

Development Review Committee

Staff Report

June 5, 2019



Case No:	19SUBDIV1008
Project Name:	Hardwood Forest Section 5
Location:	Terminus of Hardwood Forest Drive
Owner(s):	Three D's Development LLC
Applicant:	Three D's Development LLC
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Brian Davis, AICP, Planning Manager

REQUEST(S)

- **Revised Major Preliminary Subdivision**

CASE SUMMARY/BACKGROUND

Hardwood Forest Section 5 was originally approved with Sections 3 and 4 of the subdivision under Case Number 10-12-13. Sections 3 and 4 were platted and constructed, but Section 5 never moved forward. The applicant is proposing to create a two acre tract at the terminus of Hardwood Forest Drive and sell the residual to an adjoining property owner.

STAFF FINDING

The proposed minor plat is in compliance with the Land Development Code.

TECHNICAL REVIEW

There are no outstanding technical issues associated with this request. The tree preservation requirements for Hardwood Forest Sections 3 and 4 comply with the regulations which were in effect at the time of development.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

REQUIRED ACTIONS:

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

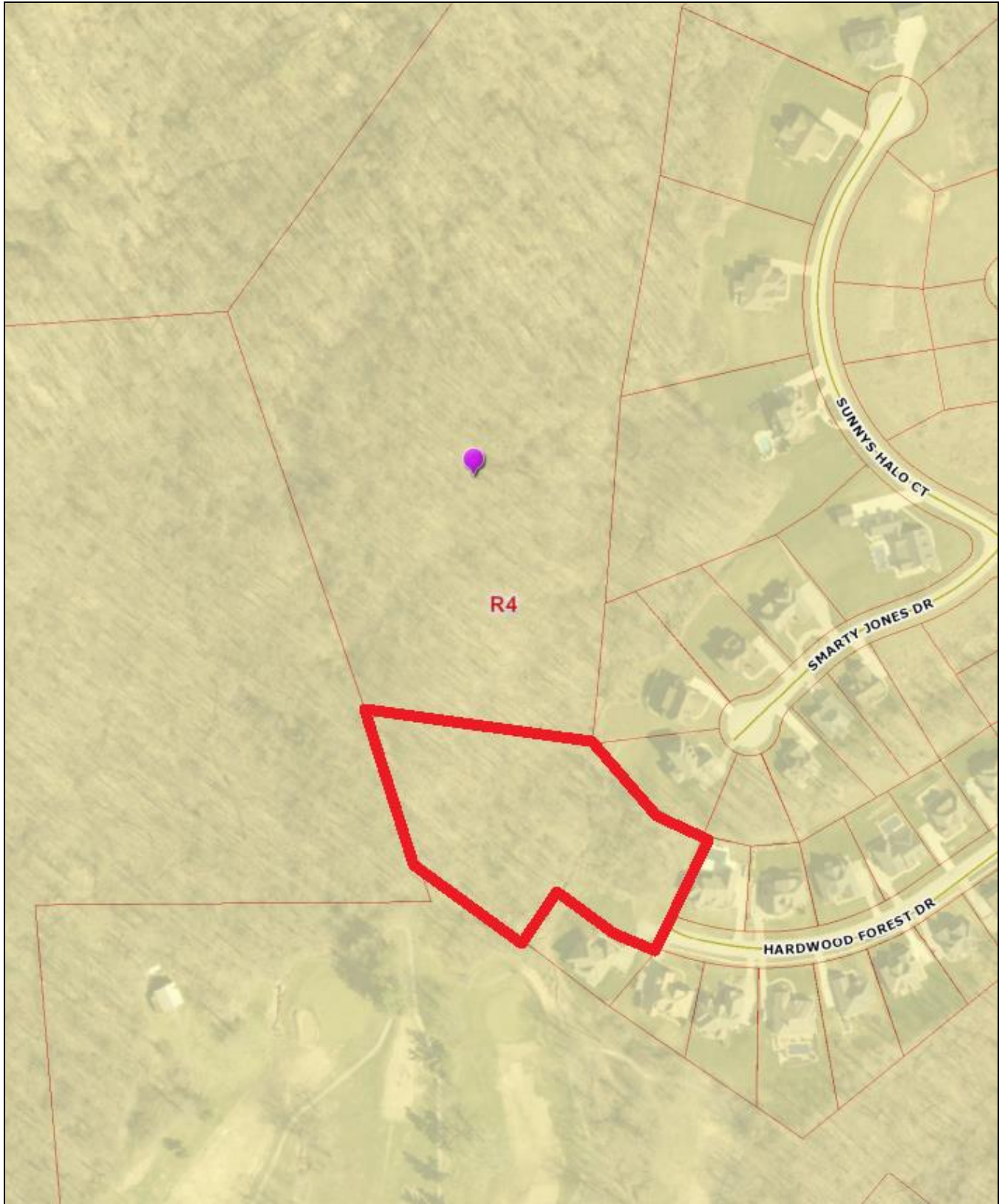
NOTIFICATION

Date	Purpose of Notice	Recipients
5/17/2019	Hearing before DRC	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 25

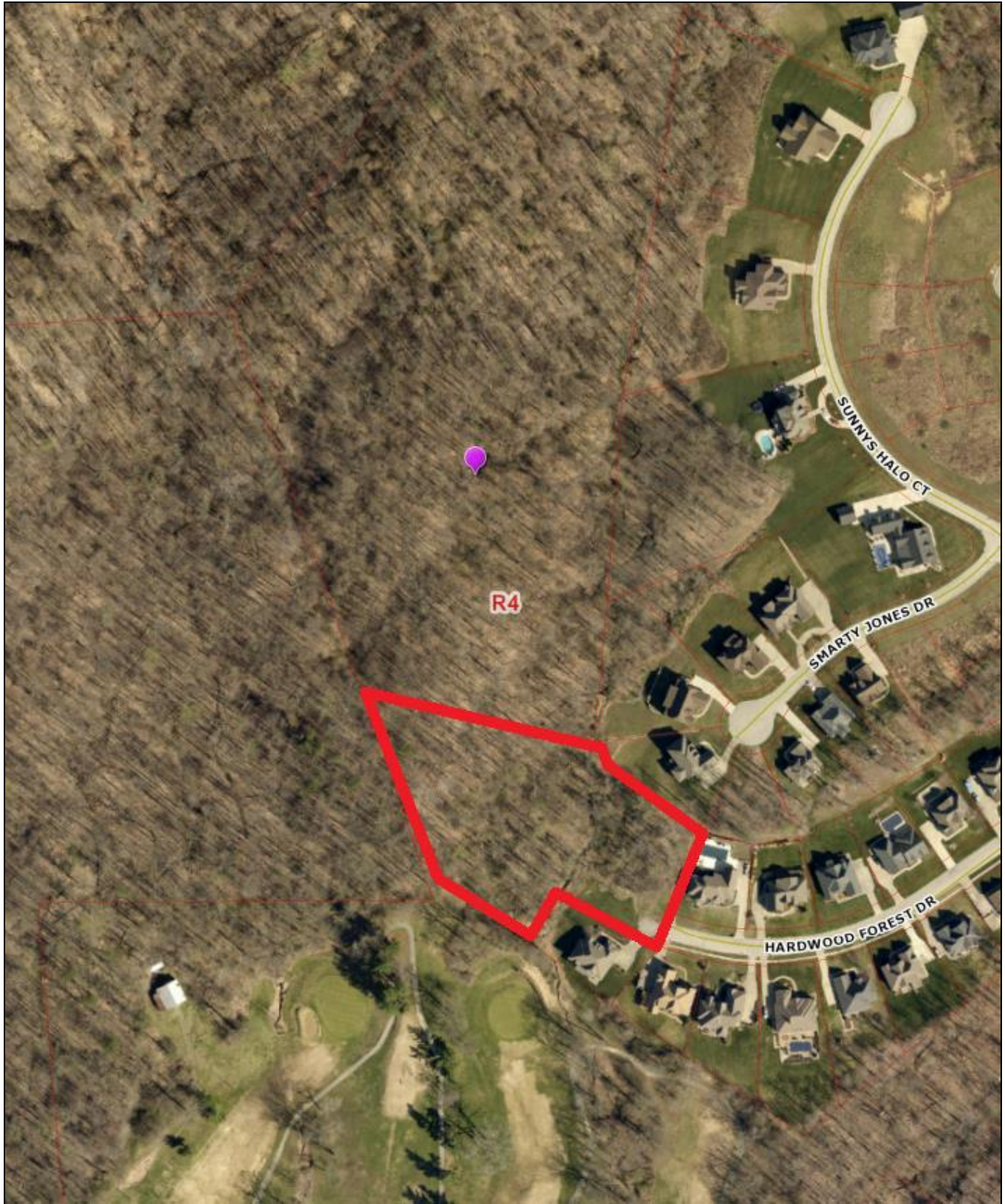
ATTACHMENTS

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 Planning Commission staff's 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 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. 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 woodland 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 WPAs 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. Woodland Protection Areas (WPAs) 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 WPAs 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 and approval prior to recording the record plat.
12. 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.
13. 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.
14. Construction drawings for roadways and drainage systems shall be submitted to a geotechnical engineer for review and approval before beginning construction. One area of concern is cuts and fills greater than eight feet. Once proposed road grades are known, the geotechnical engineer shall investigate all areas where cuts and fills are greater than eight feet for slope and soil stability.
15. During earthwork operations the geotechnical engineer shall provide field inspection for the following: Topsoil stripping, Compaction of fill for roadway and outlet grading, Proof-rolling roadway subgrade, Underdrains under pavement where necessary.
16. Prior to any construction on site, an addendum to the "Geotechnical Exploration Report" prepared by GEM Engineering, Inc. dated July 17, 2003 shall be completed addressing pavement design and embankment construction on the site.
17. Individual lot approval will be required by MSD on all lots marked as "Difficult" or "OK" in the "Geotechnical Exploration Report" prepared by GEM Engineering, Inc. dated July 17, 2003. Individual foundations on these lots shall be approved by a geotechnical engineer before beginning construction of homes, and the geotechnical engineer shall inspect the subgrade before beginning construction of foundations.
18. Site preparation, clearing, grading and road construction shall be carried out in accordance with the recommendations of the "Geotechnical Exploration Report" prepared by GEM Engineering, Inc. dated July 17, 2003.
19. The developer shall provide written notice to lot purchasers as specified in the note below. In addition, the following note shall be placed on the record plat and shall be placed in the deed of restrictions:

“Lot purchasers are hereby notified that portions of this subdivision are located on a geologic structure – New Providence Shale – that may be unstable and subject to slippage. Structures built on this material should be designed with the assistance of a qualified Geotech professional. Information on recommended site preparation techniques and design of residential foundations are available in the files of the Planning Commission.”

20. The developer shall provide each builder and/or lot purchaser with a copy of the “Geotechnical Exploration Report” prepared by GEM Engineering, Inc. dated July 17, 2003 prior to purchase, and a copy of the Executive Summary from said report shall be included in the purchase contract. The purchase contract shall also identify if the lot requires individual approval.
21. A copy of the geotechnical engineer’s certification for each lot where it is required shall be submitted to the Planning Commission file for this subdivision.