

Planning Commission Staff Report

October 22, 2015



Case No:	15SUBDIV1003
Request:	Conservation Subdivision for 405 lots on 122.03 acres
Project Name:	St. Joseph Orphanage Site
Location:	13605 & 13615 Factory Lane
Owner:	St. Joseph Catholic Orphan Society
Applicant:	Ball Homes LLC
Representative:	Sabak, Wilson & Lingo, Inc. Bardenwerper, Talbott & Roberts PLLC
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Conservation Subdivision Plan with 405 building lots on 122.03 acres

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4
Existing Form District: Neighborhood
Existing Use: Agricultural
Proposed Use: Single Family Subdivision

The proposal is for a conservation subdivision with 405 buildable lots and 10 open space lots on the 122.03 acre tract, with a gross density of 3.3 dwelling units per acre and a net density of 3.9 dwelling units per acre (4.84 dwelling units per acre are allowed in the R-4 zoning district). The 405 lots consist of 325 detached single family lots and 80 attached single family lots. The development clusters development away from the stream that traverses the site along the southern and western boundaries.

The development proposes to dedicate 18.2 acres to Primary Conservation Area, 14.69 acres to Secondary Conservation Area, and another 8.3 acres of conservation area that is credited at 50 percent because the areas are cleared and/or are areas of active recreation. This equates to approximately 30.35 percent of conservation area (30 percent is the minimum required).

The property is surrounded by a number of residential developments including:

Woodmont Subdivision – Approximately 327 lots (zoned R-4)
Fairfield – Approximately 108 lots (zoned R-4 and R-5)
Forest Springs – Approximately 498 lots south of Reamers Road (zoned R-5)
Spring Arbor Patio Homes – Approximately 64 unites (zoned R-6)
Terraces at Forest Springs Apartments – Approximately 355 units (zoned R-6)

None of the surrounding developments provided stubs into the subject property. The nearest connection is within Fairfield Meadows subdivision, which has a stub via Fairfield Meadows Drive, that stubs into an adjoining property and is approximately 500 feet away.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Agricultural	R-4	N
Proposed	Single Family Residential	R-4	N
Surrounding Properties			
North	Single Family Residential	R-5	N
South	Agricultural	R-4	N
East	Single Family/Multi-Family	R-4, R-5 & R-6	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

There have been no previous cases on this site.

INTERESTED PARTY COMMENTS

Staff has received comments from about a dozen property owners that live in the abutting subdivisions. Concerns include traffic impact on surrounding intersections, safety on Factory Lane, concerns about existing trees and tree canopy, development's effect on wildlife, character of the development, effect on housing values, etc. These comments are available in the case file. Here are some examples of the concerns:

Karen Bertocci in regards to environmental report: "The scope of the Redwing report dated 11/20/14 was limited to identifying the "location and extent of jurisdictional waters/wetland on the site". Redwing reports it has not generated a complete environmental report identifying all concerns at this location at the direction of Ball Homes (telephone communication, 6/2015). Nonetheless, Redwing's 11/20/14 report identified a) ~4 acres of suitable summer roosting habitat for the federally protected Indiana bat, and b) summer habitat (including 43 trees) suitable for both the Indiana bat and northern long-eared bat on this site."

Mark and Wendy Dumoulin in regards to subdivision design: "My concern is of the density of the conversation subdivision as it relates to my property. The current proposal design has such density that my property alone could be adjacent to five homes in the Ball design, and have site line view to as many as 12-15 properties. My property line is ~250 feet long. This is unacceptable as "conservation" in one area, negatively impacts others in a different area."

Steve Hardin in regards to Factory Lane improvements: "Widening the road to 3 lanes (2 lanes with a center / turning lane) along the entire development seems prudent and necessary. From your response below, it appears that the city will only by asking the developer to widen the road to 3 lanes for only a portion of their property along Factory Lane. I'm asking for the same configuration that exists along the frontage of the nearby Paddock Apartments. Hogan Properties was required to improve and widen this area of road to 3 lanes several years ago.

Sharon Kuhl in regards to density/home values: "Another red flag. The density and quality of the housing. It is too many houses and townhouses. The quality of the proposed houses are not compatible with the area. The current home values are in the \$400k-\$500k value. Build a \$200k house next to our homes and watch our home values plummet. That is a devastating thing to happen. Pay \$450,000 for a beautiful home and turn around and struggle to not only resell it but take a big loss. We paid a good amount of money for our home

and expect our home value to rise. We are counting on it and do not expect the whim of a developer to diminish the value of our home. Period.”

Kim Philpot concerning traffic: “On another note, I do not understand where all of this new traffic that will be generated is going to go. Both areas are overwhelmed with rush hour traffic. Old Henry was backed up all the way to Lake Forest yesterday. That road is also narrow and in very bad condition. People swerve to the middle of the road to avoid bad areas where the road is caving in. This road is extremely dangerous already. How will this work when all of these homes have been built. Forest Springs and HWY 146 also has very heavy traffic.”

Kim Strong: “I have concerns about this development for many reasons and are counting on you to enforce all aspects of the Land Development Code. Items of particular concern include blasting, storm drainage, increased traffic, ability of the roads and infrastructure to handle this size development in this area, school enrollment and environmental issues.”

Judy Teller regarding tree canopy/existing significant trees: “There are many extremely large trees on the property that should be analyzed to determine their age and if they are protected from being destroyed”

Metro Councilman Glen Stuckel’s office has also contacted staff with some general questions about the plan and the review process associated with conservation subdivisions.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

REVIEW OF TECHNICAL STANDARDS FOR CONSERVATION SUBDIVISIONS

Section	Requirement	Notes	Compliance?
7.11.6	Conservation subdivisions shall consist of at least 30 percent of the total proposed subdivision acreage for property located in the R-4 zoning district.	Primary: 18.2 acres Secondary: 14.69 acres 50% Secondary: 4.15 acres TOTAL: 37.04 acres % of Property: 30.35%	✓

Section	Requirement	Notes	Compliance?
7.11.9, A	Density Calculation: $\text{Maximum Lots Permitted} = \frac{\text{TA-PCA-IA}}{\text{Zoning District Minimum Lot Size}}$	Total Area (TA): 122.03 acres Primary Conservation Area (PCA): 18.2 acres Infrastructure Area (IA): 19.2 acres Minimum Lot Size for R-4: 9,000 sf $\text{Maximum Lots Permitted} = \frac{(122.03 - 18.2 - 19.2) \times 43,560}{9,000}$ $\text{Maximum Lots Permitted} = \frac{84.63 \times 43,560}{9,000}$ $\text{Maximum Lots Permitted} = \frac{3686482.8}{9,000}$ $\text{Maximum Lots Permitted} = 409.6$ TOTAL PROPOSED LOTS: 405 405 < 409	✓
7.11.9, B	Dimensional Standards: Maximum Attached/Semi-Attached Units for R-4 with 30% Conservation Area: 20%	Proposed Attached Units: 80 Total Units: 405 % Attached Units: 19.75%	✓
7.11.9, B	Dimensional Standards: Setbacks	Setbacks are listed on the plan.	✓
7.11.9, B	Dimensional Standards: Average Lot Size: 5,500 sf	Proposed Average Lot Size: 6,447 sf	✓
7.11.9, C	Building and Lot Design Standards	Appears to be in compliance.	✓
7.11.9, D.1	Streetscape Standards: Streets	Appears to be in compliance.	✓
7.11.9, D.2	Streetscape Standards: Street Trees	To be determined with submittal of landscape plan	-
7.11.9, D.3	Streetscape Standards: Sidewalks	Appears to be in compliance.	✓

TECHNICAL REVIEW

- The applicant is proposing to dedicate right-of-way equivalent to 40-feet from the centerline along the north side of Factory Lane. Also, the applicant proposes to install a left turn lane from Factory Lane into the development. A five-foot wide sidewalk will also be constructed along the subdivision's frontage on Factory Lane.
- MSD needs maintenance access to the proposed detention basin location and would like this shown on the plan. The plan meets all other MSD requirements for approval of a preliminary subdivision. Also, the following three notes were required (and included) on the plan:

*Onsite detention will be provided. Post-developed peak flows will be limited to pre-developed flows for the 2, 10 and 100-yr storms or to the capacity of the downstream system, whichever is more restrictive.

*KDOW (Ky Department of Water) and ACOE (Army Corps of Engineers) approval prior to MSD construction plan approval.

*A watershed study shall be provided prior to MSD construction plan approval to verify there is no increase of peak flow rate leaving the site and no increase of downstream water surface elevation.

- Transportation Review, MSD, Louisville Water Company and Middletown Fire Department have all preliminarily approved the subdivision request.

STAFF CONCLUSIONS

The proposed subdivision meets the requirements of the Conservation Subdivision regulations.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the requirements for approval of a Conservation Subdivision in the Land Development Code.

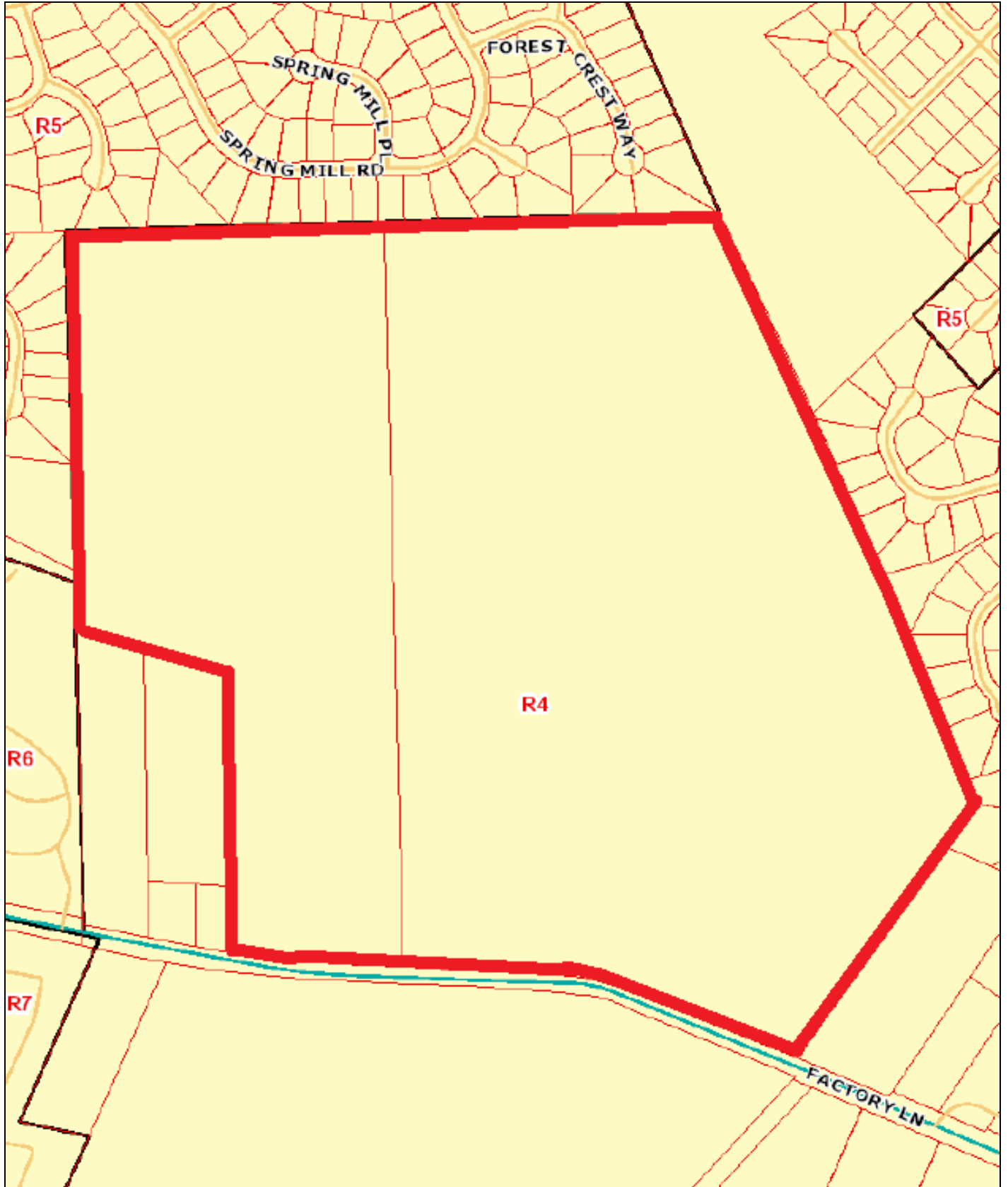
NOTIFICATION

Date	Purpose of Notice	Recipients
10/8/2015	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Subscribers of Council District 17 and 19 Notification of Development Proposals

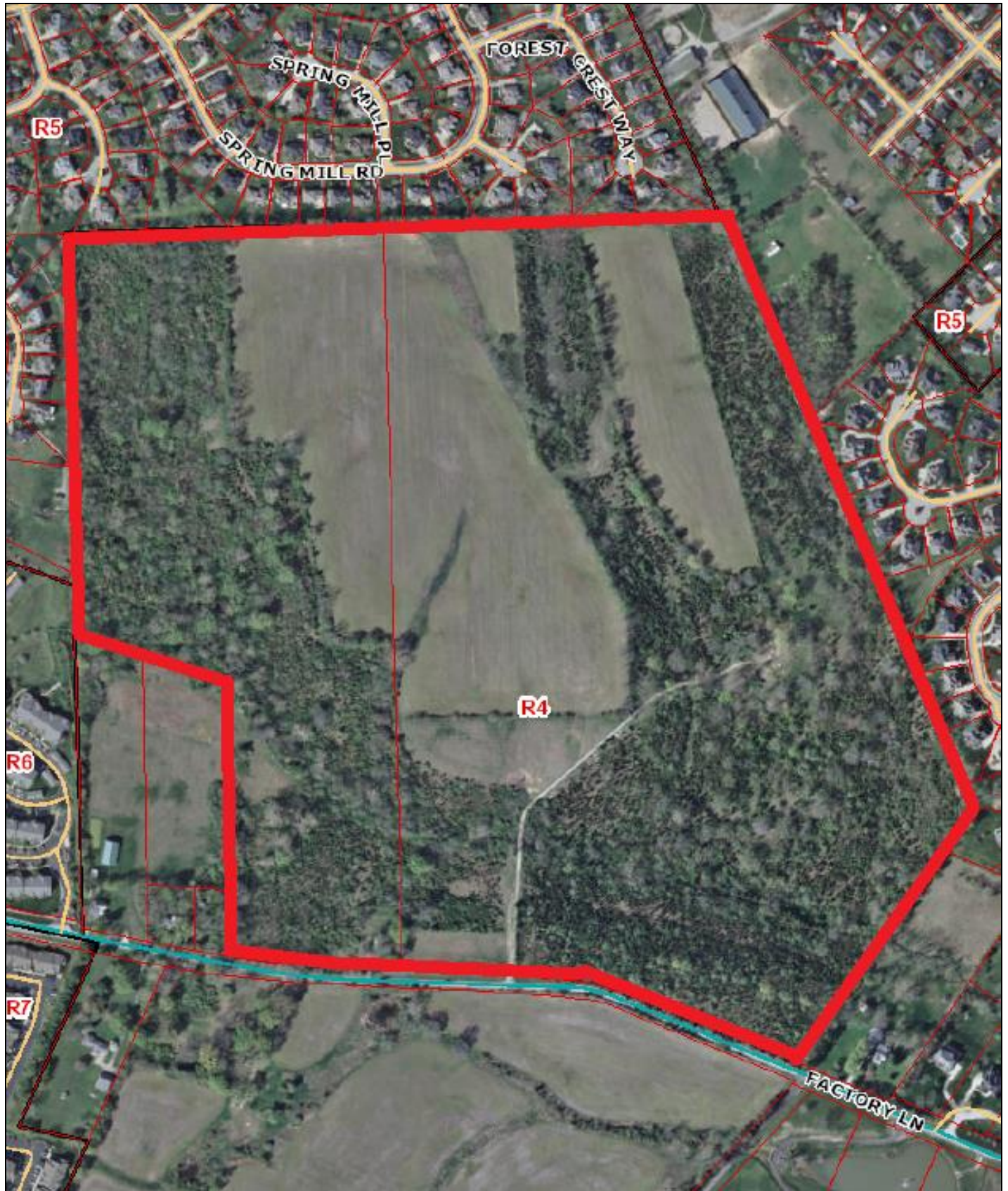
ATTACHMENTS

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 Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
2. 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.
3. 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 Department of Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
 - c. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. 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.
5. The applicant, developer, or property owner shall provide copies of these conditions of approval 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.
6. 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 filed with the Secretary of State and recorded in the office of the Clerk of Jefferson County and the Certificate of Incorporation of the Homeowners Association.
 - b) A deed of restriction in a form approved by Counsel to the Planning Commission addressing (responsibilities for the maintenance of common areas and open space, maintenance of noise barriers, maintenance of TCPAs etc.) and other issues required by these conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
7. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.

8. 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.
9. 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."
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. The maximum number of lots/homes allowed beyond the stream crossing by Street A (as labeled on the preliminary subdivision plan reviewed at the October 22, 2015 Planning Commission meeting) shall not exceed 200 lots until such time as the Street I stub is connected to Fairfield Meadows Drive or another alternative outlet to Reamers Road or other public roadway is established.
16. Street trees shall be planted in a manner consistent with the requirements of Section 7.11.9, D.2 of the Land Development Code.
17. Prior to blasting, conduct a pre-blast inspection/pre-blast survey of adjacent property owners to document the existing condition of building and sensitive structures (swimming pools), building components or contents susceptible to vibration-induced damage. The site conditions and the inspection information must be employed to design the blast to minimize effects to property. This pre-blast survey must consist of photos and videos provided to property owners and Factory Lane Development Awareness Group.