

Land Development & Transportation Committee

Staff Report

May 31, 2018



Case No:	18DEVPLAN1093 / 18SUBDIV1006
Project Name:	Ferndale Place
Location:	8006 Ferndale Road
Owner(s):	KSM Louisville Real Estate Development, LLC
Applicant:	Dan Hempel, Pulte Group
Representative:	Mike Hill, Land Design & Development, Inc
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- Revised Detailed District Development Plan/Major Preliminary Subdivision Plan for 24 buildable lots

CASE SUMMARY/BACKGROUND

The applicant is proposing to create 24 buildable lots on 5.3 acres within the R-5 zoning district. The lots will range in size from approximately 6,000 square feet to 11,700 square feet. The proposal includes the creation of a roadway connection from Ferndale Road to an existing stub street on the south end of the site off of Fernview Rd.

Previous Cases:

9211: Change in Zoning from R-4 to R-5 and Major Preliminary Subdivision for 23 buildable lots. Approved October 4, 2007.

STAFF FINDING

Staff finds that the revised detailed district development plan appears to be adequately justified and meet the standard of review based on the staff analysis.

TECHNICAL REVIEW

The preliminary subdivision has received preliminary approval from Transportation Planning and the Metropolitan Sewer District.

INTERESTED PARTY COMMENTS

Staff has received one anonymous phone call from an adjoining property owner with concerns over the time and location of the public meeting. She stated that the public meeting should be held in the area of the development at a convenient time. Staff informed the caller about the petition process.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: A water/wetland delineation study was conducted and one isolated or non-jurisdictional wetland was found on site. It was determined that impacts to this area do not require approval from Kentucky Division of Water or the Army Corps of Engineers. There does not appear to be any other significant natural resources affected by the development and tree canopy requirements will be met.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided with a roadway connection to an existing stub and sidewalks throughout, and Metro Public Works has approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: The proposal does not meet the threshold for required open space.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area as most of the surrounding area is developed as single family subdivisions. Appropriate landscape buffering and screening will be provided along Ferndale Road.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code as no relief is being requested.

REQUIRED ACTIONS:

- **APPROVED or DENY** the Revised Detailed District Development Plan/Major Preliminary Subdivision Plan

NOTIFICATION

Date	Purpose of Notice	Recipients
5/3/18	Hearing before LD&T	1 st tier adjoining property owners
5/18/18		Registered Neighborhood Groups in Council District 23

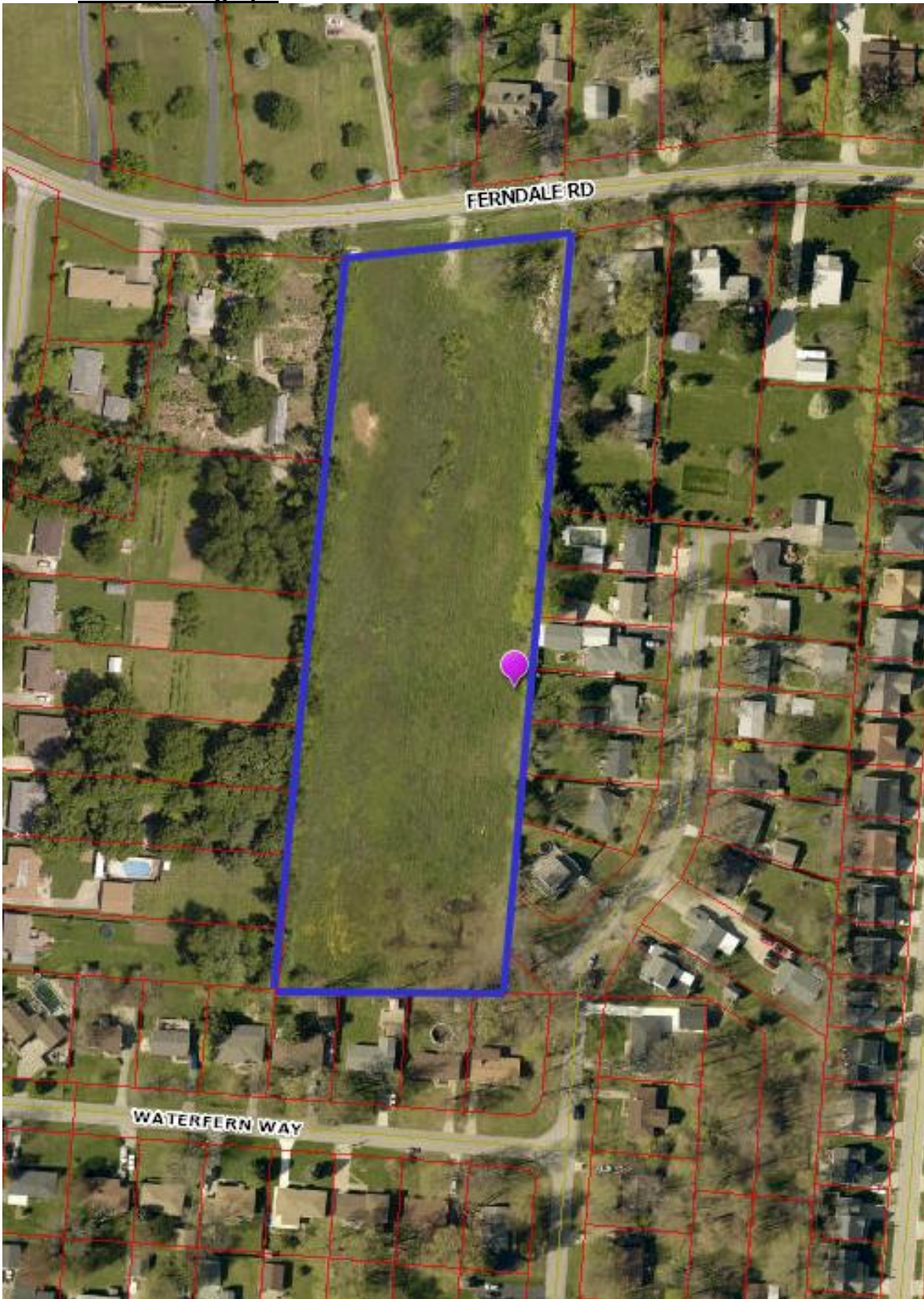
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved District Development and Preliminary Subdivision Plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. No further subdivision of the land into a greater number of lots than originally approved will occur without approval of the Planning Commission. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The density of the development shall not exceed 4.3 gross dwelling units per acre (23 units on 5.3 acres).
3. 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:
 1. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 3. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 4. Location of construction fencing for each tree/tree mass designated to be preserved.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance permit) is requested:
 - a. The development plan must receive full construction approval from *Louisville Metro Department of Inspections, Permits and Licenses 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.
 - c. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. 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."

6. 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.
7. 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.
8. 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, open space, TCPAs, WPAs.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. The applicant, developer, or property owner shall provide copies of these binding elements 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.
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. 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 LDC and for required plantings in the 20' LBA along Ferndale Road. 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. Said plans shall be submitted for review and approval prior to recording the record plat.
12. The quality, styles and designs of the single family homes will be no less than those presented in the elevation renderings produced at the October 4, 2007 Planning

Commission Public Hearing. Building materials shall be 50% brick or stone with the other 50% siding materials and aluminum or vinyl on soffets and trim. Garages on the final house designs shall include windows and such design treatments as separations of double garage doors as shown on the elevation renderings presented at the Public Hearing. Garages shall not protrude more than 50% from the front façade of a house. These guidelines shall be those used to determine what styles and designs of homes, other than those precisely presented at the Public Hearing are acceptable to DPDS staff or, alternatively, the Planning Commission itself through one its committees.

13. 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.
14. The signature entrance plan shall be submitted to Planning Commission staff for review and approval prior to recording the record plat.
15. 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.
16. 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.
17. 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.
18. 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.

5. **Proposed Binding Elements**

2. The density of the development shall not exceed ~~4.3~~ **4.5** gross dwelling units per acre (~~23~~ **24** units on 5.3 acres).

12. ~~The quality, styles and designs of the single family homes will be no less than those presented in the elevation renderings produced at the October 4, 2007 Planning Commission Public Hearing. Building materials shall be 50% brick or stone with the other 50% siding materials and aluminum or vinyl on soffits and trim. Garages on the final house designs shall include windows and such design treatments as separations of double garage doors as shown on the elevation renderings presented at the Public Hearing. Garages shall not protrude more than 50% from the front façade of a house. These guidelines shall be those used to determine what styles and designs of homes, other than those precisely presented at the Public Hearing are acceptable to DPDS staff or, alternatively, the Planning Commission itself through one its committees. **The homes constructed within the Ferndale Place subdivision will closely resemble the building design examples presented at the May 31, 2018 Land Development & Transportation Committee meeting.**~~