

# Land Development and Transportation

## Staff Report

January 26, 2017



<b>Case No:</b>	16SUBDIV1014
<b>Project Name:</b>	The Estates of Lovers Lane
<b>Location:</b>	6012 Lovers Lane
<b>Owners:</b>	Clyde & Marian H. Caudill
<b>Applicant:</b>	Learnet Inc.
<b>Representative(s):</b>	BTM Engineering, Inc.
<b>Project Area/Size:</b>	18.48 acres
<b>Existing Zoning District:</b>	R-4, Single-Family Residential
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Joel P. Dock, Planner I

### REQUEST

- Major Preliminary Subdivision Plan

### CASE SUMMARY

The applicant proposes to create 56 residential lots and 1 open space lot in South-Central Jefferson County, North of Interstate-265 and East of Bardstown Road. Primary access to the proposed subdivision is gained from Lovers Lane which can be accessed from Billtown Road to the North and Seatonville Road to the South; Seatonville Road intersects Bardstown Road roughly one-half mile from Interstate-265 interchange. The development of this subdivision connects the Keeling Place Subdivision with Lovers Lane and allows for local roadway access from the proposed subdivision to Seatonville Road. An additional roadway extension and stub street is provided to allow for connectivity and future residential development utilizing a network of local roadways from the subject site.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	R-4	N
<b>Proposed</b>	Single-Family	R-4	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Single-Family	R-4	N
<b>South</b>	Religious Grounds	R-4	N
<b>East</b>	Single-Family	R-4	N
<b>West</b>	Single-Family	R-4	N

### PREVIOUS CASES ON SITE

Staff did not find any associated cases on-site.

## INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### Fern Creek Small Area Plan

*Transportation Recommendation 7.4.5:* Citizens' comments have indicated that cut-through traffic along subdivision streets is a concern. It is recommended that traffic calming methods be considered for use in neighborhoods. Traffic calming devices can take many shapes, sizes and costs. The devices include such easy-to-install and inexpensive measures as maximum speed limit signs or turn prohibitions. Examples of more expensive traffic calming measures include chokers, chicanes, partial diverters, and street closure.

*Guiding Principal 3.3.2:* the subject site is within the Third Tier. This should include mostly low-density developments such as single-family residential, open space, and agricultural land uses.

## TECHNICAL REVIEW

The applicant has included note #33 on the subdivision plan to address *Fern Creek Small Area Plan, Transportation Recommendation 7.4.5*, providing that traffic calming devices and/or signage should be installed upon request and as required by Metro Public Works.

The proposed major preliminary subdivision plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

## STAFF CONCLUSIONS

The Major Preliminary Subdivision Plan meets or exceeds the minimum requirements of the Land Development Code established for major subdivisions.

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 Major Preliminary Subdivision.

## REQUIRED ACTIONS

- **APPROVE** or **DENY** the Major Preliminary Subdivision Plan for the Estates of Lovers Lane.

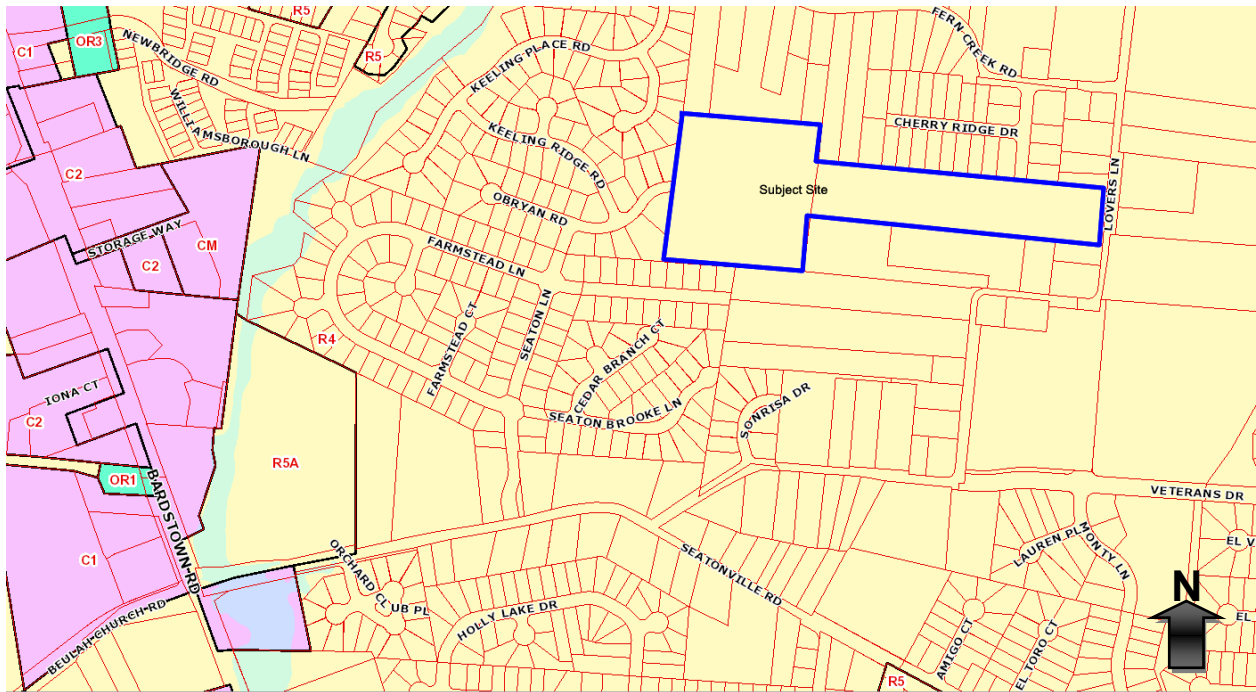
## NOTIFICATION

Date	Purpose of Notice	Recipients
1/13/17	LD&T	Adjoining property owners, applicant, attendees of the neighborhood meeting, representative, case manager, and neighborhood groups

## 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. 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 conditions of approval requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
4. 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.
5. 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.
6. 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.
7. All street signs shall be installed by the Developer, and shall conform to 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.
8. 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.

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 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.
10. 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.
11. 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.
12. 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.
13. 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."
14. If required, and in accordance with Land Development Code, section 4.9.5, a geotechnical report shall be conducted for the site. The results shall be submitted for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site.