

**EROSION PREVENTION AND SEDIMENT CONTROL NOTE:**

1. EROSION PREVENTION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY LAND-DISTURBING ACTIVITY ON THE CONSTRUCTION SITE. ANY MODIFICATIONS TO THE APPROVED EPC PLAN MUST BE SUBMITTED TO THE METRO PLANNING & DESIGN SERVICES (MPS) FOR REVIEW AND APPROVAL. EPC'S BEST MANAGEMENT PRACTICES (BMP'S) SHALL BE INSTALLED PER THE PLAN AND MUST BE MAINTAINED THROUGHOUT CONSTRUCTION.
2. DETENTION BASINS, IF APPLICABLE, SHALL BE CONSTRUCTED FIRST AND SHALL PERFORM AS SEDIMENT BASINS DURING CONSTRUCTION UNTIL THE CONTRIBUTING DRAINAGE AREA IS SEEDED AND STABILIZED.
3. ACTIONS MUST BE TAKEN TO MINIMIZE THE TRACKING OF MUD AND SOIL FROM CONSTRUCTION AREAS ONTO PUBLIC ROADWAYS.
4. SOIL STOCKPILES SHALL BE LOCATED AWAY FROM STREAMS, PONDS, SWALES, AND CATCH BASINS. STOCKPILES SHALL BE SEEDED, MULCHED, AND ADOPTIVELY COVERED THROUGHOUT THE USE OF SLOTTED FILLS.
5. ALL STREAM CROSSINGS MUST UTILIZE LOW-WATER CROSSING STRUCTURES PER MSD STANDARD DRAWING EP-02.
6. SEDIMENT-LADEN GROUNDWATER ENCOUNTERED THROUGH TRENCHING, BORING OR OTHER EXCAVATION SHALL BE PUMPED TO A SEDIMENT TRAPPING DEVICE PRIOR TO BEING DISCHARGED INTO A STREAM, POND, SWALE, OR CATCH BASIN.
7. WHERE CONSTRUCTION OR LAND DISTURBING ACTIVITY WILL OR HAS TEMPORARILY CEASED ON ANY PORTION OF A SITE, THE CONTRIBUTING DRAINAGE AREA SHALL BE RESEEDED AND STABILIZED WITHIN 14 DAYS OF THE CEASING OF ACTIVITY.
8. MSD NOTES:

1. WASTEWATER: WASTEWATER SHALL BE TREATED TO THE FLOYS FORK WASTEWATER TREATMENT PLANT BY LATERAL CONNECTION TO THE FLOYS FORK WASTEWATER TREATMENT PLANT BY LATERAL CONNECTION TO THE METROPOLITAN SEWER DISTRICT.
2. DRAINAGE / STORM WATER DETENTION: DETENTION SHALL BE PROVIDED ON EXISTING AND PROPOSED BASINS IN THE STAPLETON RIDGE DEVELOPMENT (PARCELS 100-00-0001 TO 100-00-0010). IF NOT ABLE TO PROVIDE DETENTION ON EXISTING BASINS, THE DEVELOPER SHALL PROVIDE DETENTION FOR THE 2.10, 2.25 AND 2.50 ACFD BEA STORMS. DRAINAGE PATTERNS (DEPicted BY FLOW ARROWS) IS FOR CONCEPT PURPOSES ONLY. FINAL DRAINAGE PATTERNS SHALL BE DETERMINED BY THE METRO PLANNING & DESIGN SERVICES (MPS) AT THE TIME OF CONSTRUCTION PLAN DESIGN PROCESS. DRAINAGE FACILITIES SHALL CONFORM TO MSD REQUIREMENTS.
3. EROSION & SLOTTED CONTROL: EROSION CONTROL PLAN SHALL BE DEVELOPED AND SUBMITTED IN ACCORDANCE WITH MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS. DOCUMENTATION OF MSD'S APPROVAL OF THE PLAN SHALL BE SUBMITTED TO THE PLANNING COMMISSION WITH THE SUBMITTAL.
4. A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A FLOOD HAZARD AREA PER FEMA'S FIRM MAPPING. USE (FLOODZONE & ZITTCODES).
5. MSD SITE LAYOUT MAY CHANGE AT THE DESIGN PHASE DUE TO PROPER SIZING OF GREEN BEST MANAGEMENT PRACTICES.
6. ALL NECESSARY RIGHTS FOR STORM & SANITARY SEWER PURPOSES SHALL BE OBTAINED ON ALL OPEN SPACE LOTS AND RECORDED ON THE RECORD PLAN.

**PUBLIC WORKS AND KTC NOTES:**

1. ALL ROADWAY AND ENTRANCE INTERSECTIONS SHALL MEET THE REQUIREMENTS FOR LANDING AREAS AS SET BY METRO PUBLIC WORKS.
2. VARIOUS AREAS WITH PUBLIC RIGHT-OF-WAY TO BE PROVIDED PER METRO PUBLIC WORKS.
3. STREETS SHALL BE PROVIDED PER APPROPRIATE AGENCIES. STREETS SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES. STREETS SHALL BE DEDICATED DURING CONSTRUCTION APPROVAL PROCESS.
4. REPAIRS ON ALL SURROUNDING ACCESS ROADS TO THE SITE DUE TO UNAUTHORIZED CONSTRUCTION TRAFFIC ACTIVITIES.
5. TRAFFIC CONTROL DEVICES (MATERIALS) REQUIREMENTS AND BE INSTALLED PRIOR TO CONSTRUCTION OF THE SITE.
6. THE MINIMUM GRADE OF ALL STREETS SHALL BE 1% AND A MAXIMUM GRADE OF 10%.
7. THE DEVELOPER IS RESPONSIBLE FOR ANY UTILITY RELOCATION ON THE PROPERTY.
8. ALL UTILITIES SHALL BE RELOCATED TO THE PROPER DEPT. OF UTILITY AGENCIES. OFFSETS SHALL BE PROVIDED ALONG ALL STREETS IN THE DEVELOPMENT.
9. CURBS AND GUTTERS SHALL BE PROVIDED ALONG ALL STREETS IN THE DEVELOPMENT. SIDEWALKS SHALL BE PROVIDED ALONG ALL STREETS WHERE REQUIRED BY THE DEVELOPMENT.
10. METRO PUBLIC WORKS STANDARDS, TRIMMED OR REMOVED TO PROVIDE SITE DISTANCE AS REQUIRED PER MSD.
11. ALL SIDEWALK RAMP SHALL CONFORM TO A.S.A. STANDARD SPECIFICATIONS, THE "SPECIAL NOTE FOR SIDEWALK RAMP" SHALL BE USED FOR ALL SIDEWALK RAMP CONSTRUCTION.
12. NO INCREASE OF RUNOFF ALLOWED TO DISCHARGE INTO STATE R/W.
13. DEVELOPER SHALL BE RESPONSIBLE FOR UTILITY RELOCATIONS (IF REQUIRED), FINAL SURFACE OVERLAY SHALL BE PROVIDED BY THE METRO PLANNING & DESIGN SERVICES (MPS) AT THE TIME OF CONSTRUCTION PLAN DESIGN PROCESS.
14. SHOULDER IMPROVEMENTS ALONG THE AIKEN ROAD FRONTAGE MAY BE REQUIRED TO PROVIDE A 6' MINIMUM SHOULDER.
15. ALL ROADWAY IMPROVEMENTS SHALL BE PROVIDED PER MSD AND THE USDA NATURAL RESOURCES CONSERVATION SERVICE RECOMMENDATIONS.
16. PREPARATION LANE SHALL BE CONSTRUCTED ON AIKEN ROAD AT BECKLEY STATION ROAD, AS WELL AS AN EASTBOUND RIGHT TURN LANE. FINAL DESIGN SHALL BE COORDINATED WITH AND APPROVED BY METRO PUBLIC WORKS PRIOR TO CONSTRUCTION PLAN APPROVAL.

**GENERAL NOTES:**

1. DOMESTIC WATER SUPPLY SHALL BE PROVIDED BY THE LOUISVILLE WATER COMPANY. THE NECESSARY WATER SYSTEM IMPROVEMENTS REQUIRED TO SERVICE THE DEVELOPMENT SHALL BE AT THE OWNER / DEVELOPER'S RESPONSIBILITY.
2. TREE PRESERVATION: TREE PRESERVATION PLAN SHALL BE PROVIDED TO THE PLANNING COMMISSION'S STAFF LANDSCAPE ARCHITECT PRIOR TO ANY GRADING OR CONSTRUCTION. CONSTRUCTION FENCING SHALL BE ERECTED PRIOR TO ANY GRADING OR CONSTRUCTION. FENCING SHALL ENCLOSE THE AREA BENEATH THE DROP LINE OF THE TREE CANOPY AND SHALL REMAIN IN PLACE UNTIL THE TREE CANOPY IS FULLY ESTABLISHED. MATERIAL STORAGE OR CONSTRUCTION ACTIVITIES SHALL BE PERMITTED WITHIN THE FENCED AREA.
3. THE DEVELOPMENT LIES IN THE EASTWOOD PRE DISTRICT.
4. SIGNATURE ENTRANCE WALLS AND IDENTIFICATION SIGN SHALL BE SUBMITTED TO AND APPROVED BY THE METRO PLANNING & DESIGN SERVICES (MPS) PRIOR TO CONSTRUCTION. SIGN SHALL NOT CAUSE DIRECT LIGHT FROM THE DEVELOPMENT TO THE PUBLIC RIGHT-OF-WAY OR NEIGHBORHOODS.
5. THE DEVELOPMENT SHALL BE SUBJECT TO THE DEVELOPMENT OF THE DC.
6. THE DEVELOPMENT SHALL BE SUBJECT TO THE DEVELOPMENT OF THE DC.
7. THE DEVELOPMENT SHALL BE SUBJECT TO THE DEVELOPMENT OF THE DC.
8. ALL EXISTING STRUCTURES AND DRIVEWAYS ON SITE TO BE REMOVED UNLESS NOTED OTHERWISE.
9. ALL EXISTING UTILITIES SHALL BE RELOCATED TO THE PROPER DEPT. OF UTILITY AGENCIES.
10. IN ACCORDANCE WITH CHAPTER 4.9 OF THE DC, A MARKET SURVEY OF THE SITE WAS PERFORMED BY THE DEVELOPER. THE MARKET SURVEY IDENTIFIED THE FOLLOWING MARKET TOPOGRAPHY WAS IDENTIFIED: APPROPRIATE ADVICES SHALL BE PLACED IN A COMMON TRENCH UNLESS OTHERWISE REQUIRED BY APPROPRIATE AGENCIES.
11. PRIOR TO ANY SITE DISTURBANCE THE PERMETER BOUNDARY OF THE DEVELOPMENT SHALL BE VERIFIED AND RECORDED ON THE RECORD PLAN.
12. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TEMPORARY FENCING DURING CONSTRUCTION.

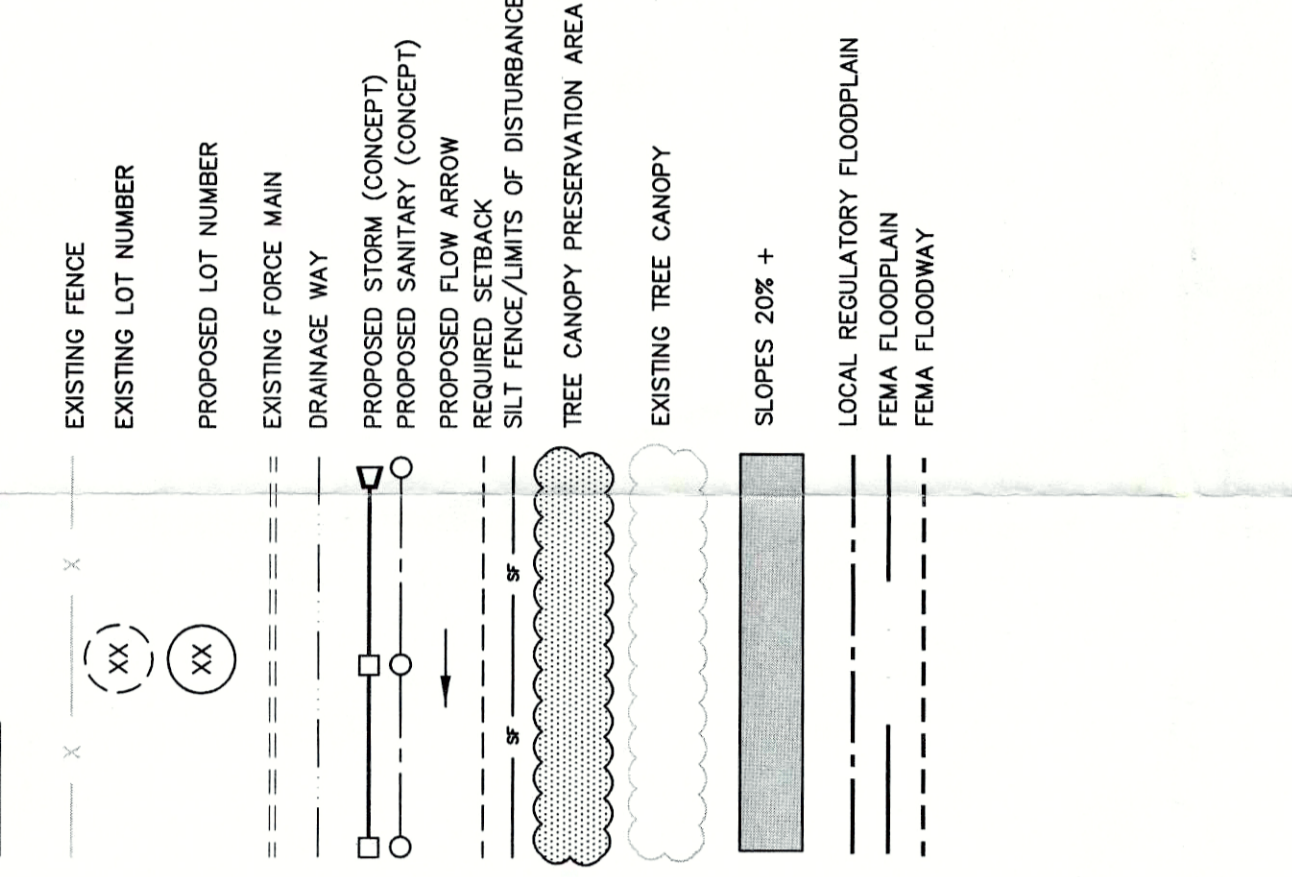
**OVERALL SITE DATA**

FORM DISTRICT: R-4  
EXISTING ZONING: R-4  
GROSS LAND AREA: 101.414 AC.  
NET LAND AREA: 88.614 AC.  
NON-BUILDABLE LOTS: 237  
GROSS DENSITY: 2.34 (DU/AC)  
OPEN SPACE PROVIDED: 1,453,742.2 SF (33%)  
MIN. BUILDABLE LOT AREA: 8,714 AC.  
PROPOSED BUILDABLE AREA: 55.24 AC.

**TREE CANOPY DATA:**

GROSS SITE AREA: 4,417,444 SF.  
EXISTING TREE CANOPY: 971,204 SF (22%)  
PROPOSED TREE CANOPY: 652,818 SF (15%)  
TOTAL TREE CANOPY TO BE PRESERVED: 1,624,022 SF (37%)  
MIN. TREE CANOPY TO BE PRESERVED: 61,835 SF (1%)  
TOTAL TREE CANOPY TO BE PRESERVED: 1,624,022 SF (37%)

**LEGEND**



DEVELOPER: REDWOOD ACQUISITIONS, LLC  
OWNER: INDIANFIELDS FARM, INC.  
OWNER: SOMYEA, INC.  
1133 ELIUSON AVE  
LOUISVILLE, KY 40204  
OWNER: 1133 ELIUSON AVE  
LOUISVILLE, KY 40204  
DEVELOPER: 23775 COMMERCIAL PARK, SUITE 7  
BEACHWOOD, OH 44122

**APPROVED**  
Louisville Metro Planning Commission  
1-29-16  
2-17-16  
3-17-16  
4-19-16  
See base of plan for conditions of approval  
Expiration date



**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**August 11, 2016**

**NEW BUSINESS**

**CASE NUMBER 16SUBDIV1011**

Request:	Preliminary Subdivision Plan creating 237 buildable lots on 101.4 acres and a Floyds Fork DRO Plan
Project Name:	Sutherland Pointe
Location:	15905 Aiken Road
Owner:	Sonyjean, Inc. & Indianfields Farm, Inc.
Applicant:	Redwood Acquisitions, LLC
Representative:	Bardenwerper, Talbott & Roberts Mindel Scott & Associates
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Brian Davis, AICP, Planning Manger

The staff report prepared for this case was incorporated into the record. This report was available to any interested party prior to the LD&T meeting (Staff report is part of the case file maintained in Planning and Design Services offices, 444 S 5th Street).

**Due to technical difficulties, there is no audio/visual recording of the Land Development & Transportation Committee meeting related to this case.**

**Agency Testimony:**

Brian Davis presented the case.

**The following spoke in favor of the request:**

Bill Bardenwerper, 1000 N Hurstbourne Pkwy., 2<sup>nd</sup> Floor, Louisville, KY 40223  
David Mindell, 5151 Jefferson Blvd, Louisville, KY 40219

**Summary of testimony of those in favor:**

Bill Bardenwerper spoke on behalf of the applicant and showed a PowerPoint presentation. The plan was slightly revised after discussions with adjoining property owners and interested parties. The total number of proposed lots decreased from 241 to 237, and the plan includes no more than 25 percent of the lots less than 6,000 square feet and has at least 20 percent of lots greater than 9,000 square feet.

David Mindell also commented on the site plan regarding this case.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**August 11, 2016**

**NEW BUSINESS**

**CASE NUMBER 16SUBDIV1011**

**Committee Members' deliberation**

On a motion by Committee Member Brown, seconded by Committee Member Blake, the following resolution was adopted:

**RESOLVED**, that the Louisville Metro Land Development and Transportation Committee, in Case Number 16SUBDIV1011, does hereby **APPROVE** the Preliminary Subdivision Plan to create 237 buildable lots on 101.4 acres and the Floyds Fork Development Review Overlay Plan, **ON CONDITION** that Note #20 be removed from the plan, based on the Staff Report and testimony heard today and **SUBJECT** to the following Conditions of Approval:

**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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**August 11, 2016**

**NEW BUSINESS**

**CASE NUMBER 16SUBDIV1011**

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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**August 11, 2016**

**NEW BUSINESS**

**CASE NUMBER 16SUBDIV1011**

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 drip line 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. 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.

13. 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.

14. 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.

15. Signature entrance/signage shall be limited to what is permitted within the Floyds Fork Overlay District as stated in Chapter 3 Part 1 of the Land Development Code.

**LAND DEVELOPMENT AND TRANSPORTATION COMMITTEE MINUTES**  
**August 11, 2016**

**NEW BUSINESS**

**CASE NUMBER 16SUBDIV1011**

16. The landscape plan shall be approved by a Committee of the Planning Commission prior to issuance of a site disturbance permit.

17. Developer shall contribute \$240,000 to Public Works for a traffic signal and left turn lane at the intersection of Aiken Road and Bush Farm Road prior to issuance of the 60th building permit for the development. Construction plans for the design of intersection improvements and signal shall be required to be provided by the developer prior to the issuance of the Work Order for the first phase of the development. Metro Public Works has agreed as part of this condition of approval to request the SDC Oversight Committee to designate this intersection as a Road Project within Zone B so that any costs associated with signal improvements will be eligible for a SDC credit.

**The vote was as follows:**

**YES: Blake, Brown, and Jarboe**

**ABSENT: Turner and Lewis**

**ABSTAIN: None**

**NO: None**

# Land Development & Transportation Committee

## Staff Report

August 11, 2016



<b>Case No:</b>	<b>16SUBDIV1011</b>
<b>Request:</b>	<b>Preliminary Subdivision Plan creating 237 buildable lots on 101.4 acres and a Floyds Fork DRO Plan</b>
<b>Project Name:</b>	<b>Sutherland Pointe</b>
<b>Location:</b>	<b>15905 Aiken Road</b>
<b>Owner:</b>	<b>Sonyjean, Inc. &amp; Indianfields Farm, Inc.</b>
<b>Applicant:</b>	<b>Redwood Acquisitions, LLC</b>
<b>Representative:</b>	<b>Bardenwerper, Talbott &amp; Roberts Mindel Scott &amp; Associates</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>19 – Julie Denton</b>
<b>Case Manager:</b>	<b>Brian Davis, AICP, Planning Manger</b>

### REQUEST

- Preliminary Subdivision Plan to create 237 buildable lots on 101.4 acres
- Floyds Fork Development Review Overlay Plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4  
Existing Form District: Neighborhood  
Existing Use: Agriculture  
Proposed Use: Single Family Subdivision

The applicant is proposing to subdivide the 101.4 acre tract into 237 buildable lots and 4 non-buildable lots. The proposed buildable tracts range from 5,500 square feet to 29,689 square feet (staff did not include the tract with the historic Yeager House on it, which is 52,885 square feet). The non-buildable tracts total approximately 33.37 acres, or 33 percent of the total tract area (though this is not a conservation subdivision).

The applicant is utilizing Section 4.7.7 of the Land Development Code, Development Potential Transfer Allowed. This section states:

- A. Major subdivision development proposals submitted after the effective date of this regulation and which permanently preserve areas of the site with slopes greater than 20% may transfer the development potential (building sites or floor area) of the permanently preserved area to the remainder of the site subject to the following limitations:
  1. The subdivision is not being developed under the Alternative Development Incentives of the Land Development Code; and,
  2. Areas to be permanently preserved are preserved in a manner acceptable to the Commission (e.g., conservation easement, common open space, etc.); and,
  3. The area of the site to which development potential is being transferred is at least as large as the area from which development potential is being transferred (for example; if an applicant wishes to transfer development potential from 3 acres, the portion of the site to which development is shifted must be at least 3 acres); and,

4. All lots in the proposed development meet the minimum alternative development incentive lot size of the applicable Form District; and,
  5. All lots in the proposed development meet the height, yard and setback requirements of the applicable Form District.
- B. The maximum development potential allowable for transfer shall be determined by one of the following methods:
1. One half of the theoretical development potential based on the number of acres preserved and the existing zoning of the area to be preserved (for example; if 3 acres of an R-4 site is proposed for protection, then 7 building sites could be transferred to other portions of the same property -  $3ac \times 4.84 \text{ units/acre} / 2 = 7.26 \text{ units}$ ); or,
  2. The realistic development potential determined by an engineered development plan including a preliminary geotechnical feasibility study and meeting all other requirements of the Land Development Code.

The property is located in the Floyds Fork Development Review Overlay District. Floyds Fork forms the northern boundary of the property. The applicant is proposing an open space along the northern property line which includes the 100-foot buffer strip and a majority of the 200 foot setback for structures and impervious surfaces. The existing tree canopy is approximately 22 percent of the site. The applicant is proposing to preserve 14 percent as Tree Canopy Protection Area. The applicant is proposing a 60-foot scenic corridor buffer along Aiken Road and will submit a landscape plan to satisfy Section 3.1.7.a Vistas and Appearances. Given the similarities of the original plan and this revised plan, staff did not require a new Floyds Fork DRO application.

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

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

#### PREVIOUS CASES ON SITE

15SUBDIV1015 / 16DEVPLAN1060: On May 19, 2016 the Planning Commission approved a preliminary subdivision proposing 241 buildable lots and a Floyds Fork DRO plan for this site.

16MOD1003: On June 23, 2016 the Land Development & Transportation Committee approved an amendment to Condition of Approval #17 from the original approval to eliminate the 120 building permit limit on development prior to signalization of the Aiken Road/Bush Farm Road intersection.

#### INTERESTED PARTY COMMENTS

There have been no comments about this new submittal.



## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### TECHNICAL REVIEW

- The proposed subdivision appears to satisfy the requirements of Section 4.7.7 of the Land Development Code because it is preserving approximately 8.7 acres of steep slopes greater than 20 percent and transferring one half of that development potential (21 lots) to the developable portions of the site. The plan accomplishes this by utilizing the same lot standards as ADI subdivisions listed in Section 5.3.1.D.2.a. In particular, the plan includes no more than 25 percent of the lots less than 6,000 square feet (14 lots or 5.9 percent) and has at least 20 percent of lots greater than 9,000 square feet (139 lots or 58.6 percent).
- The proposed development meets the requirements of the Floyds Fork Development Review Overlay by providing adequate buffers from the stream, minimizing disturbance of steep slopes and woodland areas, and providing a 60-foot scenic corridor buffer along Aiken Road.

### STAFF CONCLUSIONS

The proposed subdivision meets the requirements of the subdivision regulations and Floyds Fork Development Review Overlay.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the requirements for approval of a subdivision and Floyds Fork DRO review.

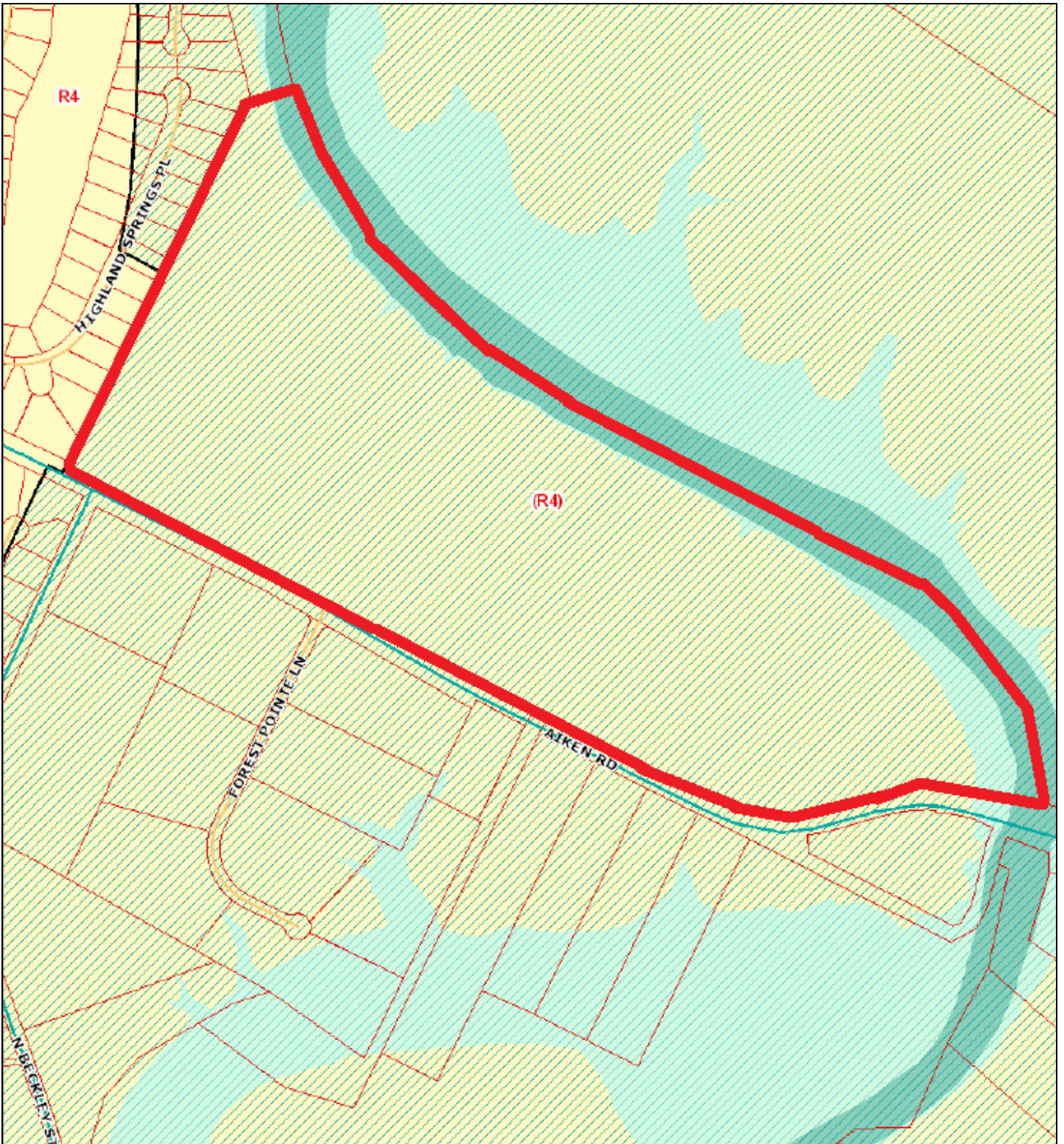
### NOTIFICATION

Date	Purpose of Notice	Recipients
7/13/2016	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
7/22/2016	Renotice of Hearing before LD&T (Changed Date)	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals

### 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 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
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. 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.
13. 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.
14. 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.
15. Signature entrance/signage shall be limited to what is permitted within the Floyds Fork Overlay District as stated in Chapter 3 Part 1 of the Land Development Code.
16. The landscape plan shall be approved by a Committee of the Planning Commission prior to issuance of a site disturbance permit.
17. Developer shall contribute \$240,000 to Public Works for a traffic signal and left turn lane at the intersection of Aiken Road and Bush Farm Road prior to issuance of the 60th building permit for the development. Construction plans for the design of intersection improvements and signal shall be required to be provided by the developer prior to the issuance of the Work Order for the first phase of the development. Metro Public Works has agreed as part of this condition of approval to request the SDC Oversight Committee to designate this intersection as a Road Project within Zone B so that any costs associated with signal improvements will be eligible for a SDC credit.