

Development Review Committee

Staff Report

February 4, 2015



Case No:	14DEVPLAN1164
Request:	Revised District Development Plan and Binding Element Amendments, Revised Preliminary Major Subdivision Plan, and Waivers
Project Name:	Vantage Point, Section 3B
Location:	4117 Billtown Rd.
Owner:	Jean & Kate, LLC
Applicant:	Simpson-Boone, LLC
Representative:	Milestone Design Group, Inc.
Jurisdiction:	City of Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	David B. Wagner – Planner II

REQUEST

- Waiver #1 to omit the required 20' LBA and associated plantings and screenings along the R-5 and R-5A zoning boundary (LDC Section 10.2.4)
- Revised District Development Plan
- Revised Preliminary Major Subdivision Plan
- Binding Element Amendments

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is to reapprove an expired plan for this section of Vantage Point. There are 19 proposed lots for single family residential homes and there are two small cul-de-sacs as part of the approval as well. An R-5 and R-5A zoning boundary goes through one of the proposed lots and along the western boundary of the site which is the reason for the Waiver request.

Existing Zoning District: R-5, Single Family Residential and R-5A, Multi-Family Residential

Proposed Zoning District: N/A

Form District: Neighborhood

Existing Use: Vacant

Proposed Use: Single Family Residential

Minimum Parking Spaces Required: N/A

Maximum Parking Spaces Allowed: N/A

Parking Spaces Proposed: N/A

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-5, R-5A	N
Proposed	Single Family Residential	N/A	N/A
Surrounding Properties			
North	Single Family Residential	R-5A	N
South	Single Family Residential	R-5	N
East	Single Family Residential	R-5, R-5A	N
West	Single Family Residential	R-4, R-5	N

PREVIOUS CASES ON SITE

- 9-16-81: Re-zoning and General District Development Plan for Vantage Point
- 10-33-96: Preliminary Major Subdivision Plan for Vantage Point, Section 3

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1 to omit the required 20' LBA and associated plantings and screenings along the R-5 and R-5A zoning boundary (LDC Section 10.2.4)

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

STAFF: The waiver will not adversely affect adjacent property because the surrounding development is single family residential.

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

STAFF: The waiver will not violate the Comprehensive Plan because of all that is set forth in staff's analysis of the RDDP in regards to applicable Guidelines and Policies of Cornerstone 2020.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because the applicant would not be able to proceed with the development without re-approval of the plan which was originally approved before the current regulations were in effect.

- (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: Strict application of the provisions of the regulation will deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant because the developer would lose one internal lot to landscaping that is not needed and surrounding adjoining properties are already developed as single family homes.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RGDDP, DDDP AND 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 proposal conserves as many natural resources as possible that currently exist on the site while still allowing the development.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Safe and efficient vehicular and pedestrian transportation is provided by the sidewalks and vehicular access to the public road network through the entrances provided on the site.

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

STAFF: Open space is not required for this proposal.

- 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: MSD has approved the drainage facilities for the site.

- 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 proposal is compatible with existing residential development in this area. The surrounding adjoining properties are all single family residential homes. The landscaping was not required when the plan was originally approved under old regulations.

- 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: This development conforms to the intent of the Neighborhood Form District and the Comprehensive Plan as it would continue the pattern of single family residential homes in a previously built single family residential subdivision. Adequate vehicular, pedestrian, and bicycle access is provided through the public right-of-way network and existing infrastructure will be utilized for this development.

TECHNICAL REVIEW

- The proposal complies with the requirements of the LDC with the exception of the Waiver.
- MSD and Transportation Review have given preliminary approval for the plan.

STAFF CONCLUSIONS

Waiver, Revised Preliminary Major Subdivision Plan, Revised District Development Plan and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed Waiver, Revised Preliminary Major Subdivision Plan, RDDP, and Binding Elements are justified.

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 for granting a Waiver, Revised Preliminary Major Subdivision Plan, RDDP, and Binding Elements established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **RECOMMEND** the City of Jeffersontown **APPROVE** or **DENY** Waiver #1, the Revised Preliminary Major Subdivision Plan, the Revised District Development Plan and Binding Elements listed in the staff report.

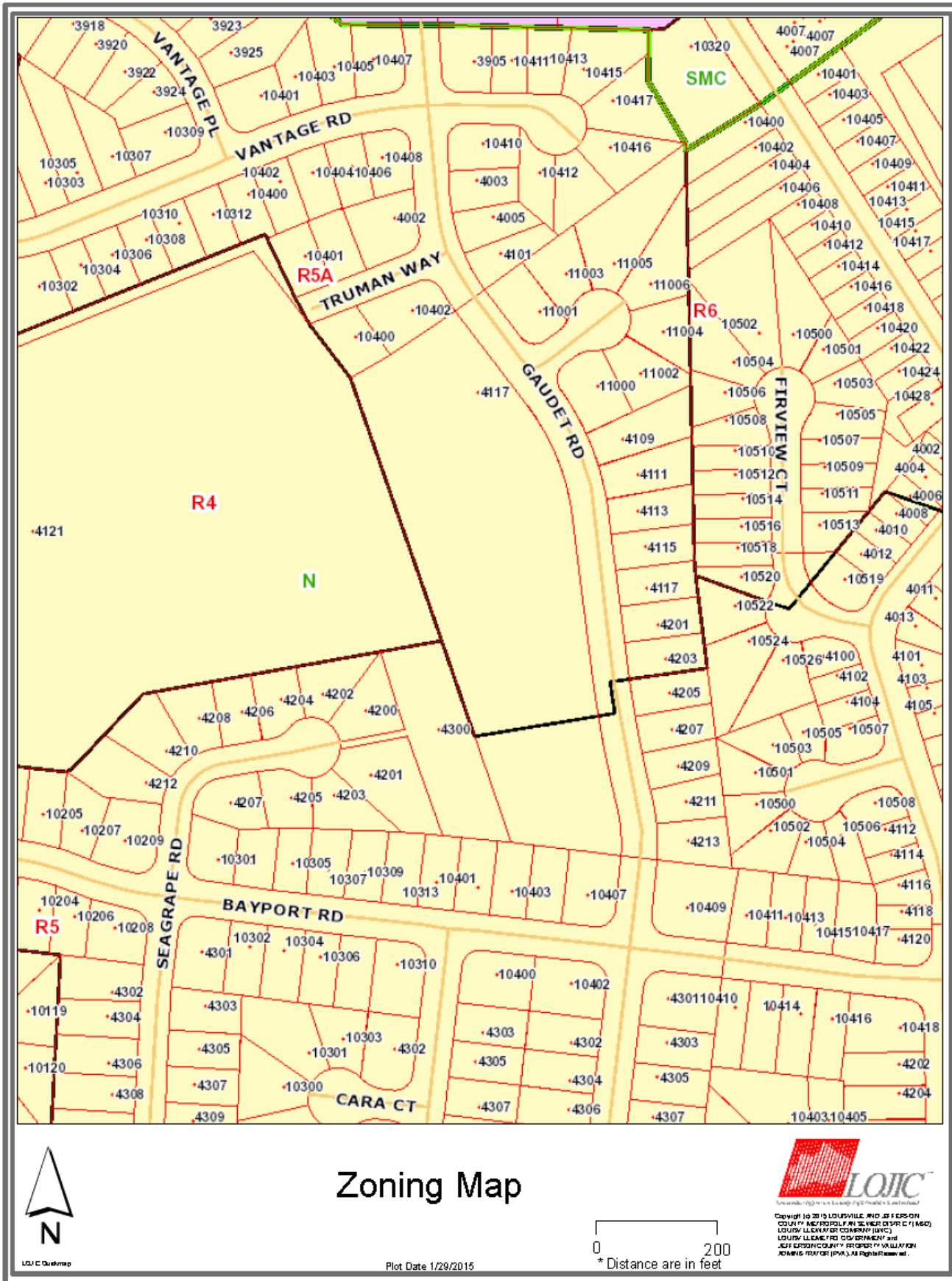
NOTIFICATION

Date	Purpose of Notice	Recipients
1/23/15	Meeting before DRC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 20 Notification of Development Proposals

ATTACHMENTS

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

1. Zoning Map



Zoning Map



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2. Aerial Photograph



3. Existing Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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 the Planning Commission staff's landscape architect 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 the Planning Commission staff's landscape architect 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. 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."
4. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Soil Conservation Service recommendations. Documentation of the Metropolitan Sewer District's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
5. 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.

4. Proposed Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

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.