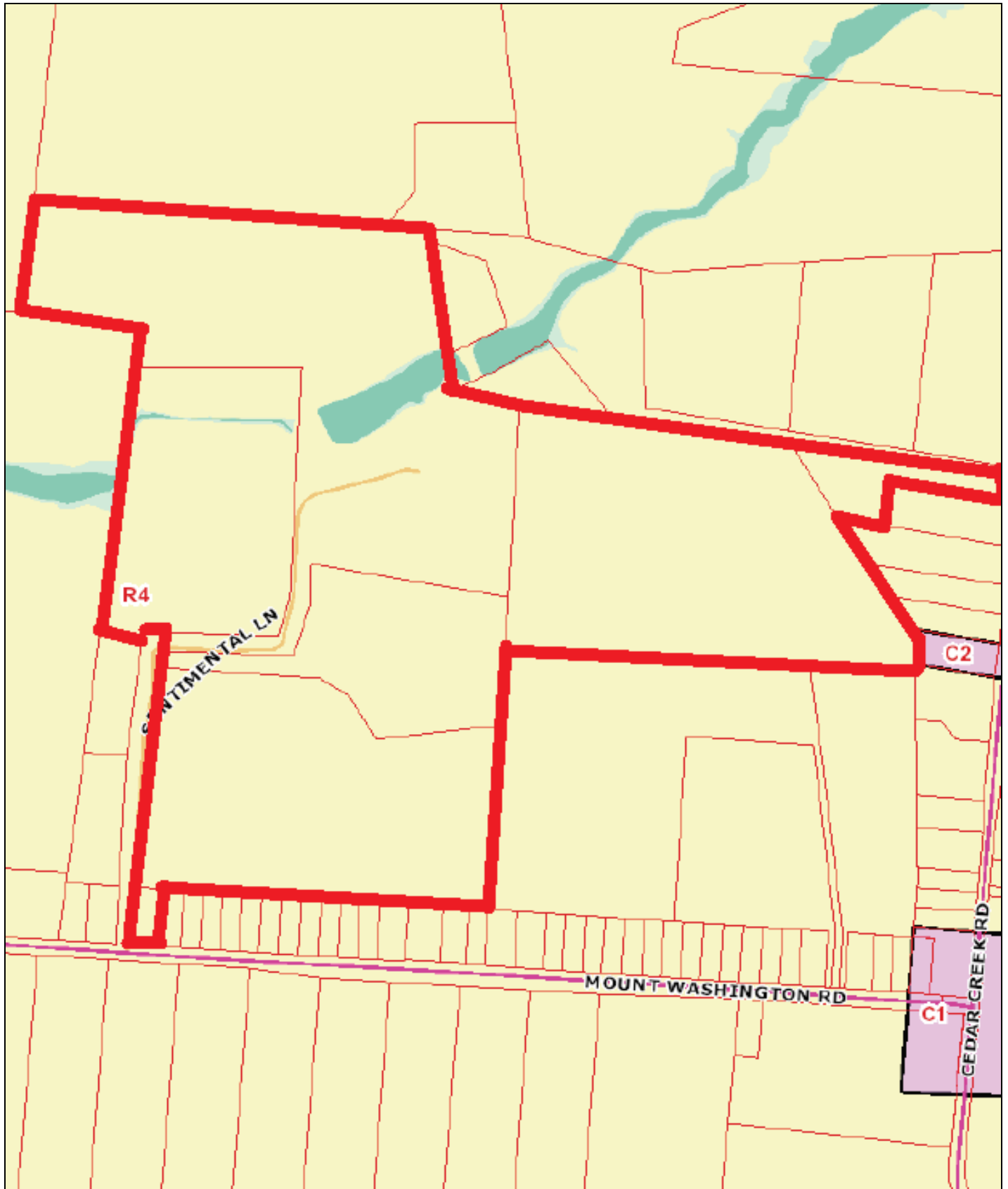
NOTIFICATION

Date	Purpose of Notice	Recipients
11/20/2015	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Subscribers of Council District 22 and 23 Notification of Development Proposals

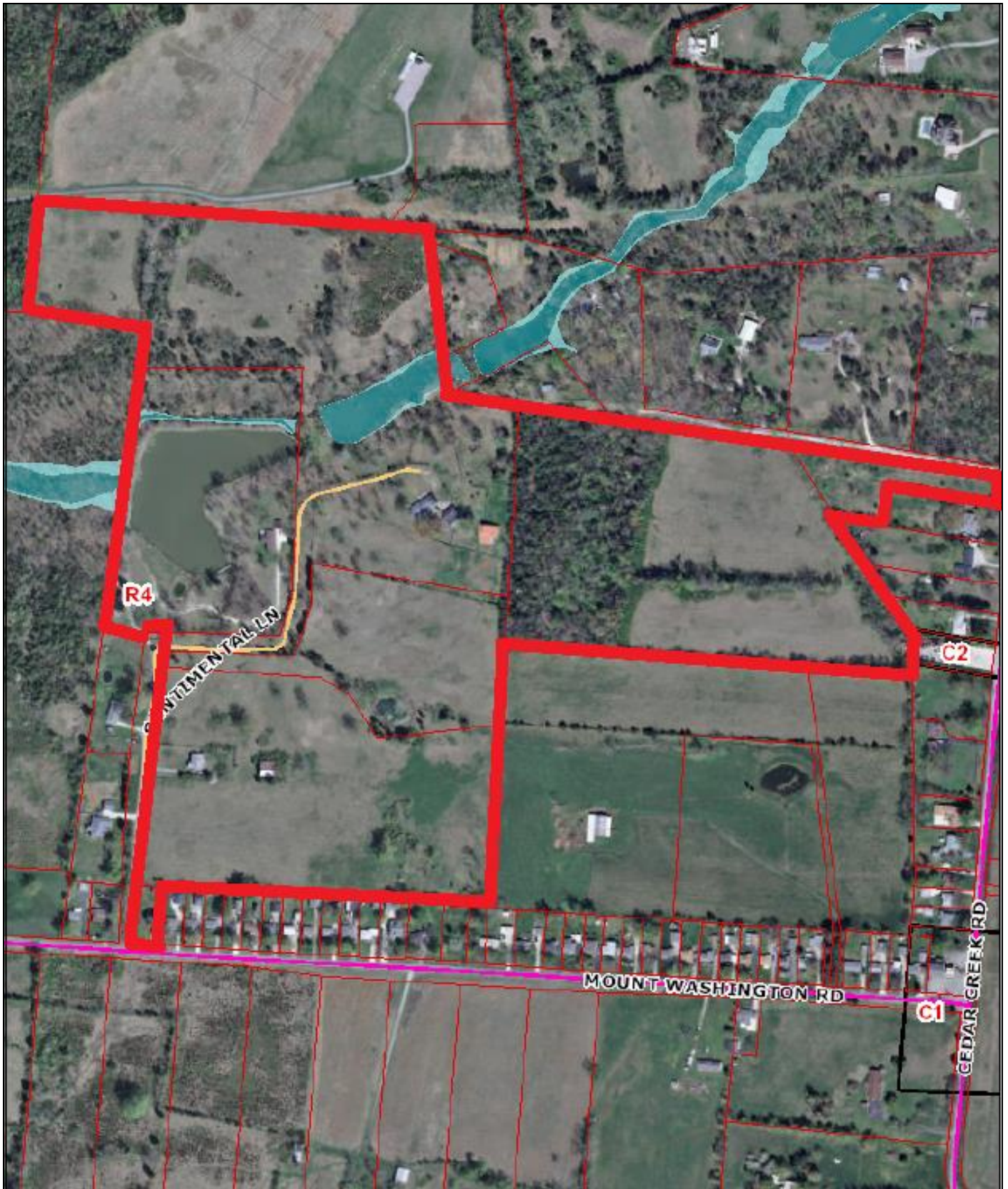
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Conditions of Approval

1. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
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, site disturbance, alteration permit or demolition permit is requested:
 - 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 the Kentucky Transportation Cabinet.
 - c. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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 conditions of approval 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. 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.
7. 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.

8. 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.
9. 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."
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Street trees shall be planted in a manner consistent with the requirements of Section 7.11.9, D.2 of the Land Development Code.