

Land Development & Transportation Committee

Staff Report

December 10, 2015



Case No:	15SUBDIV1014
Request:	Conservation Subdivision for 163 lots on 59.82 acres and a Waiver to allow rear of houses to face Mt. Washington Road
Project Name:	Meadow Creek
Location:	6204, 6210 & 6304 Mt. Washington Road
Owner:	Frank Quick, Jr. and William & Helen Quick
Applicant:	Premier Land Development LLC
Representative:	Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	13 – Vicki Aubrey Welch
Case Manager:	Brian Davis, AICP, Planning Supervisor

REQUEST

- Conservation Subdivision Plan with 163 building lots on 59.82 acres
- Waiver of Section 7.11.9, C.2 to allow rear facades to be oriented towards Mt. Washington Road

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 163 buildable lots and 5 open space lots on the 59.82 acre tract, with a gross density of 2.72 dwelling units per acre and a net density of 3.18 dwelling units per acre (4.84 dwelling units per acre are allowed in the R-4 zoning district). All 163 lots are proposed as detached single family lots.

The development proposes to dedicate 32,966 square feet (0.76 acres) to Primary Conservation Area and 18.87 acres to Secondary Conservation Area. This equates to approximately 32.8 percent of conservation area (30 percent is the minimum required).

The applicant is requesting a waiver of Section 7.11.9, C.2 to allow some rear facades to be oriented towards Mt. Washington Road. The proposed lots whose rear facades are most oriented towards Mt. Washington Road are lots 1, 2, 144, 145 and 146.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Agricultural	R-4	N
Proposed	Single Family Residential	R-4	N
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4/R-5	N
South	Golf Course	R-4	N
East	Single Family/Ag	R-4	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 not received any comments regarding this case.

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: 0.76 acres Secondary: 18.87 acres TOTAL: 19.63 acres % of Property: 32.8%	✓

Section	Requirement	Notes	Compliance?
7.11.9, A	Density Calculation: $\text{Maximum Lots Permitted} = \frac{\text{TA-PCA-IA}}{\text{Zoning Minimum Lot Size} \times \text{District Lot}}$	Total Area (TA): 59.82 acres Primary Conservation Area (PCA): 0.76 acres Infrastructure Area (IA): 8.68 acres Minimum Lot Size for R-4: 9,000 sf $\text{Maximum Lots Permitted} = \frac{(59.82 - 0.76 - 8.68)}{9,000}$ $\text{Maximum Lots Permitted} = \frac{(50.38)}{9,000}$ $\text{Maximum Lots Permitted} = \frac{2,194,552.8}{9,000}$ $\text{Maximum Lots Permitted} = 243$ TOTAL PROPOSED LOTS: 163 163 < 243	✓
7.11.9, B	Dimensional Standards: Maximum Attached/Semi-Attached Units for R-4 with 30% Conservation Area: 20%	Proposed Attached Units: 0 Total Units: 163 % Attached Units: 0%	✓
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: 6,912 sf	✓
7.11.9, C	Building and Lot Design Standards	Waiver from 7.11.9, C.2 to allow some lots to have rear facades that are oriented towards street.	-
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.	✓

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER #1:
Waiver requested from Section 7.11.9, C.2 to allow some lots to have rear facades
oriented towards Mt. Washington Road**

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

STAFF: The waiver will not adversely affect adjacent property owners as there are currently houses in both Cooper Farms and Washington Green which have homes whose rear facades are oriented towards Mt. Washington Road.

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

STAFF: The waiver will not violate the comprehensive plan.

- (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 of the regulation is the minimum necessary to afford relief as the applicant has designed the subdivision so that a majority of homes do not have rear facades that back up to Mt. Washington Road or are shielded by Tree Canopy Preservation Areas.

- (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 applicant will have landscaping within the 30-foot scenic corridor buffer that will help break up the rear facades.

TECHNICAL REVIEW

- The proposed subdivision connects to an existing stub from the Larkgrove Estates subdivision (Larkgrove Drive) and provides a stub (Street C) to a large property to the southeast of the development.
- Transportation Review, MSD, Louisville Water Company and Okolona Fire Department have all preliminarily approved the subdivision request.

STAFF CONCLUSIONS

The proposed subdivision meets the requirements of the Conservation Subdivision regulations with the exception of the proposed waiver to have a limited number of parcels with rear facades oriented towards Mt. Washington Road. The applicant should work with Planning & Design Services' landscape architect to ensure that these rear facades are properly screened with plantings within the 30-foot scenic corridor buffer.

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 and for granting a Waiver in the Land Development Code.

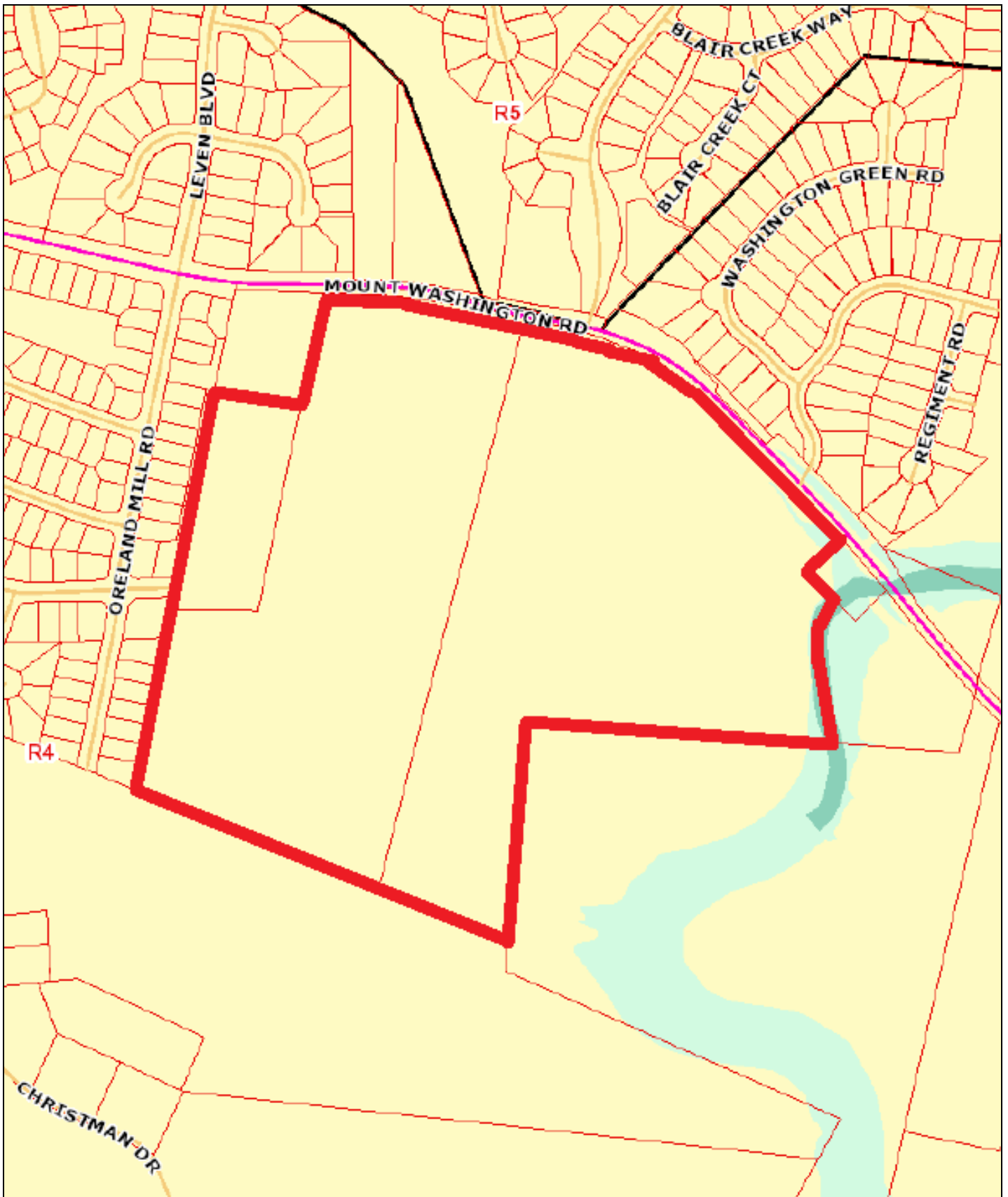
NOTIFICATION

Date	Purpose of Notice	Recipients
11/20/2015	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Subscribers of Council District 13 and 23 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. Street trees shall be planted in a manner consistent with the requirements of Section 7.11.9, D.2 of the Land Development Code.