

16SUBDIV1017

Fincastle Farms



Louisville Metro Planning Commission Public Hearing

Joel P. Dock, Planner II

May 11, 2017

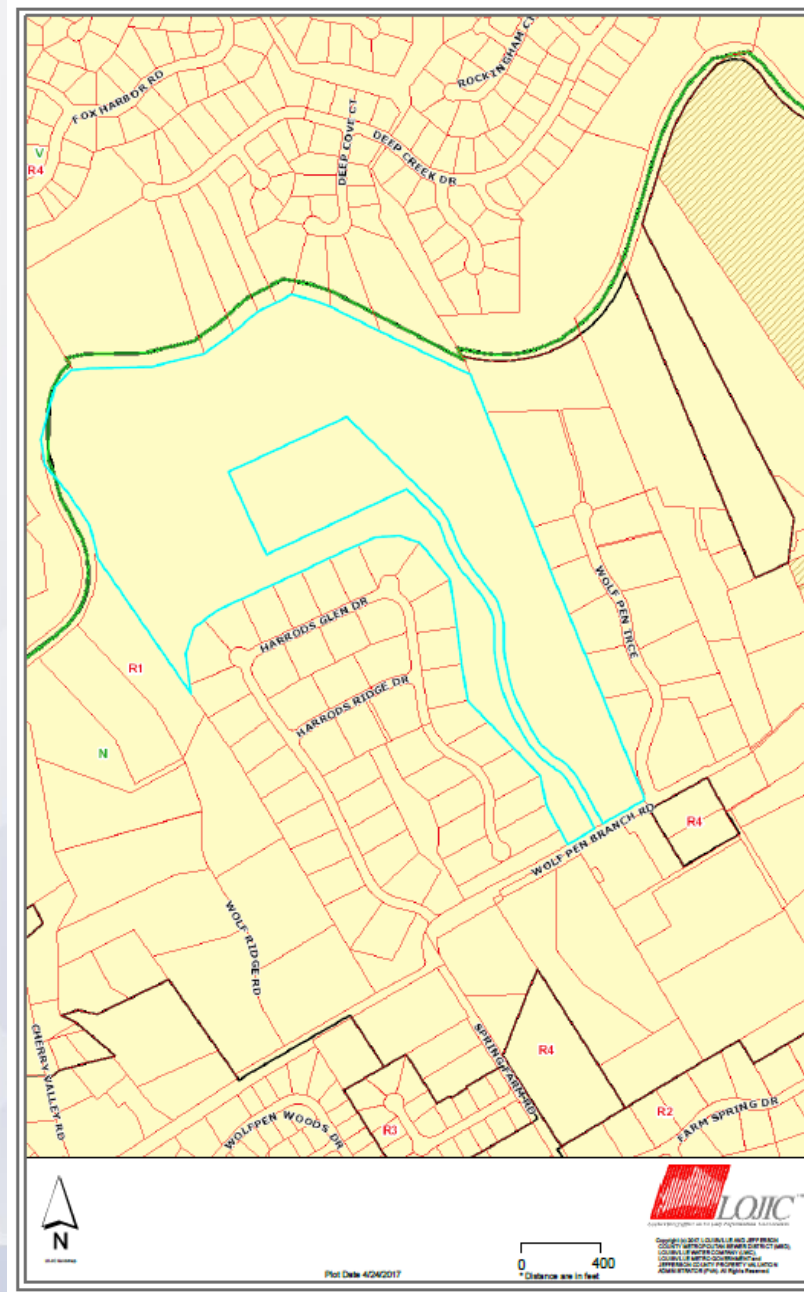
Request(s)

- **Major Preliminary Subdivision Plan** to create 18 residential lots
- **Waiver** of Land Development Code (LDC), section 5.8.1.B to not provide sidewalk along Wolf Pen Branch Road
- **Waiver** of LDC, section 7.3.30.B to allow a private road to provide primary access to single-family detached residential lots created by a major subdivision
- **Waiver** of LDC, section 5.9.2.A.1.a.iii to allow the residential block to exceed 1,600 feet in length and be 2,256 feet in length
- **Variance** of LDC, section 5.3.1.C.2 (Table 5.3.2) to reduce the required 75 foot front setback to variable dimensions as shown on the subdivision plan

Case Summary

- 18 single-family residential lots on 71.25 acres
- Located roughly one-half mile North of Interstate-265 and one mile West of U.S Highway 42 along Wolf pen Branch Road
- Lots range in size from 1.08 acres (the minimum permitted lot size in an R-1 zoning district) to 10.6 acres
- Private access easement will provide primary access to lots
- Lots abutting the stream to the North are of sufficient size to accommodate the protected waterway buffer of Harrods Creek
- Steep slopes, flood plain, and karst topography are also present on site

Zoning/Form Districts



Site Photos – Google Imagery

Wolf Pen
Branch Road
and Site
entrance



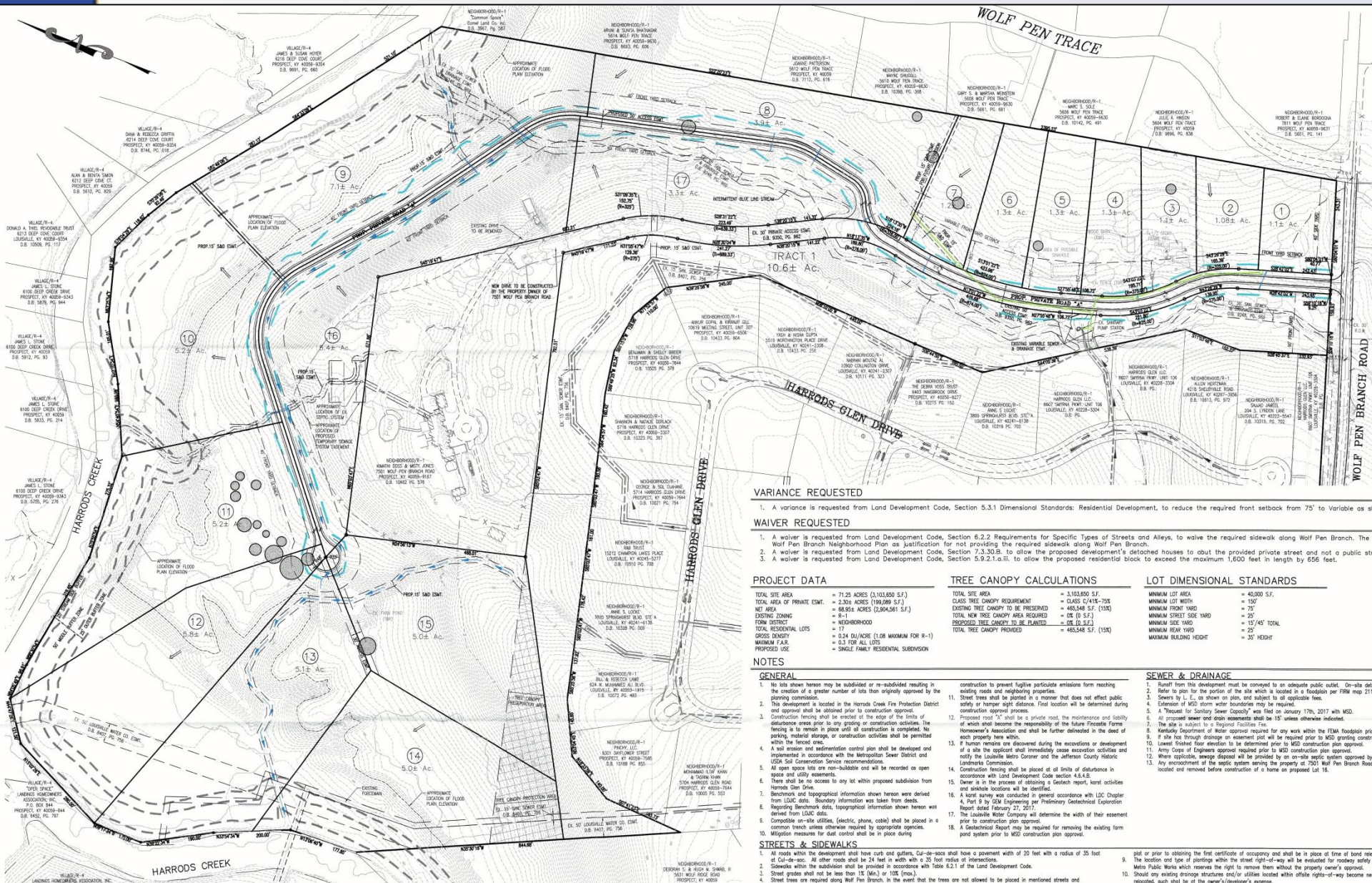
Site Photos – Entrance and Wolf Pen Branch Road Frontage



Site Photos – Private Access Easement



Applicant's Subdivision Plan



VARIANCE REQUESTED

1. A variance is requested from Land Development Code, Section 5.3.1 Dimensional Standards: Residential Development, to reduce the required front setback from 75' to Variable as shown on the plan.
- ### WAIVER REQUESTED
1. A waiver is requested from Land Development Code, Section 6.2.2 Requirements for Specific Types of Streets and Alleys, to waive the required sidewalk along Wolf Pen Branch.
 2. A waiver is requested from Land Development Code, Section 7.3.30.B, to allow the proposed development's detached houses to abut the provided private street and not a public street.
 3. A waiver is requested from Land Development Code, Section 5.9.2.1.a.ii, to allow the proposed residential block to exceed the maximum 1,600 feet in length by 656 feet.

PROJECT DATA

TOTAL SITE AREA	= 71.25 ACRES (3,103,600 S.F.)
TOTAL AREA OF PRIVATE EASE	= 2.20± ACRES (959,089 S.F.)
NET AREA	= 68.95± ACRES (2,904,511 S.F.)
EXISTING ZONING	= R-1
FORM DISTRICT	= NEIGHBORHOOD
TOTAL RESIDENTIAL LOTS	= 17
CRISIS ZONING	= 0.2 A DULNACE (1.0B MAXIMUM FOR R-1)
MAXIMUM F.A.R.	= 0.3 FOR ALL LOTS
PROPOSED USE	= SINGLE FAMILY RESIDENTIAL SUBDIVISION

TREE CANOPY CALCULATIONS

TOTAL SITE AREA	= 3,103,600 S.F.
CLASS TREE CANOPY REQUIREMENT	= CLASS C (41% - 75%)
EXISTING TREE CANOPY TO BE PRESERVED	= 465,548 S.F. (15%)
TOTAL NEW TREE CANOPY AREA REQUIRED	= 0% (0 S.F.)
PROPOSED TREE CANOPY TO BE PLANTED	= 0% (0 S.F.)
TOTAL TREE CANOPY PROVIDED	= 465,548 S.F. (15%)

LOT DIMENSIONAL STANDARDS

MINIMUM LOT AREA	= 40,000 S.F.
MINIMUM LOT WIDTH	= 150'
MINIMUM FRONT YARD	= 75'
MINIMUM STREET SIDE YARD	= 25'
MINIMUM SIDE YARD	= 15' / 45' TOTAL
MINIMUM REAR YARD	= 25'
MAXIMUM BUILDING HEIGHT	= 35' HEIGHT

NOTES

- #### GENERAL
1. No lots shown herein may be subdivided or re-subdivided resulting in the creation of a greater number of lots than originally approved by the planning commission.
 2. This development is located in the Harrods Creek Fire Protection District and approval shall be obtained prior to construction approval.
 3. Construction fencing shall be erected at the edge of the limits of disturbance areas prior to any grading or construction activities. The fencing is to 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 USGS Soil Conservation Service recommendations.
 5. All open space lots are non-buildable and will be recorded as open space and utility easements.
 6. There shall be no access to any lot within proposed subdivision from Harrods Glen Drive.
 7. Owner is in the process of obtaining a Geotech report. Aerial activities and sinkhole locations will be identified.
 8. A light survey was conducted in general accordance with LDC Chapter 4, Part 9 by GEM Engineering per Preliminary Detached Exploration Report, dated February 27, 2017.
 9. The Louisville Water Company will determine the width of their easement prior to construction plan approval.
 10. A Geotechnical Report may be required for removing the existing form system prior to MSD construction plan approval.

11. Construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
12. Street trees shall be planted in a manner that does not affect public safety or neighbor sight distance. Frost location will be determined during construction approval process.
13. Proposed road "X" shall be a private road, the maintenance and liability of which shall become the responsibility of the future Fincastle Farms Homeowner's Association and shall be further delineated in the deed of each property here within.
14. If a human remains are discovered during the excavation or development of a site the applicant shall immediately cease excavation activities and notify the Louisville Mayor Coroner and the Jefferson County Historic Landmarks Commission.
15. Construction fencing shall be placed at all limits of disturbance in accordance with Land Development Code section 4.8.4.5.
16. Owner is in the process of obtaining a Geotech report. Aerial activities and sinkhole locations will be identified.
17. The Louisville Water Company will determine the width of their easement prior to construction plan approval.
18. A Geotechnical Report may be required for removing the existing form system prior to MSD construction plan approval.

STREETS & SIDEWALKS

1. All roads within the development shall have curb and gutters. Curb-to-curb shall have a pavement width of 30 feet with a radius of 35 feet at Curb-to-sec. All other roads shall be 14 feet in width with a 35 foot radius at intersections.
2. Sidewalks within the subdivision shall be provided in accordance with Table 8.2.1 of the Land Development Code.
3. Street grades shall not be less than 1% (min) or 10% (max).
4. Street trees are required along Wolf Pen Branch. If the trees are not allowed to be placed in mentioned streets and

SEWER & DRAINAGE

1. Runoff from this development must be conveyed to an adequate public outlet. On-site detention is required for all lots.
2. Refer to plan for the portion of the site which is located in a floodplain per FEMA map 2111.
3. Sewers by L. O., as shown on plan, and subject to all applicable fees.
4. Extension of MSD storm water boundaries may be required.
5. A "Request for Sanitary Sewer Capacity" was filed on January 17th, 2017 with MSD.
6. All proposed sewer and storm easements shall be 15' unless otherwise indicated.
7. The site is subject to a Regional Facilities Fee.
8. Kentucky Department of Water approved required for any work within the FEMA floodplain prior to construction plan approval.
9. Lowest finished floor elevation to be determined prior to MSD construction plan approval.
10. Army Corps of Engineers approval required prior to MSD construction plan approval.
11. Where applicable, sewage disposal will be provided on an on-site septic system approved by the local health department.
12. Any encroachment of the septic system serving the property at 7501 Wolf Pen Branch Road located and removed before construction of a home on proposed Lot 16.
13. All utility easements shall be 15' wide.
14. All utility easements shall be 15' wide.
15. All utility easements shall be 15' wide.
16. All utility easements shall be 15' wide.
17. All utility easements shall be 15' wide.
18. All utility easements shall be 15' wide.
19. All utility easements shall be 15' wide.
20. All utility easements shall be 15' wide.
21. All utility easements shall be 15' wide.
22. All utility easements shall be 15' wide.
23. All utility easements shall be 15' wide.
24. All utility easements shall be 15' wide.
25. All utility easements shall be 15' wide.
26. All utility easements shall be 15' wide.
27. All utility easements shall be 15' wide.
28. All utility easements shall be 15' wide.
29. All utility easements shall be 15' wide.
30. All utility easements shall be 15' wide.
31. All utility easements shall be 15' wide.
32. All utility easements shall be 15' wide.
33. All utility easements shall be 15' wide.
34. All utility easements shall be 15' wide.
35. All utility easements shall be 15' wide.
36. All utility easements shall be 15' wide.
37. All utility easements shall be 15' wide.
38. All utility easements shall be 15' wide.
39. All utility easements shall be 15' wide.
40. All utility easements shall be 15' wide.
41. All utility easements shall be 15' wide.
42. All utility easements shall be 15' wide.
43. All utility easements shall be 15' wide.
44. All utility easements shall be 15' wide.
45. All utility easements shall be 15' wide.
46. All utility easements shall be 15' wide.
47. All utility easements shall be 15' wide.
48. All utility easements shall be 15' wide.
49. All utility easements shall be 15' wide.
50. All utility easements shall be 15' wide.
51. All utility easements shall be 15' wide.
52. All utility easements shall be 15' wide.
53. All utility easements shall be 15' wide.
54. All utility easements shall be 15' wide.
55. All utility easements shall be 15' wide.
56. All utility easements shall be 15' wide.
57. All utility easements shall be 15' wide.
58. All utility easements shall be 15' wide.
59. All utility easements shall be 15' wide.
60. All utility easements shall be 15' wide.
61. All utility easements shall be 15' wide.
62. All utility easements shall be 15' wide.
63. All utility easements shall be 15' wide.
64. All utility easements shall be 15' wide.
65. All utility easements shall be 15' wide.
66. All utility easements shall be 15' wide.
67. All utility easements shall be 15' wide.
68. All utility easements shall be 15' wide.
69. All utility easements shall be 15' wide.
70. All utility easements shall be 15' wide.
71. All utility easements shall be 15' wide.
72. All utility easements shall be 15' wide.
73. All utility easements shall be 15' wide.
74. All utility easements shall be 15' wide.
75. All utility easements shall be 15' wide.
76. All utility easements shall be 15' wide.
77. All utility easements shall be 15' wide.
78. All utility easements shall be 15' wide.
79. All utility easements shall be 15' wide.
80. All utility easements shall be 15' wide.
81. All utility easements shall be 15' wide.
82. All utility easements shall be 15' wide.
83. All utility easements shall be 15' wide.
84. All utility easements shall be 15' wide.
85. All utility easements shall be 15' wide.
86. All utility easements shall be 15' wide.
87. All utility easements shall be 15' wide.
88. All utility easements shall be 15' wide.
89. All utility easements shall be 15' wide.
90. All utility easements shall be 15' wide.
91. All utility easements shall be 15' wide.
92. All utility easements shall be 15' wide.
93. All utility easements shall be 15' wide.
94. All utility easements shall be 15' wide.
95. All utility easements shall be 15' wide.
96. All utility easements shall be 15' wide.
97. All utility easements shall be 15' wide.
98. All utility easements shall be 15' wide.
99. All utility easements shall be 15' wide.
100. All utility easements shall be 15' wide.

Applicable Plans & Policies

- Cornerstone 2020
- Land Development Code
- Wolf Pen Branch Neighborhood Plan
 - New development within the neighborhood should conform to the existing scenic roadway alignments, be compatible with the existing rural residential development pattern and safeguard the scenic, environmental, historic and cultural resources of the Wolf Pen Branch Neighborhood
 - Mobility Recommendation 6: no sidewalks are to be required on existing roadways within the WPBNSA with the exception of interior roads

Interested Party Comments

- John Cox, representative for the owners at 7501 Wolf Pen Branch Road raised the following concerns:
 - The language of a note on a previously approved minor subdivision plat (221-06) that stated, “There shall be no further subdivision of tract 2 into a greater number of lots”;
 - The use of the existing easement to serve new lots created by major subdivision and proposed infrastructure within the easement
 - The lot owner’s rights as they relate to authorization of the subdivision of land using the easement for access

Technical Review

- A 2009 inquiry into a note on the minor subdivision of record concluded with the Planning Director stating that “the intention of the note is that no further subdivision may occur without the approval of the Louisville Metro Planning Commission or designee, as provided in the Louisville Metro land Development Code.”
- After considerable discussion, staff determined that the owner’s signature was not required as the physical land being proposed for subdivision did not include any subdivision of land on the property located at 7501 Wolf Pen Branch Road

Technical Review

- Karst features, sinkholes, have been identified on the preliminary subdivision plan. A condition of approval has been added to satisfy staff concerns related to this item.
- All applicable zoning regulations, as pertaining to minimum yard requirements, shall be interpreted as being measured from the nearest boundary of the private access easement.
- Preliminary approvals received from Transportation Planning staff, the Metropolitan Sewer District, and Louisville Metro Health and Wellness.

Staff Analysis and Conclusions

- The Major Preliminary Subdivision Plan, Waivers, and Variance appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Required Actions

- **APPROVE** or **DENY** the **Waiver** of LDC, section 5.8.1.B to not provide sidewalk along Wolf Pen Branch Road
- **APPROVE** or **DENY** the **Waiver** of LDC, section 7.3.30.B to allow a private road to provide primary access to single-family detached residential lots created by a major subdivision
- **APPROVE** or **DENY** the **Waiver** of LDC, section 5.9.2.A.1.a.iii to allow the residential block to exceed 1,600 feet in length and be 2,256 feet in length
- **APPROVE** or **DENY** the **Variance** of LDC, section 5.3.1.C.2 (Table 5.3.2) to reduce the required 75 foot front setback to variable dimensions as shown on the subdivision plan
- **APPROVE** or **DENY** the **Major Preliminary Subdivision Plan**