

Land Development and Transportation

Staff Report

August 14, 2014



Case No:	14devplan1084
Request:	Revised Development Plan
Project Name:	Arborage Village
Location:	201 Maple Valley Road
Owner:	CR Development, Inc.
Applicant:	CR Development Inc.
Representative:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	19-Miller
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: PRD
 Proposed Zoning District: PRD
 Existing Form District: Village
 Existing Use: Single Family Residential
 Proposed Use: Single Family Residential
 Minimum Parking Spaces Required: 60
 Maximum Parking Spaces Allowed: 120
 Parking Spaces Proposed: 77

The proposal is to remove a sidewalk interior to the site that would connect the residences to Eastwood Cutoff Road.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	PRD	V
Proposed	Single Family Residential	PRD	V
Surrounding Properties			
North	Single Family Residential/ Church	R-4	VC
South	Large lot Single Family Residential	R-4	V
East	Single Family Residential/ Church	R-4	V
West	Large lot Single Family Residential Recreation Center Church	R-4	V

PREVIOUS CASES ON SITE

9-39-05

Approved rezoning from R-4 to R-5A

12633

Approved RDDDP to increase the units from 26 to 30 and to amend binding elements.

13851

Change in zoning from R-5A to PRD approved in 2010.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code

Eastwood Neighborhood Plan

- Approved November 22, 2005: Expects from the plan regarding sidewalks and connectivity.

The remaining roads within the Eastwood Village Center are seen as having a completely different character from Shelbyville Road. Improvements along roads like the Eastwood Cutoff should cater to a more human scale. A combination of on street parking, sidewalks, and landscaped verges between, create a pedestrian friendly environment and strengthen the village fabric. Maintaining two lane roads on routes

Bicycle/Pedestrian

Connectivity is fundamental to the village form concept, allowing residents the ability to easily travel between the Village Center and the outlying areas. A key component to achieving connectivity within the village is to provide a variety of systems that offer modal choice, including systems to accommodate bicycles and pedestrians. While such systems should be provided throughout Eastwood to ensure connectivity, the form of these systems can vary to reflect the differing characteristics of the center and the Outlying Village.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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 removal of the sidewalk will not affect the natural resources within the proposal.

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

STAFF: The removal of the sidewalk prevents safe and efficient pedestrian transportation to and from Eastwood Cutoff Road. Eastwood Cutoff Road connects to Shelbyville Road where there are non-residential uses and zoning.

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

STAFF: The removal of the sidewalk will not affect open space.

- 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: Removal of the sidewalk will not affect drainage.

- 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 overall site design is not changing and has proven to be compatible via previous development plan approvals. However, the removal of the interior sidewalk reduces the compatibility of the site with future development as this site will no longer provide a safe connection for its residents to walk to other developments.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code.

STAFF: While the sidewalk is not required by the Land Development Code it was provided on the development plan as a tool to comply with the Comprehensive Plan for the PRD zoning change. Not providing the sidewalk takes the site out of compliance with the circulation guidelines of Cornerstone 2020.

TECHNICAL REVIEW

- All agency comments have been addressed

STAFF CONCLUSIONS

While the sidewalk is not required by the Land Development Code it was provided on the development plan as a tool to comply with the Comprehensive Plan for the PRD zoning change. Not providing the sidewalk takes the site out of compliance with the circulation guidelines of Cornerstone 2020 and the Eastwood Neighborhood Plan.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for approving a revised detailed district development plan established in the Land Development Code.

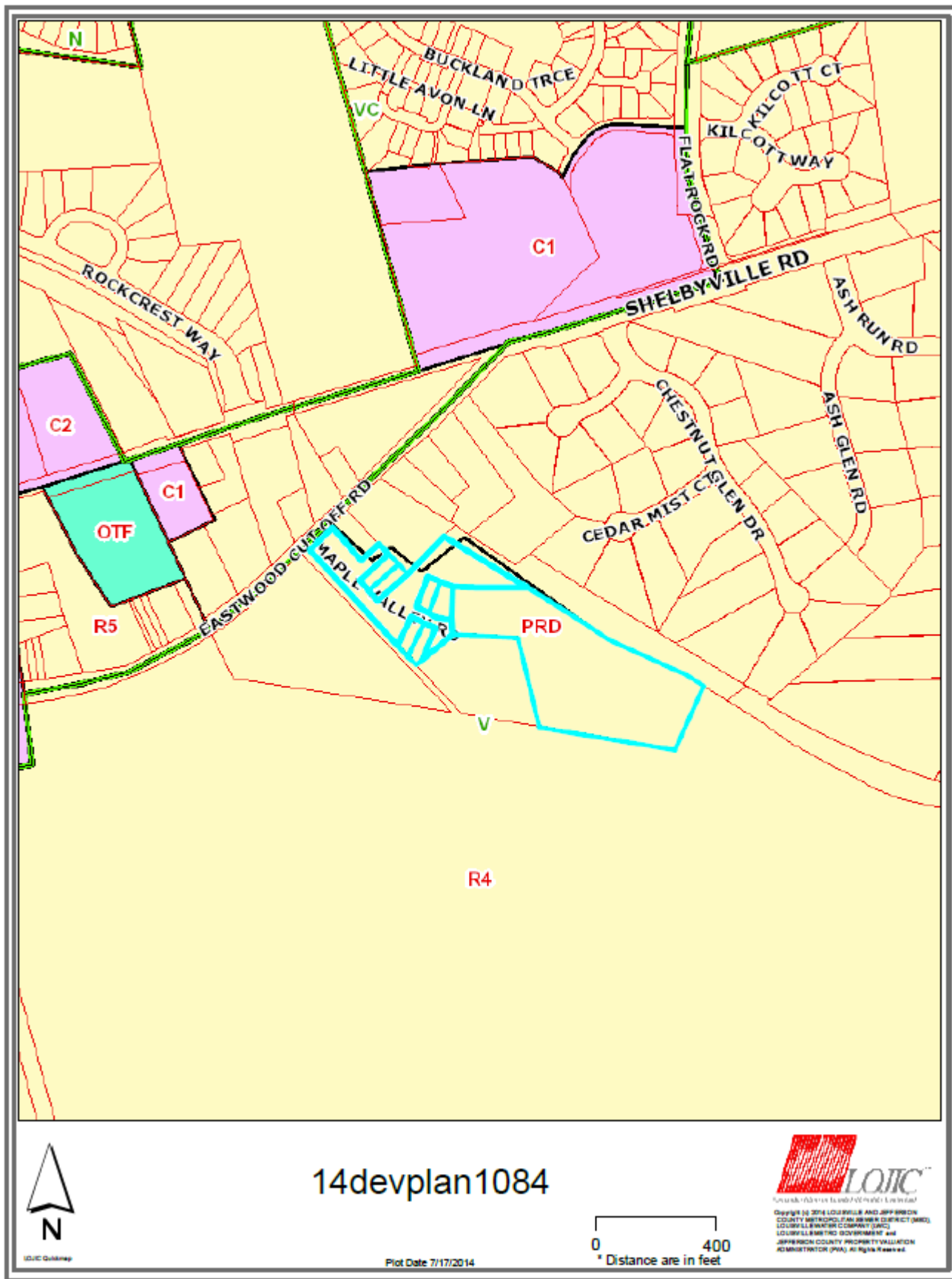
NOTIFICATION

Date	Purpose of Notice	Recipients
7/11/14	Hearing before LD&T on 7/24/14	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 19 Notification of Development Proposals

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, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 3.71 dwelling units per acre on the R-5A lot (30 units on 8.1 acres).
3. Other than for-sale signs permitted by Chapter 8 of the Land Development Code, no outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.
5. Before any permit (except clearing, grading, site disturbance, or demolition permits) is requested:
 - a. The development plan must receive full construction approval from, Louisville Metro Public Works 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 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.
6. If a building permit is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
7. 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.
8. 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. The materials and design of proposed structures shall be a combination of brick, stone, and hardy plank with aluminum for soffits and minimal trim accents and will be substantially the same as depicted in the renderings presented at the July 16, 2009 Planning Commission meeting.
10. The final design elevations shall be approved by DRC prior to construction permit approval based on consistency with the design elevations presented at the July 16, 2009 Planning Commission meeting.

11. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter.
12. 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.
13. The final landscape plan shall be reviewed by staff's landscape architect and shall return to the Land Development and Transportation Committee (LD&T) for final approval; in addition to submittal and DRC approval of the signature entrance plan.
14. Prior to any blasting, a pre-blast survey of the adjacent churches shall be conducted and a copy of said surveys shall be submitted to the property owners. Additionally, prior to any blasting, the applicant shall provide a blasting schedule to these property owners.
15. An archaeological survey shall be conducted in the area within 100 feet of the adjacent cemetery to determine if there are any unmarked graves in this area. The survey shall be submitted to the Historic Preservation division of Planning and Design Services prior to any site disturbance in this area.
16. The approved landscaping plan shall provide for landscaping materials (2 Type A/B trees per 100 linear feet) within the 20 foot landscape buffer areas (as shown on the approved preliminary subdivision plan.)
17. Covenants, Conditions and Restrictions ("CCRs") shall be prepared by the developer to be submitted to and reviewed and approved by Planning Commission legal counsel, prior to recording of the subdivision's Record Plat, for consistency with any binding elements that mandate inclusion in the CCRs, as well as the inclusion of the following requirements: (a) all road, drainage, sanitary sewer, water, other necessary infrastructure and other required landscaping and facilities shall be installed by the developer prior to turn-over of maintenance responsibilities to the Home Owners Association ("HOA"); (b) any shared water meters and property service connections for sanitary sewers shall be the sole responsibility of the HOA; (c) any water, sewer and drainage facilities that cross lot lines shall be included in blanket easements for purposes of both lot owner and HOA access and maintenance; and (d) where attached residences are proposed, easements shall be provided to provide for incidental encroachments, property maintenance and repair.