

# Land Development and Transportation Committee

## Staff Report

March 11, 2021



<b>Case No:</b>	21-MSUB-0002 / 21-FFO-0001
<b>Project Name:</b>	N Beckley Station Road Major Subdivision
<b>Location:</b>	1698 N Beckley Station Rd
<b>Owner(s):</b>	Katherine & Michael Kauffling
<b>Applicant:</b>	Ann Richards, Land Design and Development
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Molly Clark, Planner I

### REQUEST(S)

- Waiver from Land Development Code section 7.3.30.E to allow more than 15% of a required rear yard of a buildable lot to be occupied by a drainage easement. (21-WAIVER-0014).
- Floyds Fork Overlay (21-FFO-0001) to allow construction of a roadway and subdivision of land.
- Major Preliminary Subdivision (21-MSUB-0002).

### CASE SUMMARY/BACKGROUND

The applicant is proposing to create 48 buildable lots and 4 non-buildable lots on approximately 19 acres within the R-4 zoning district Neighborhood Form District. The site is relatively narrow and very deep, and is completely surrounded by existing homes and the Lake Forest Country Club. A waiver is requested to allow a lot within the subdivision to have a sewer and drainage easement occupy more than the allowable 15% of the rear yard. The applicant is proposing to build a street through a small section of the Floyds Fork Overlay that will connect to N. Beckley Station Road and serve as the primary entrance for the proposed subdivision. Since the proposed subdivision is creating new lots and constructing a roadway through the overlay, the Floyds Fork Overlay review is required.

### STAFF FINDING

The applicant is very limited in where drainage easements can be placed. Staff finds that 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. The applicant also does not have very many options in placing a primary entrance for the subdivision since the lot is long and narrow and is surrounded by existing single family subdivisions. The applicant will be nearly doubling the tree canopy on the site, adding the required landscaping within the overlay along N. Beckley Station Road as well as providing open space in 50% of the overlay. The subdivision plan meets or exceeds all the guidelines of the FFDR and meets the Chapter 7 regulations of the LDC.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal

- Lots created after the effective date of the DRO (1993) are subject to review and approval by the Planning Commission or designee.
- The site does not appear to lie within the floodplain and conveyance zone per LOJIC, MSD will ensure compliance with all applicable local, state and federal regulations

**INTERESTED PARTY COMMENTS**

None.

**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 as well as required landscaping along N. Beckley Station Road. The applicant is also providing more tree canopy than what is existing. The lot with proposed easement is located on a 22,000 sq ft lot which should allow for plenty of space in the rear.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: According to Guideline 1, policy 4 Plan 2040 calls for new development and redevelopment to be compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. The applicant is providing well over the lot minimums allowed in the existing form district which is the average lot size for the area this is located in. According to Guideline 4, Policy 11, Plan 2040 mentions that setbacks and lot dimensions are to be compatible with nearby developments. The proposed subdivision is keeping the same style lot configuration as the neighboring single family subdivisions and creating a stub where there could be future development. Within Guideline 13, policy 11, new developments should be appropriate in placement design and scale in terms of centers in Neighborhood Form Districts to ensure compatibility with nearby residences. The area for the proposed preliminary major subdivision is located between two existing single family subdivisions that is served by an existing country club.

- (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 to place drainage easements since the lot is long and narrow and surrounded by existing subdivisions and a country club.

- (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 the site is limited in options to place sewer and drainage easements without creating flooding issues on adjacent single family lots.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Floyds Fork Overlay**
- **APPROVE** or **DENY** the **Major Preliminary Subdivision Plan**

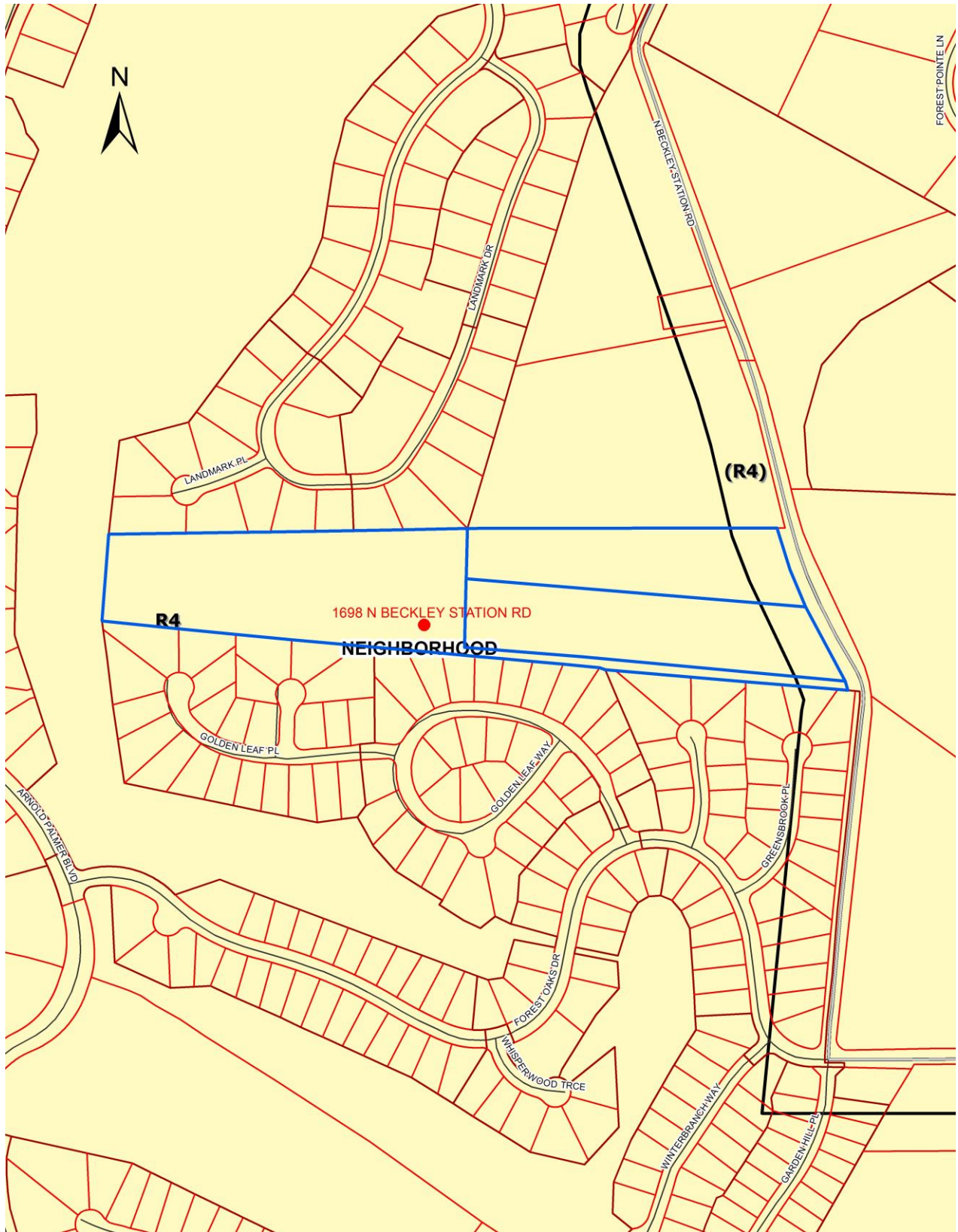
**NOTIFICATION**

Date	Purpose of Notice	Recipients
2-25-21	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> 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. A geotechnical report shall be conducted for the site and the results shall be submitted to the Planning Commission, Public Works, and MSD for review prior to construction plan approval. A plan shall be submitted to said agencies specifying how the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.