

Planning Commission

Staff Report

January 29, 2015



Case No:	14SUBDIV1009
Request:	Preliminary Major Conservation Subdivision Plan and Floyds Fork Overlay District Review
Project Name:	Stapleton Ridge
Location:	15528, 15314, & 15310 Aiken Rd.
Owner:	Estates of Floyds Fork, Inc.
Applicant:	Redwood Management Co., Inc.
Representative:	Bardenwerper, Talbott & Roberts, PLLC Mindel, Scott & Associates, Inc.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	David B. Wagner – Planner II

REQUEST

- Preliminary Major Conservation Subdivision Plan
- Floyds Fork Overlay District Review

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Original Plan: The proposed conservation subdivision request includes 202 buildable lots (80 attached units and 122 detached units) and four non-buildable lots for a density of 3.32 dwelling units per acre. Three of the non-buildable lots contain the entirety of the conservation areas. Each Conservation Subdivision in the R-4 zoning district requires the conservation of at least 30% of the total acreage of the site and this proposal has provided 54% to allow a 10% bonus in lots allowed and a 40% maximum of attached units. The conservation efforts on the subject site are focused in three main areas. Lot 205 includes the area along Floyds Fork, existing Pond A, Proposed Ponds #1 and #2 in the area of the townhomes, and areas of steep slopes and tree canopy preservation. Within the boundary of Lot 206, there are wetlands, steep slopes, an intermittent stream, and tree canopy preservation at the far western end of the site. Lastly, Lot 208 at the north central end of the site contains existing Pond B, another Proposed Pond, steep slopes, tree canopy preservation, and the Scenic Corridor Buffer along Aiken Road. The plan includes a 50' landscape buffer along the southern boundary of the site, the required 15' buffer along adjoining lots that are five acres or larger per LOJIC mapping, a 200' stream setback along Floyds Fork, and a 25' wetlands buffer. The site will be accessed by Aiken Road and have a stub street at the southern boundary to connect to any future development on the tract to the south. The site also lies entirely within the Floyds Fork Overlay District.

Revised Plan: At the direction of the Planning Commission at the December 4, 2014 public hearing, the applicant has revised the plan to address the Planning Commission's concerns regarding the following items: internal street connectivity, trails in conservation areas, the amount of undisturbed land, and the viewshed from Aiken Road into the site. The following is a list of notable changes to the plan:

- Street 'B' has been extended to the west to connect Street 'E' and Street 'A' which gives the entire subdivision two access points to Aiken Road instead of one.
- Street 'B' and Street 'C' have been connected parallel to Floyds Fork. This results in one less cul-de-sac/dead-end, decreasing the number from seven to six.

- A pedestrian walkway has been added to Lot 210 which mostly follows the existing driveway for the existing house on the site. The path parallels Floyds Fork and turns to the west to follow the southern boundary of the site.
- The area and percentage of the site that will remain undisturbed have been listed in the Site Data and an exhibit showing these areas has been provided by the applicant.
- The applicant has increased the number of dwelling units from 202 to 209 (82 attached units and 127 detached units), resulting in an increase of net density from 3.32 to 3.49.
- The guest parking spaces have been made parallel parking instead of maneuvering directly onto the streets.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-4	Neighborhood
Proposed	Single Family Residential	R-4	Neighborhood
Surrounding Properties			
North	Single Family Residential	R-4	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential	R-4	Neighborhood
West	Single Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

- Plat Book 32, Page 72: Aiken Investments Farm
- Plat Book 41, Page 23: Forest Pointe Woods
- Plat Book 50, Page 17: Estates of Floyds Fork

INTERESTED PARTY COMMENTS

- Staff has received numerous comments from persons interested in this proposal. All of the correspondence sent is available for the public's review. In summary, those in opposition to the proposal were concerned about drainage, apartments being developed, traffic on Aiken Road, tree removal, wildlife endangerment, loss of green space, compliance with regulations, flooding in the area, density, aesthetic concerns, loss of natural areas, loss of natural views, stream degradation, pollution, harm to the Parklands of Floyds Fork, the safety of cyclists on Aiken Road, the violation of deed restrictions, and loss of archeologically sensitive areas.

APPLICABLE PLANS AND POLICIES

- Land Development Code
- Old Henry Road Area Plan – Encourages clustering of residential dwellings to conserve open space within the area.

TECHNICAL REVIEW

- The plan meets the requirements of the LDC.

- The plan has received preliminary approval from MSD and Transportation Review.
- Staff made two specific recommendations per the Conservation Subdivision and Floyds Fork Review Overlay reviews that were not implemented into the plan as requested. The recommendations were to minimize cul-de-sacs and dead-ends (LDC 7.11.9.E.1) and that structures, impervious surfaces, filling, and excavating should not be located in the existing flood plain (LDC 3.1.1.e and LDC 3.1.1.f).

STAFF CONCLUSIONS

Floyds Fork Overlay Review and Preliminary Major Conservation Subdivision Plan

Staff analysis in the standard of review section of the staff report indicates the proposed Preliminary Major Conservation Subdivision Plan and Floyds Fork Overlay Review are justified.

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 standards for granting a Floyds Fork Overlay Review and Preliminary Major Conservation Subdivision Plan established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Floyds Fork Overlay listed in the staff report
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission **APPROVES** or **DENIES** the Preliminary Major Conservation Subdivision Plan listed in the staff report

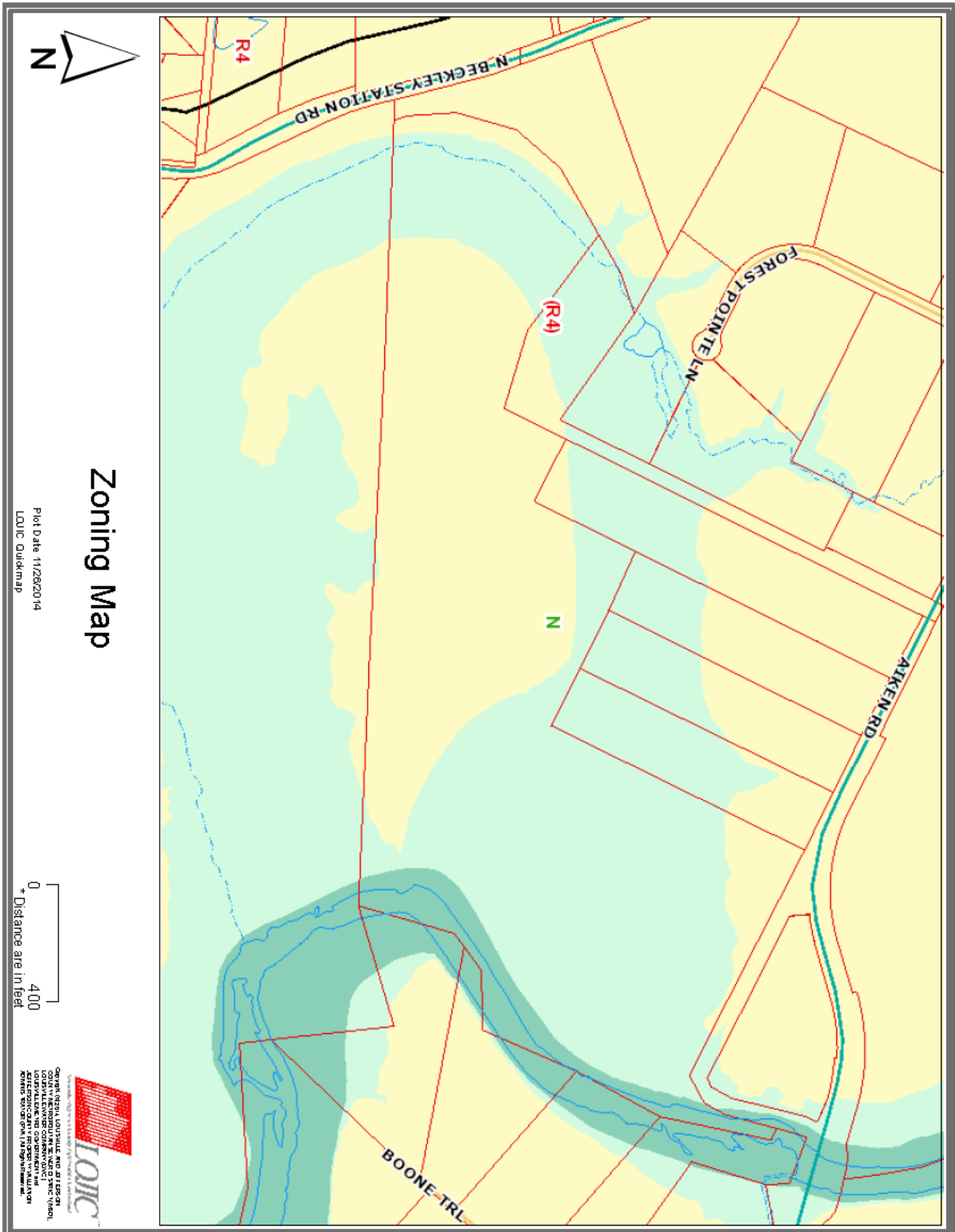
NOTIFICATION

Date	Purpose of Notice	Recipients
11/21/14	Meeting before PC	1 st & 2 nd tier adjoining property owners Subscribers to Council District 19 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
 - e. 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. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. 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.
6. 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. 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, TPAs 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.
- 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. All 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.