

**Land Development and Transportation  
Committee  
Staff Report  
January 16, 2020**



|                          |   |
|--------------------------|---|
| <b>Case No:</b>          | 19-MSUB-0015  |
| <b>Project Name:</b>     | Hunting Green                                       |
| <b>Location:</b>         | 7107 Hunting Creek Drive & 7200 Covered Bridge Road |
| <b>Owner(s):</b>         | FDF Investment Properties LLC                       |
| <b>Applicant:</b>        | FDF Investment Properties LLC                       |
| <b>Jurisdiction:</b>     | City of Prospect                                    |
| <b>Council District:</b> | 16-Scott Reed                                       |
| <b>Case Manager:</b>     | Julia Williams, AICP, Planning Supervisor           |

**REQUEST(S)**

- Waiver from Chapter 5.8.1.B to not provide a sidewalk along Covered Bridge Road, Hunting Creek Drive, and US 42
- Preliminary Subdivision plan

**CASE SUMMARY/BACKGROUND**

The proposal is for 22 single family residential lots and 3 open space lots. Hunting Creek runs through the east portion of the site. The net density of the site is 1.71 du/ac where R-4 permits 4.84 du/ac. 4.12 acres is being provided as open space.

10-12922-09- A preliminary subdivision plan was approved in 2009 for 20 single family lots.

**STAFF FINDING**

Staff finds that the proposal meets the requirements of the Land Development Code with the exception sidewalk waivers along US 42 and Covered Bridge Road.

**TECHNICAL REVIEW**

MSD has a review comment that states: Pick up the drainage onto the west side of lot 22. Where lot 10/22 could have sewer and drainage in the easement it shall be a minimum of 20'.

Transportation Planning staff indicated "Hunting Creek Drive has a multi-use path along both the north and south lanes. While the path is not separated from the driving lane as we would prefer it is wide enough to facilitate bike traffic as well as foot traffic. We don't have any issue with the development utilizing this multi-use path for their pedestrian path."

**INTERESTED PARTY COMMENTS**

Staff received a letter from the Mayor of Prospect supporting the construction of sidewalks.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will adversely affect adjacent property owners by not providing safe pedestrian access along Covered Bridge (collector) and US 42 (major arterial). The area is comprised of large lot residential with some vacant lots which, upon redevelopment, would be required to provide sidewalks.

- (b) The waiver will not violate the Comprehensive Plan; and

STAFF: Land Use & Development Goal 1, Policy 1.3 promotes sidewalks along the streets of all developments. Land Use & Development Goal 1, Policy 1 states that in order to promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate. Land Use & Development Goal 3, Policy 5 states that developments should be evaluated for their impact on the transportation network (including the street, pedestrian, transit, freight movement and bike facilities and services) and air quality.

There are no existing sidewalks along US 42 and Covered Bridge however the large lots around the subject site, upon redevelopment, would be required to provide sidewalks. There is transit located at the intersection of US 42 and Hunting Creek which is in the vicinity of the subject site. Sidewalks provided along this sites frontages would begin pedestrian infrastructure which is missing in the area.

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

STAFF: The waiver is not the minimum necessary to afford relief to the applicant as there are no topographical or environmental issues that would prevent the construction of the sidewalks.

### REQUIRED ACTIONS:

- **RECOMMEND** that City of Prospect **APPROVE** or **DENY** the **Sidewalk Waiver**
- **APPROVED** or **DENY** the **Preliminary Subdivision Plan**

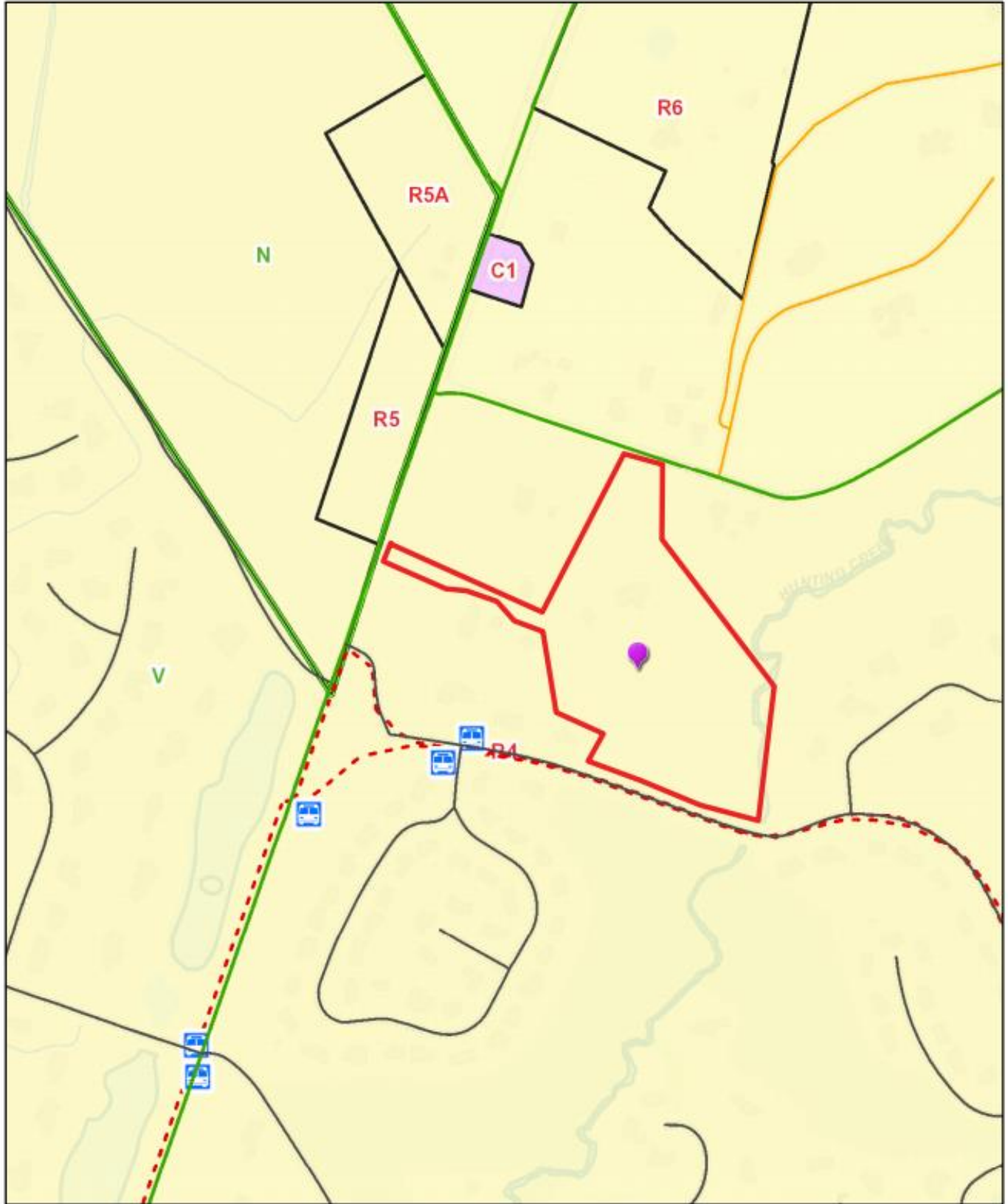
### NOTIFICATION

| Date     | Purpose of Notice                | Recipients  |
|----------|----------------------------------|---|
| 12/20/19 | Hearing before LD&T on 1/16/2020 | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 16 |

### ATTACHMENTS

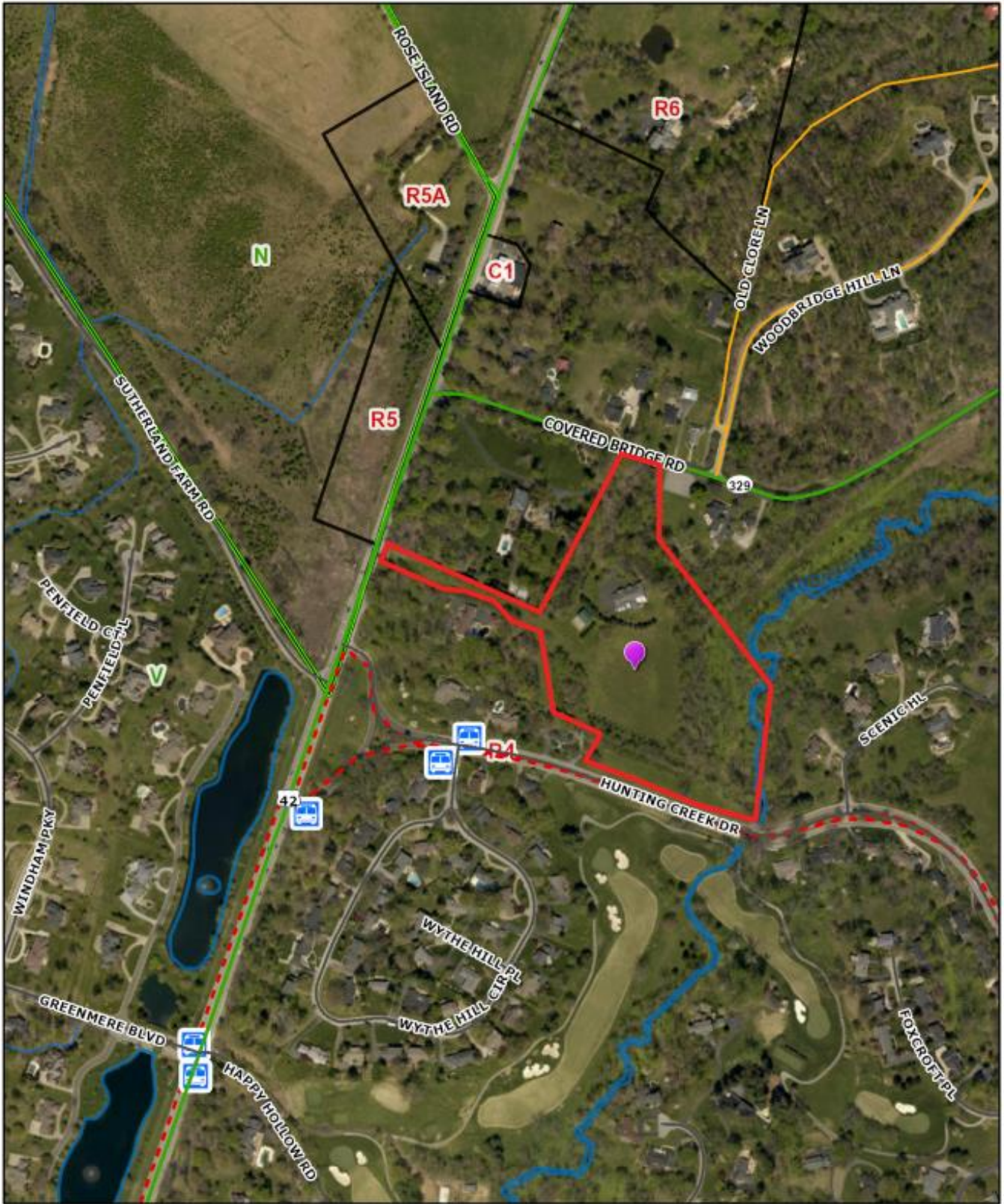
1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. Zoning Map





2. Aerial Photograph



### 3. Existing Conditions of Approval

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 Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, and demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by Planning Commission staff 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. 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
4. 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."
5. 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.
6. 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.
7. 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.
8. 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. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
9. Trees will be preserved and/or provided on site and maintained thereafter as required by Chapter 10, Part 1 of the Land Development Code and as indicated in the Tree Canopy Calculations on the Preliminary Subdivision Plan. The applicant shall submit a landscape plan for approval by Planning Commission staff for any trees to be planted to meet the Tree Canopy requirements of Chapter 10, Part 1 of the Land Development Code. A tree preservation plan

shall be submitted for review and approval for any trees to be preserved to meet the Tree Canopy requirements of Chapter 10.

- ~~10. 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.~~
- ~~11. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission:
  - ~~e. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.~~
  - ~~f. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.~~
  - ~~g. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.~~~~
- ~~12. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.~~
- ~~13. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.~~
- ~~14. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.~~
- ~~15. Language describing the location of the Gas Easement within the subdivision shall be provided in the deed restrictions. The form of such restrictions shall be approved by Planning Commission Counsel.~~
- ~~16. The construction entrance on Lot 11, as indicated on the plan, shall remain open indefinitely for both house construction and site development until such time as that lot is developed.~~

#### **4. Proposed Conditions of Approval**

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 Tree Preservation Plan for approval by Planning and Design staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). 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.
3. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the

Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.

4. 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."
5. 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.
6. 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.
7. 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.
8. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
9. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
10. A deed of consolidation or minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
11. At the time the developer turns control of the homeowners association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowners association account. The subdivision performance bond may be required by the planning Commission to fulfill this funding requirement.
12. Language describing the location of the Gas Easement on Lot 16 shall be provided in the deed restrictions. The form of such restrictions shall be approved by Planning Commission Counsel.