

**Planning Commission  
Staff Report**

February 20, 2014



<b>Case No:</b>	13subdiv1000
<b>Project Name:</b>	<b>Glenmary Conservation Subdivision</b>
<b>Location:</b>	10200 Glenmary Farm Drive
<b>Owner(s):</b>	Par Golf, LLC
<b>Applicant:</b>	<b>Par Golf, LLC</b>
<b>Representative(s):</b>	<b>Mindel Scott and Associates, Bardenwerper, Talbott and Roberts PLLC.</b>
<b>Project Area/Size:</b>	<b>47.88 Acres</b>
<b>Existing Zoning District:</b>	<b>R-4</b>
<b>Existing Form District:</b>	<b>Neighborhood</b>
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	22 – Robin Engel
<b>Case Manager:</b>	Julia Williams, AICP, Planner II

**REQUEST**

- Record Plat Amendment to Plat Book 37 Page 99, 100, and 101
- Preliminary Conservation Subdivision plan

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The site is currently the Glenmary Country Club and golf course. A conservation subdivision with 44 lots are proposed on the historic Glenmary Farm property (JF-144) which includes the historic house, outbuildings, barn, swimming pool, tree stands, and site features such as fencing and walls. This property is associated with the Long family and dates back to 1861. The barn is proposed to be demolished as well as most of the existing tree stands between the barn and Glenmary Farm Road. Big Run East Creek runs through the site.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Golf Course and Clubhouse	R-4	Neighborhood
<b>Proposed</b>	Golf Course, Clubhouse, and Residential	R-4	Neighborhood
<b>Surrounding Properties</b>			
<b>North</b>	Residential	R-4/R-6	Neighborhood
<b>South</b>	Residential	R-4	Neighborhood
<b>East</b>	Residential	R-4	Neighborhood
<b>West</b>	Residential	R-4	Neighborhood

**PREVIOUS CASES ON SITE**

- 9-67-88, 10-34-88, Glenmary innovative subdivision and General Plan approved
- Plat Book 37 Page 99, 100 and 101 Plat recorded in 1990.

- Minor Plat #146-06, a request to create 3 new lots from tract designated as Recreation Area was made but the applicant chose not to pursue that proposal.
- 15654, Section 2 minor plat was recorded.
- 19173, requests are to create 1 lot from 2 lots within the Glenmary subdivision.
- 19174, requests are to create 1 lot from 2 lots within the Glenmary subdivision.
- 19219, requests are to create 1 lot from 2 lots within the Glenmary subdivision.

## INTERESTED PARTY COMMENTS

Julia, my name is David Mills. I reside at and own, 8023 Cedar Glen Lane, Louisville, KY, 40291.

Attached is a letter I mailed today to the Planning Commission, outlining my opposition to the proposed Conservation Subdivision at Glenmary; case number 13SUBDIV1000. Since you are the case manager, and the comment instructions say to contact you by email, I am writing you today. My job requires me to be out of town on the meeting date of February 6th so this letter is my only chance to comment. The letter outlines my opposition to this development that would have a grave impact on my property and it's value. Please read it.

I want you and the commission to have pictures of the tree's that would be cut down, and the tree's they propose saving in the name of "Conservation". They are large files so I will send them to you as separate e mails. You can see "Conservation" is a pipe dream. Picture 1 show's the tree's west of the clubhouse that would be cut for development; all these tree's would be lost. The second picture show's the same tree's from the south. The third show's all the tree's that would be lost east and north of the clubhouse that would be lost. The fourth show's the "Conservation" tree's. Only the small ones lining the entrance to the parking lot, that the silver truck is parked next to, are the one's they are keeping. This is not "Conservation", it's a logging operation.

Lastly, I included one picture of my flooding problem. I have many more and MSD has them as well.

I urge you to not allow this development to go forward. It will only create traffic, flooding and host of other issues with this recreational land that didn't include the "Conservation" option to develop when current owners bought their property. Thank you for you're attention to this matter.  
David Mills

I write to you today in regards to case number 13SUBDIV100; The Conservation Subdivision proposed at 10200 Glenmary Farm Drive. I wish to comment on this case which will be heard on Thursday, February 6<sup>th</sup>, 2014. As I am unable to attend in person, I write to you today.

I am the owner of 8023 Cedar Glen Lane, which is my home and abuts this proposed development. I am opposed to this proposal for the following reasons:

1. I purchased my property in 1997 for the sole reason that it abutted the Glenmary Golf Course which was zoned recreational, because it would not be developed, and I would have a view of green space. To change the rules mid-steam because the word Conservation is included is not fair.
2. One need only look at "Stone Lakes", a "Conservation Subdivision" to see that this word so easily used, "Conservation", is a misnomer. They actually have a U-Store It facility on the property. Or one might look at Indian Springs to see the green space giving way to concrete and asphalt. Conservation is not a word one would use to describe it.
3. Again, in this case, "Conservation", is a misnomer. At Glenmary the largest and biggest trees would be cut down to make room for the new homes. That's because that's what this is; a new home development within a 25 year old subdivision. The trees that would be left at the entrance to the clubhouse are immature and a pittance compared to what would be removed to make room for the development. I implore you to come look, and count them yourselves. Nothing could be further from the word "Conservation".
4. Lastly, and most importantly, my property sits below the proposed development. Since 1997 water

runoff from the development area to my property has been getting worse and worse. There was a tile, but the owners of the Golf Course don't maintain it. From originally, almost none, to today, anytime it rains I have standing water in my yard and on my patio. If rain approach's a half inch it's touching my house. I fear development, and turning what now is turf into asphalt and concrete, will bring the water into my house, not to mention the increased pooling of water that breeds mosquito's .

Julia Williams is the case manager for this proposal. I have sent her pictures of my flooding issues along with pictures of the preponderance of trees that will be cut down. You should look for yourself before you vote on this. I have also been in contact with MSD about my issues. They can tell you what's going on now. They also have the flooding pictures. No reasonable person would think when the turf turns to asphalt that the runoff won't be worse.

I urge you to deny this development. It will be nothing more than a subdivision within a subdivision. It will create increased traffic problems, drainage problems, and it's not why people who bought their homes in good faith adjoining recreational land purchased their homes. It will open the rest of the recreational land to development. A slight of hand, by adding the word "Conservation", after people have purchased their homes, does not make it anything other than a development of homes that otherwise should not be allowed.

Sincerely,  
David L. Mills

### **APPLICABLE PLANS AND POLICIES**

- Land Development Code

### **TECHNICAL REVIEW**

The applicant needs to remove the square footage for the lot to be created under minor plat case number 19173.

### **STAFF CONCLUSIONS**

Per Chapter 7.1.91, "The Planning Commission shall have the power to amend any recorded plat at the request of any lot owner in the subdivision.

If all such owners have not acknowledged consent, no amendment shall be permitted until there has been reasonable notice given to all persons who may be affected by the record plat amendment and giving such persons a reasonable opportunity to express their objections or concerns.

The Land Development and Transportation Committee shall determine:

1. Who may be affected?
2. Who should be given notice?
3. The nature of the notice; and
4. The manner by which the opportunity to express objections or concerns will be accommodated.

The applicant shall be responsible for providing the Planning Commission with the names and addresses of those persons the Land Development and Transportation Committee determines shall be notified."

Based on DRC's action at the June 5, 2013 meeting for review of the record plat amendments for minor plats 19173, 19174, and 19219, 1<sup>st</sup> and 2<sup>nd</sup> tier adjacent property owners within 500 feet of the proposal as well as all other property owners within the Glenmary Subdivision, the Glenmary Homeowners Association, and whomever was noticed for the above mentioned minor plats that were not already listed as 1<sup>st</sup> or 2<sup>nd</sup> tier or within 500 feet of the proposal were noticed for the conservation subdivision and record plat amendment.

The Planning Commission will need to determine if sufficient notice was given for amending the record plat.

Staff thought that the applicant needed to explain how views to open land from existing roadways were being protected per 7.11.5.C.3. It was not evident on the plan where this was occurring or how it was being mitigated.

Staff thought that the applicant needed to further demonstrate how views of house lots from abutting properties will be minimized per 7.11.9.D.2. The plan is not clear on how views of new house lots will be minimized from the existing home lots.

Per 7.11.9.E.1, the street network needs to be generally connected with minimal use of cul-de-sacs. Staff did not see where Street B could not be connected to Bohannon at Black Iron Road since there were no environmental constraints that would prevent this connection.

Historic Preservation also reviewed the proposal and found that The Binding Elements related to case# 09-67-88 include a provision (4g) before a building permit is requested for review of site alterations, landscaping, and architectural alterations that directly affect historic properties shall be reviewed by the Office of Historic Preservation and Archives (now the Landmarks Commission).

The site is located at the Glenmary Farm property (JF-144) which includes the historic house, outbuildings, barn, swimming pool, tree stands, and site features such as fencing and walls. This property is associated with the Long family and dates back to 1861. The property also has significance related to the Civil War and may contain archeological resources.

The current proposed subdivision plan is not supported by Preservation Staff. The proposed plan adversely impacts the historic setting and integrity of the character-defining features of the potentially National Register-eligible Glenmary Farm property. The plan indicates that the historic barn is to be demolished. The plan also includes the removal of historic tree stands which contribute to the historic setting, and buffer the site from the existing development. The proposed house lots will intrude into the historic farm setting that currently remains intact. The proposed new entrance from Bardstown Road and parking areas located along it separates the historic pool from the historic house. In total, the proposed alterations are incompatible with the preservation of the historic and cultural resources associated with this historically significant property. Preservation staff requests that an alternative proposal be submitted that preserves the integrity of the buildings, structures, and landscape of the historic Glenmary Farm.

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 Land Development Code.

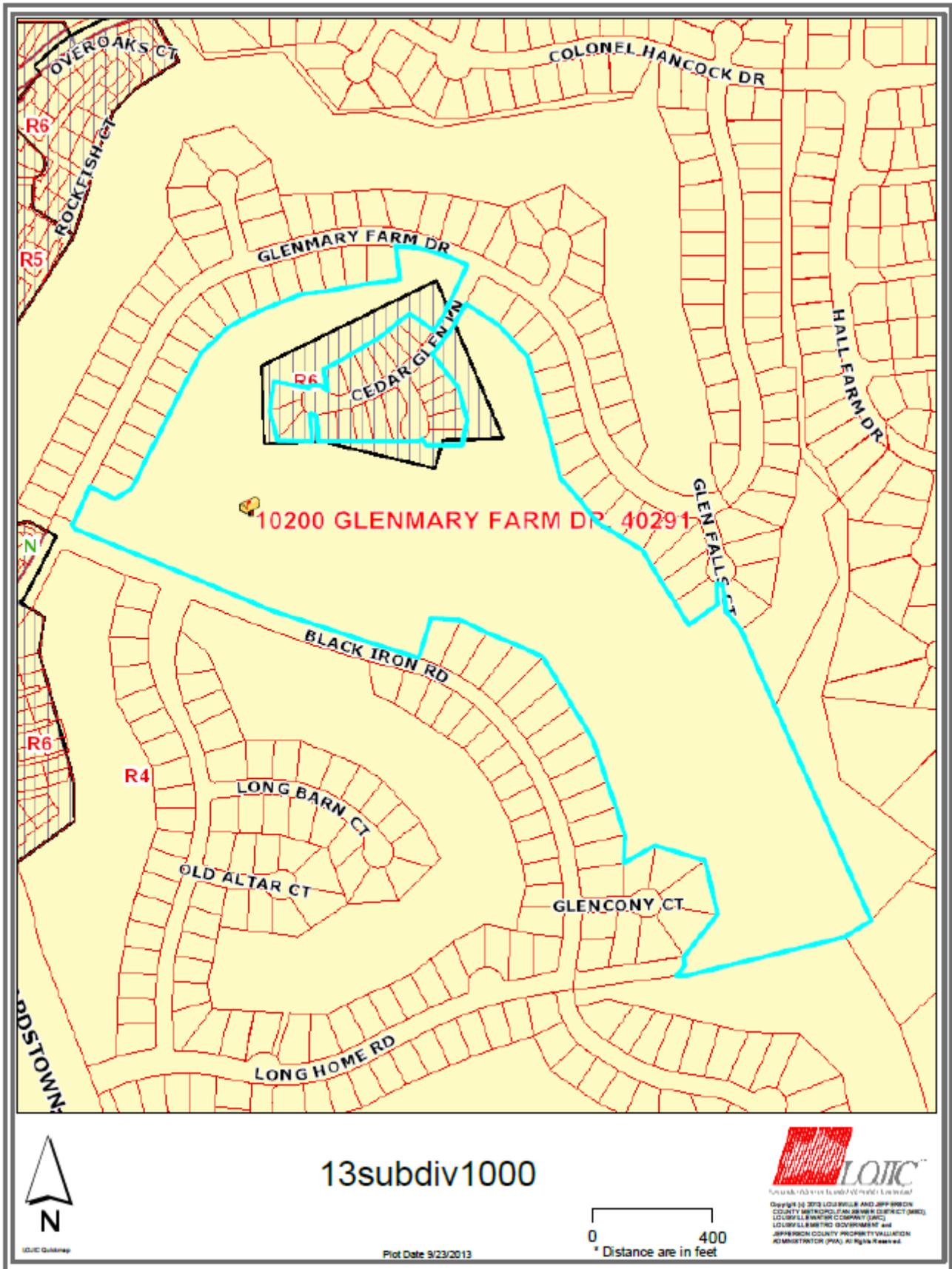
### NOTIFICATION

Date	Purpose of Notice	Recipients
1/13/14	Hearing before PC on 2/6/14	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners as well as all other lots within the Glenmary Subdivision and anyone who was noticed for the associated minor plats 19173, 19174, and 19219 Subscribers of Council District 22 Notification of Development Proposals

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Additional Conditions of Approval

Attachment 1: Zoning Map



Attachment 2: Aerial Photograph



### Attachment 3: Existing Binding Elements

1. Prior to development of lots one through twelve (1-12) a detailed district development plan shall be submitted to the Planning Commission for approval. Each plan shall be in adequate detail and subject to additional binding elements. The additional binding elements may relate, but not be limited to the following items:
  - a) Screening, buffering, landscaping.
  - b) Density, floor area, size and height of buildings.
  - c) Points of access.
  - d) Land uses.
  - e) Signs.
  - f) Loading berths.
  - g) Hours of operation.
  - h) Parking.
  
2. The development shall not exceed the following:
  - a) R-6 Residential District –
    - Lot 3- 32 units on 2.37 acres (15.3 du/ac)
    - Lot 9 - 60 dwelling units on 8.6 acres (6.97 d.u. per acre).
    - Lot 10 - 60 dwelling units on 4.3 acres (14.53 d.u. per acre).
    - Lot 11 - 36 dwelling units on 5.39 -acres (7.2 d.u. per acre).
    - Lot 12 - 28 dwelling units on 4.84 acres (5.2 d.u. per acre).
  - b) C-1 Commercial District - 215,150 square feet.
  - c) C-2 Commercial District - 10,000 square feet.
  
3. The easement to Brentlinger Lane shall be closed, terminated and released. The documents accomplishing this shall be provided to the Planning Commission.
  
4. Before a building permit is requested:
  - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and Metropolitan Sewer District.
  - b) The size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - c) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - d) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter. Sufficient plantings shall be provided along the northern boundary of lot 9 to provide a year round screen. Such planting shall be provided in addition to Article 12 requirements and shall be approved by the staff landscape architect.
  - e) A major subdivision plat shall be recorded creating the lots and roadways.
  - f) All necessary recording fees shall be paid.
  - g) Site alterations, landscaping and architectural alterations that directly affect the historic properties shall be reviewed by the Office of Historic Preservation and Archives.

5. Small freestanding (temporary) signs, pennants, and banners shall not be permitted on any lot.
6. All lots located below the 100 year floor elevation shall conform to the Floodplain Regulations.
7. Outdoor lighting on lot 9 (R-6 property) and lot 1 (C-1 property) shall be directed downward and away from adjoining property owners.
8. If building permits are not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
10. The above binding elements may be amended as provided for in the Zoning District Regulations.

#### **Attachment 4: Proposed Additional Conditions of Approval**

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. 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.
6. 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.

7. 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 WPAs, TPAs) and other issues required by these binding elements / conditions of approval.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
8. 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.
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. 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.
13. 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.
14. 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."

15. The applicant shall provide language in the deeds of restriction describing the location of the Outer Buffer Zone along Big Run East Branch Creek. The language shall state that no permanent structures or impervious surface cover 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.
16. Staff of the Metro Landmark Commission shall be allowed to document the existing barn prior to its removal.
17. The developer shall provide the staff of the Metro Landmark Commission notice of ten (10) business days prior to removal of the existing barn to allow the staff of the Metro Landmark Commission the opportunity to conduct an archaeological reconnaissance of the general vicinity of the barn.