

Land Development & Transportation Committee

Staff Report

May 25, 2017



Case No:	17SUBDIV1000
Request:	Revised Major Preliminary Subdivision Plan
Project Name:	Grand Lakes Estates
Location:	12814 Rehl Rd
Owner:	BTS Development
Applicant:	BTS Development
Representative:	Kelli Jones, Sabak, Wilson and Lingo
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Jay Luckett, Planner I

REQUEST

- Revised Major Preliminary Subdivision Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is seeking to alter the original layout of streets and lots in order to terminate Grand Lakes Dr in a cul-de-sac rather than continuing on to the adjacent site to the east. That site, which was part of the original subdivision concept, was rezoned to PEC by a different developer in 2010, and the connection is no longer required.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential Subdivision	R-4	N
Proposed	Single Family Residential Subdivision	R-4	N
Surrounding Properties			
North	Single Family	R-4	N
South	Vacant/Agricultural	OR	SW
East	Vacant/Agricultural	PEC	SW
West	Agricultural/Single Family	R-4	N

PREVIOUS CASES ON SITE

10-10-04: Preliminary subdivision plan. Approved by Planning Commission on August 10, 2004.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STAFF CONCLUSIONS

The Revised Major Preliminary Subdivision Plan meets 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 Revised Major Preliminary Subdivision.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Major Preliminary Subdivision Plan.

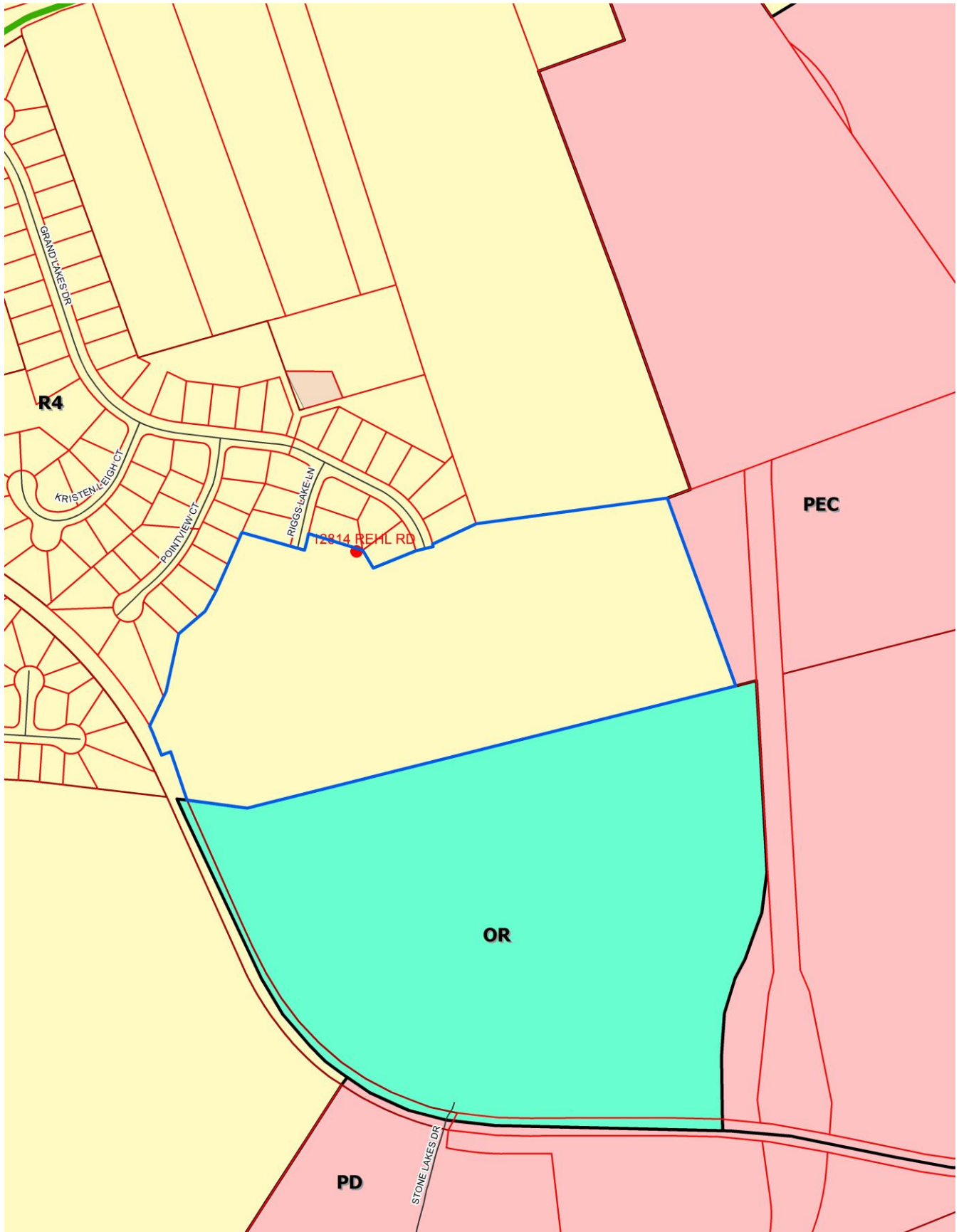
NOTIFICATION

Date	Purpose of Notice	Recipients
05/12/2017	Hearing before LD&T	1 st tier adjoining property owners
05/10/2017	Hearing before LD&T	Subscribers of Council District 19 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



3. Existing 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 the Planning Commission staffs landscape architect 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 the Planning Commission staffs landscape architect 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 (Lone 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 Lone 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. 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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
6. 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.
7. The site shall be developed in accordance with the tree canopy protection areas delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
8. The applicant shall provide deeds of restriction ensuring that TCPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of such restrictions shall be approved by Planning Commission counsel.
9. Tree Canopy Protection Areas (TCPAs) identified on this plan represent portions of the site that shall permanently preserve all existing vegetation. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated TCPAs beyond pruning to

improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat, or for the installation of sewer or drainage facilities.

10. When limits of disturbance are shown on the plan. A note shall be placed on the preliminary plan, construction plan and the record plat 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."
11. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat.
12. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval.
13. A minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
14. 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.
15. Trees will be preserved and/or provided on site 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.
16. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
17. The applicant shall provide language in the deeds of restriction describing the location of the Outer Buffer Zone along the blue line stream identified on the plan. The language shall state that no permanent structures or impervious surface coverages of greater than 100 s.f. are allowed in this zone as required in 4.8.6E of the Land Development Code. The form of such restrictions shall be approved by Planning Commission Counsel.
18. Language describing the location of the 250-foot Electrical Easement along the southern portion of the subdivision will be provided in the deed restrictions for Lots 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, and 88. The form of such restrictions shall be approved by Planning Commission counsel.
19. No residential structures shall be permitted within 250 feet of the edge of pavement of the Gene Snyder Freeway's nearest travel lane.
20. The applicant shall obtain approval of a detailed landscape plan for the 20-foot Landscape Buffer Area along Rehl Road. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. The landscape buffer area shall be maintained by the property owners association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.
21. 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.