

Land Development & Transportation Committee Staff Report

July 13, 20147



Case No:	17SUBDIV1010
Project Name:	Chenoweth Run, LLC
Location:	5605 Chenoweth Run Road
Owner(s):	Ed Hamilton, Chenoweth Run, LLC
Applicant:	Same
Representative:	Blomquist Design Group, LLC
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Laura L. Mattingly, AICP, Planner II

REQUEST(S)

- Major Preliminary Subdivision Plan
- Waiver of Section 4.8.6.G

CASE SUMMARY/BACKGROUND

The applicant proposes to create four new single family lots, ranging from .56 to 1.75 acres in area, just south of the Poplar Lakes subdivision in southeastern Jefferson County. The proposal includes a cul-de-sac extending from Fawn Valley Drive which will give access to all four lots. A blue line stream runs within the southeastern portions of Lots 2-4 which requires a 100 foot buffer zone, containing a 25 foot inner zone, a 50 foot middle zone and a 25 foot outer zone. Section 4.8.6.G of the Land Development Code requires that lots be platted outside of the inner and middle stream buffer zones. The applicant has requested to waive this requirement.

STAFF FINDING

Staff finds that the Major Preliminary Subdivision Plan meets the minimum requirements of the Land Development Code established for major subdivisions, with the exception of the area of the lots created within stream buffer. Staff finds that the waiver of 4.5.6.G is justified, as the lots far exceed the minimum lot area requirement, leaving ample buildable space outside of the buffer area and setback requirements. Additionally, the stream buffer is still protected under Section 4.8 and would require a variance to build within the buffer.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the LDC for approving the Revised Major Preliminary Subdivision and granting a waiver of 4.8.6.G.

TECHNICAL REVIEW

Preliminary approvals have been given by both MSD and Transportation.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

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 the stream buffer is still protected by the buffer requirements in Section 4.8 of the Land Development Code, therefore no construction can occur within the buffer without a variance and public hearing. Additionally the lots are much larger than what is required in an R-4 zone; therefore all setbacks can easily be adhered to.

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

STAFF: Guideline 5, Policy 1 of Cornerstone 2020 calls for respect of the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. This guideline is NOT violated as the lots are large enough to build outside of the buffer as well as adhere to all setback requirements. Additionally, there is an existing sewer and drainage easement near the edge of the stream buffer that also protects it from 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 the applicant has already had to go above and beyond to create these four tracts. This proposal would typically be done through minor subdivision plat which does not require tracts to be created outside of the stream buffer zones.

- (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 has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived as the lots being created far exceed the minimum area requirements and pose a very low impact on surrounding properties and natural resources.

NOTIFICATION

Date	Purpose of Notice	Recipients
July 3, 2017	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

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. 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 Louisville Metro Public Works.
 - 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.
3. 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.
4. 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.
5. 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.
6. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan and construction plan 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."