

# Land Development and Transportation Staff Report

February 26, 2015



<b>Case No:</b>	15SUBDIV1000
<b>Project Name:</b>	Locust Creek Section 10B
<b>Location:</b>	Sturbridge Circle
<b>Owners:</b>	Creek Capitol, Inc.
<b>Applicant:</b>	Creek Partners, LLC
<b>Representative(s):</b>	Sabak, Wilson & Lingo, Inc.
<b>Project Area/Size:</b>	7.59 ac.
<b>Existing Zoning District:</b>	R-4, Single Family Residential
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Julie Denton
<b>Case Manager:</b>	Matthew R. Doyle, Planner I

## REQUEST

- Revised Major Preliminary Subdivision Plan to create 13 buildable lots
- Sidewalk Waiver

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant requests revisions to Locust Creek Section 10B approved in Docket 10-35-98. The applicant has reduced the number of buildable lots from 18 to 13 and is only proposing buildable lots on the eastern side of the roadway (Sturbridge Circle) in an effort to reduce the impact on an existing intermittent stream on the subject site as delineated by Redwing Environmental Services, Inc. The applicant has also requested a variance to reduce the front and street side yard setbacks from 30 ft. to 20ft. to further protect the existing stream and maintain an appropriate setback for the subdivision. This request will be heard on March 16, 2015.

The revised plan would provide sidewalks along the lots fronting on Sturbridge Circle, but the applicant requests a waiver to not provide a sidewalk on the other side of Sturbridge Circle along the open space lot.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single family residential	R-4	N
<b>Proposed</b>	Single family residential	R-4	N
<b>Surrounding Properties</b>			
<b>North</b>	Single family residential	R-4	N
<b>South</b>	Single family residential	R-4	N
<b>East</b>	Single family residential	R-5, R-4	N
<b>West</b>	Single family residential	R-4	N

## PREVIOUS CASES ON SITE

10-35-98: Approval of the Major Preliminary Subdivision Plan for the Locust Creek Subdivision.

## INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on the proposal.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 5.8.1.B. to not provide a sidewalk along the western side of Sturbridge Circle:**

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

STAFF: The waiver will not adversely affect adjacent property owners since all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate.

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

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver will not violate specific guidelines of Cornerstone 2020 as all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate.

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

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant since all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate.

- (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: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since all proposed buildable lots will have sidewalks to the extent required by the Land Development Code and adequate pedestrian connectivity will be provided where appropriate.

## TECHNICAL REVIEW

The applicant needs to add Tree Canopy Calculations to the plan.

## STAFF CONCLUSIONS

The Revised Major Preliminary Subdivision Plan and Sidewalk Waiver appear to be adequately justified based on staff analysis in the staff report.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the waivers to of section 5.8.1.B. to not provide a sidewalk along the western side of Sturbridge Circle.
- **APPROVE** or **DENY** the Revised Major Preliminary Subdivision Plan.

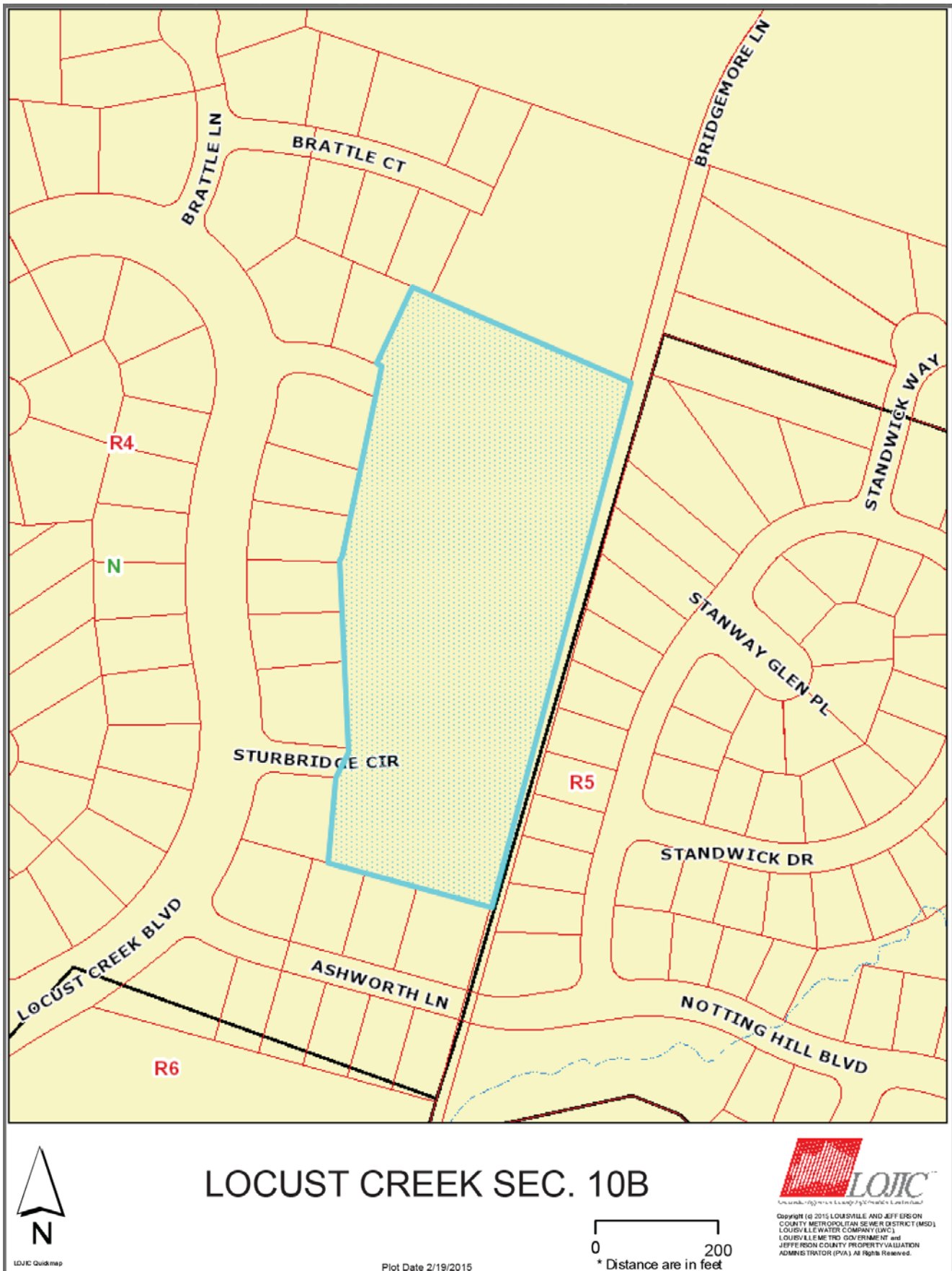
### NOTIFICATION

Date	Purpose of Notice	Recipients
2/12/15	LD&T	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

### ATTACHMENTS

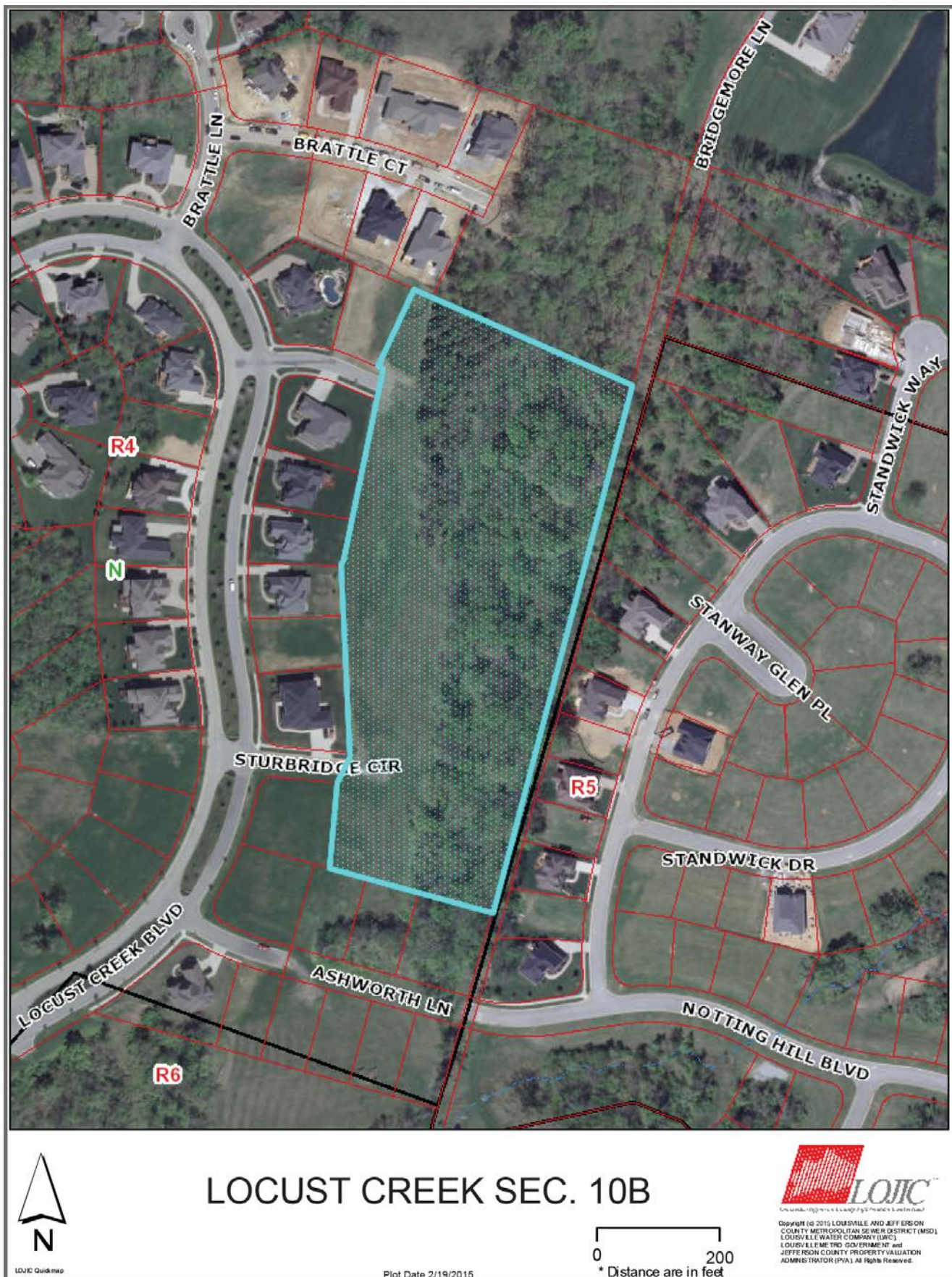
1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval
4. Proposed Additional Conditions of Approval

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.
2. 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.
3. 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.
4. The applicant shall submit a plan for approval by the Planning Commission staffs 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 staffs 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 existing 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 MSD topography.
  - d. Location of construction fencing for each tree/tree mass designated to be preserved.
5. 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."
6. A soil erosion and sedimentation control plan shall be developed and implemented in accordance with the Metropolitan Sewer District and the USDA Natural Resources conservation Service recommendations. Documentation of the MSD's approval of the plan shall be submitted to the Planning Commission prior to grading and construction activities.
7. A geotechnical study shall be required for the draining and filling of any existing ponds on the site.
8. The subdivision shall contain a total of no more than 577 buildable lots (470 for the Standard R-4 Subdivision, 67 for the Innovative Subdivision on lot 474 characterized by "The Villas", and 40 for the Innovative Subdivision on lot 475 characterized by "Patio Homes").
9. The developer shall agree to add turn lanes on the north side of Shelbyville Road at the two entrances into the development as requested by the Kentucky Transportation Cabinet Department of Highways.
10. Prior to recording the record plat, a landscape plan must be submitted and approved by the Division of Planning and Development Services Landscape Architect for screening and buffering along Shelbyville Road in - compliance with the parkway policy.

**4. Proposed Additional Conditions of Approval**

11. 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 Transportation Planning Review and the Metropolitan Sewer District.
  - b. 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.
  - c. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved preliminary subdivision plan.
  - d. A street name change for the northern portion of Sturbridge Circle shall be approved.
12. 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 PDS inspector or enforcement officer upon request.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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 larvacide approved by the Louisville Metro Health Department. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
18. Trees will be preserved and/or provided on site as required by Chapter 10, Part 1 of the Land Development Code. 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.