

Land Development and Transportation Committee
Staff Report
March 12, 2018



Case No:	18SUBDIV1000
Project Name:	Wetherly Springs Lake Forest
Location:	1698 N Beckley Station Rd
Owner(s):	Katherine and Michael Kaufling
Applicant:	Wetherly Springs, LLC.
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Jay Lockett, Planner I

REQUEST(S)

- Major Preliminary Subdivision
- Waiver from Land Development Code section 5.9.2.A.1.A.iii to allow a residential block face to exceed 1600' in length.

CASE SUMMARY/BACKGROUND

The applicant is proposing to create 46 buildable lots on approximately 22.99 acres within the R-4 zoning district. A waiver is requested to allow a residential block face to exceed the maximum length of 1600'. The southern block face of the main street of the proposed development is approximately 2000' in length.

STAFF FINDING

The site is relatively narrow and very deep, and is completely surrounded by existing homes and the Lake Forest Country Club. There are no existing stub streets to connect to, and the proposed long cul-de-sac is likely the most feasible layout for the development. Therefore, the waiver is adequately justified and meets the standard of review. The subdivision plan meets or exceeds all regulations in Chapter 7 of the Land Development Code for Major Preliminary Subdivisions, with the exception of the waiver requested, and a few technical issues that will need to be resolved prior to final approval.

TECHNICAL REVIEW

The applicant is continuing to work with MSD staff on the final alignment of storm sewer infrastructure and the final size and alignment of drainage easements.

The applicant is coordinating with transportation planning staff on the final alignment of the entrance along N Beckley Station Rd.

INTERESTED PARTY COMMENTS

Staff has communicated with a neighboring property owner who expressed concern about potential runoff issues from the development. MSD staff has consulted with them about their concerns.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners, as all required yards and screening will be provided on site.

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

STAFF: Community Form/Land Use Guideline 3 policy 1 states the proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. Guideline 3 policy 6 states the proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. The proposed waiver will not violate the comprehensive plan, in that the proposal is similar to existing development in the area. The applicant is proposing to provide traffic control improvements along N English Station Rd to mitigate traffic issues associated with this development.

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

STAFF: The extent of the waiver is the minimum necessary to afford relief to the applicant, as there is no viable alternative street network that can fit on the site due to the dimensions of the site, and the surrounding community is fully built out.

- (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, as there would be a significant loss of lots and useable space in the rear of the site if the block was limited to the 1600' allowed by the LDC.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVED** or **DENY** the **Major Preliminary Subdivision Plan**

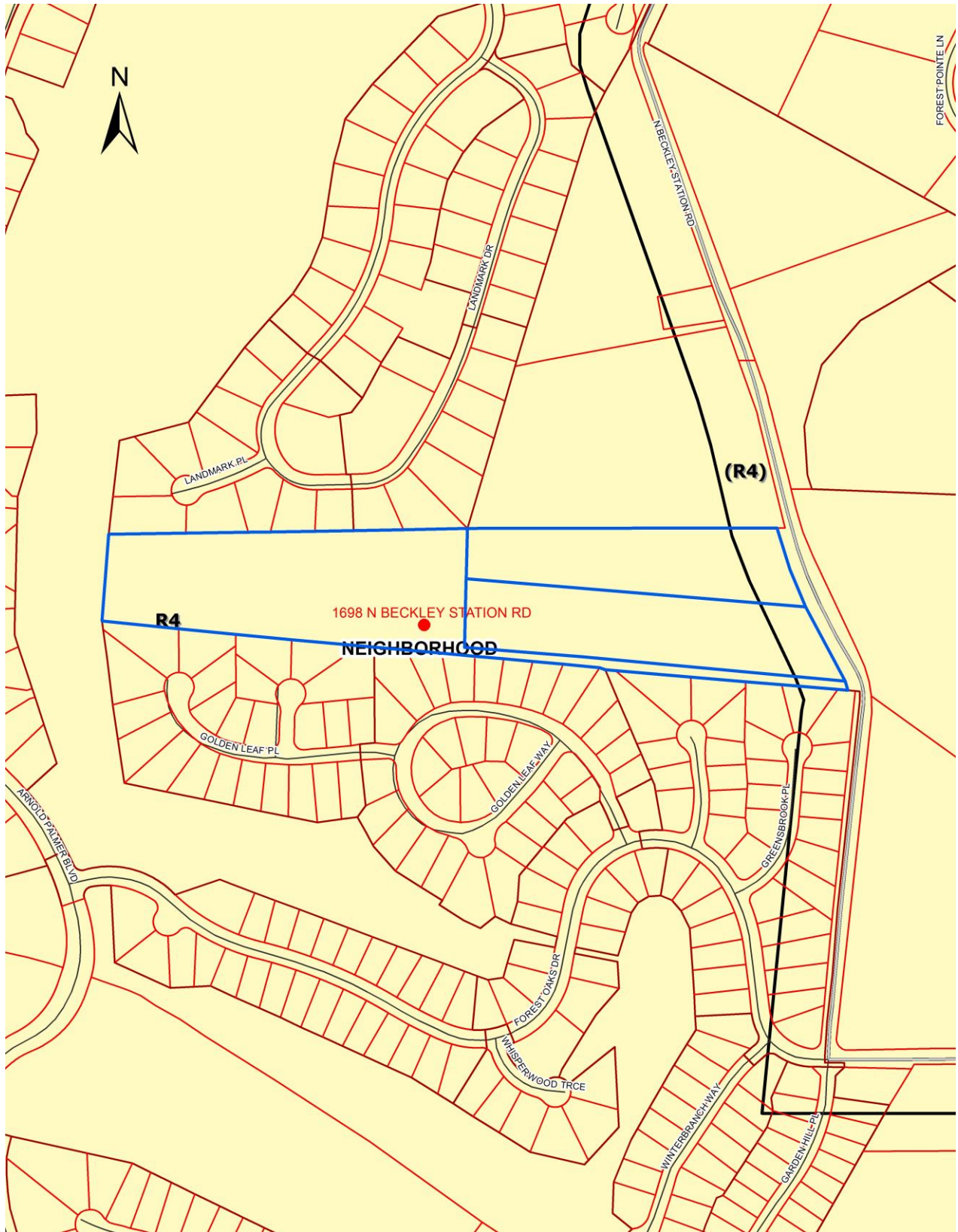
NOTIFICATION

Date	Purpose of Notice	Recipients
3-27-18	Hearing before LD&T	1 st tier adjoining property owners Neighborhood meeting attendees Registered Neighborhood Groups in Council District 19

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. 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 plan for approval by Planning Commission staff 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 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. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for all stub streets. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
7. 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.
8. 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.
9. 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. Larvacides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.

10. 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.
11. 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.
12. 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.
13. 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.
14. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat that states, "Construction fencing shall be erected at the edge of the limits of disturbance area, prior to any grading or construction activities. The fencing shall remain in place until all construction is completed. No parking, material storage, or construction activities shall be permitted within the fenced area."
16. Prior to the recording of the Record Plat for this development, the applicant shall provide to Planning and Design Services Historic Preservation Staff a completed Kentucky Historic Resources Survey to document the existing structures on site.