

# Planning Commission

## Staff Report

February 6<sup>th</sup>, 2014



|                           |   |
|---------------------------|---|
| <b>Cases:</b>             | 19173, 19174, and 19219   |
| <b>Project Name:</b>      | Par Golf Minor Plat   |
| <b>Locations:</b>         | 10200 Glenmary Farm Drive<br>Parcel 2580-0437-0000 (Colonel Hancock Drive)<br>Parcel 2535-000A-0000 (Colonel Hancock Drive) |
| <b>Owner/Applicant:</b>   | Par Golf, LLC   |
| <b>Representatives:</b>   | Bardenwerper, Talbott, & Roberts<br>Mindel, Scott & Associates<br>Cardinal Surveying  |
| <b>Project Size/Area:</b> | 10,715 S.F., 9,772 S.F., 23,349 S.F.  |
| <b>Jurisdiction:</b>      | Louisville Metro  |
| <b>Council District:</b>  | 22 – Robin Engel  |
| <b>Case Manager:</b>      | Matthew R. Doyle, Planner I   |

### REQUEST

- Amendment to Record Plat

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject cases were previously heard by the Development Review Committee (DRC) on July 3<sup>rd</sup>, 2013, who decided that it should be heard before the Planning Commission.

The proposal in each case is a minor subdivision plat that creates a new buildable lot. The residual tracts are part of the Glenmary Golf Club, owned and operated by Par Golf, LLC. They are designated as recreation area on the record plats. The applicant requests an amendment to each record plat by way of a minor plat.

### LAND USE/ZONING DISTRICT/FORM DISTRICT

The existing use of each lot is recreation area and the proposed use is single family residential. The existing and proposed zoning and form districts are R-4 and N, respectively. The surrounding land uses of each lot are either residential or recreational (golf course) and are in the same zoning and form districts.

### PREVIOUS CASES ON SITE

The proposed lot in 19173 is located in Glenmary, Section 2 (PB 37, PG 101) which was recorded in 1990.

The proposed lot in 19174 is located in Glenmary, Section 2 (PB 37, PG 100) and Glenmary, Section 3 (PB 39, PG 45) which were originally recorded in 1990. The latter section was revised in 1991.

The proposed lot in 19219 is located in Glenmary, Section 2 (PB 37, PG 99) which was recorded in 1990.

The Glenmary rezoning and subdivision were approved in dockets 9-67-88 and 10-34-88, respectively.

In Minor Plat Docket #146-06 a request was made by the current owner to create 3 new lots from the same residual tract designated as Recreation Area. This proposal was heard by DRC on August 23, 2006 where the committee required the applicant to provide notification to all property owners within Section 2 of the Glenmary Subdivision. The case came before DRC again on April 4, 2007 where the committee voted to continue the case to the April 19, 2007 Planning Commission Business Session. The applicant instead chose not to pursue the proposal any further.

An Amendment to Record Plat was approved in Glenmary, Section 2 by DRC under case 15654, which created a new buildable lot in the recreation area of the recorded plat in PB 37 PG 99.

### **INTERESTED PARTY COMMENTS**

Staff has not received any comments for the Planning Commission hearing.

Prior to the July 3<sup>rd</sup>, 2013 DRC meeting, staff received multiple comments and multiple requests from interested parties concerning the requests. The concerned parties indicated that they would attend the hearing to voice their concerns. Specifically, staff spoke with or provided information for B. McCubbin, Lee Denninger, Max Morstad, Judy Johnson, Ron Huff, Jim Brooks, Phil Miller, Charles McHenson, Tammi Pinson and Monica Hodge of Councilman Engel's office.

### **APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

### **TECHNICAL REVIEW**

The minor subdivision plat is in order and has received preliminary approvals from Transportation Review, the Metropolitan Sewer District, and the Fern Creek Fire Protection District.

### **STAFF CONCLUSIONS**

Each request is in compliance with all zoning and subdivision regulations. The record plat amendments will allow a new buildable lot to be created. Record plat amendments do not have a standard of review, unless the applicant also requests approval of a discretionary item such as a waiver or variance. The power to approve a subdivision plat is a ministerial action reserved for the Planning Commission or its designee.

The subdivision regulations in Section 7.1.91 of the Land Development Code (1) give the Planning Commission the power to amend any recorded plat and (2) require in cases where all owners whose property is subject to the recorded plat and are affected by the record plat amendment, but have not given consent, be given reasonable notice and a reasonable opportunity to express their objections or concerns. Reasonable notice was determined by DRC on June 5<sup>th</sup>, 2013. An opportunity for the affected parties to express their objections or concerns was given on July 3<sup>rd</sup>, 2013.

The Planning Commission must determine whether all persons who may be affected by the record plat amendment were given reasonable notice and whether they were given an opportunity to express their objections or concerns. If both conditions have been satisfied, then the request to amend the recorded plats shall be approved as each subdivision plat is in compliance with the applicable regulations.

## REQUIRED ACTIONS

- **APPROVE** or **DENY** the Amendment to Record Plat for each case.

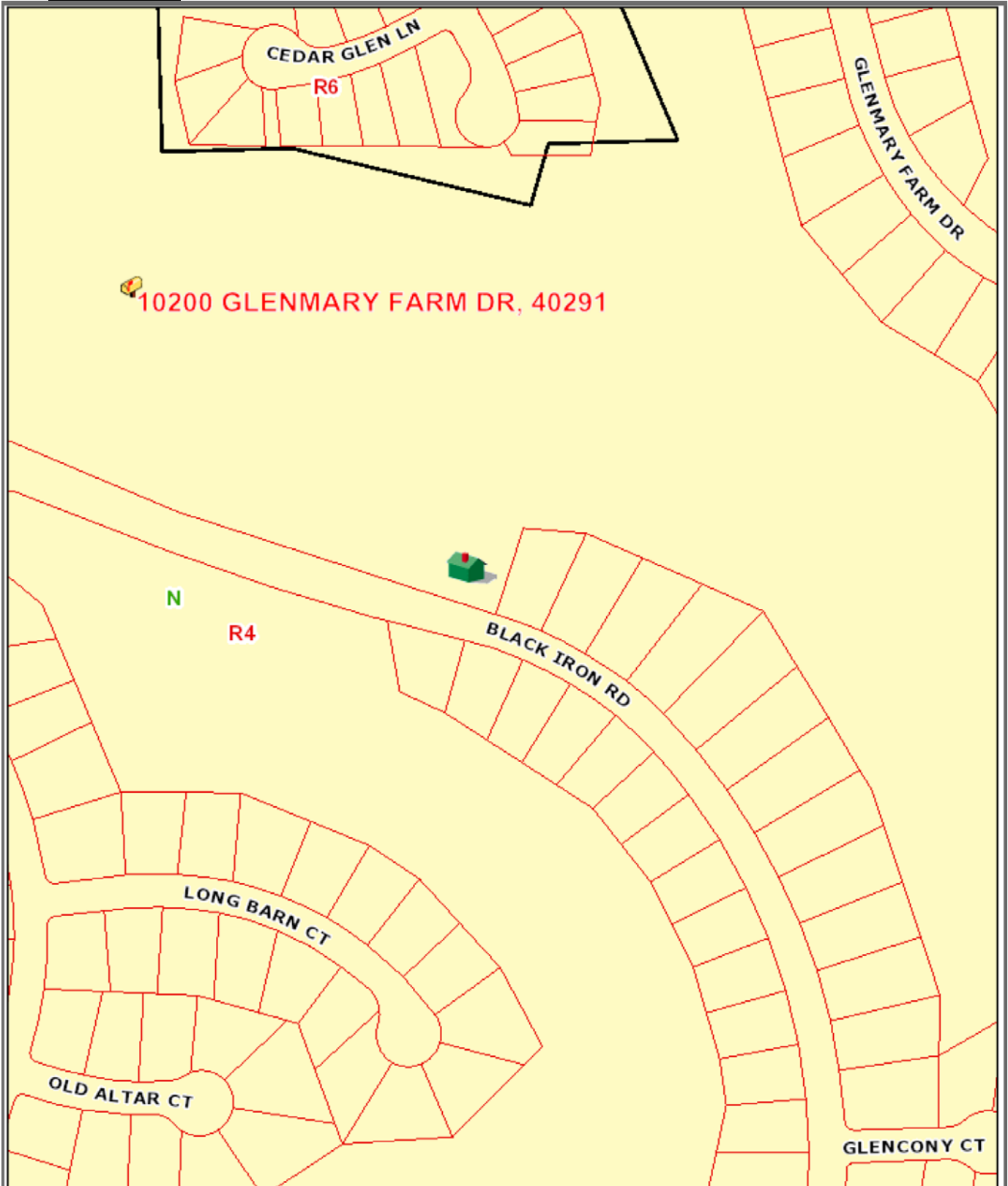
## NOTIFICATION

| Date    | Purpose of Notice  | Recipients  |
|---------|--------------------|---|
| 6/19/13 | Hearing before DRC | Properties within 500 feet of the proposed, buildable lot<br>Glenmary Homeowners' Association<br>Registered Neighborhood Groups   |
| 1/10/14 | Hearing before PC  | Properties within 500 feet of the proposed, buildable lot<br>Glenmary Homeowners' Association<br>Subscribers of Council District 22 Notification of Development Proposals<br>Speakers at the July 3 <sup>rd</sup> DRC |

## ATTACHMENTS

1. Zoning Maps
2. Aerial Photographs
3. Existing Conditions of Approval

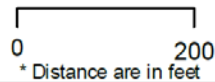
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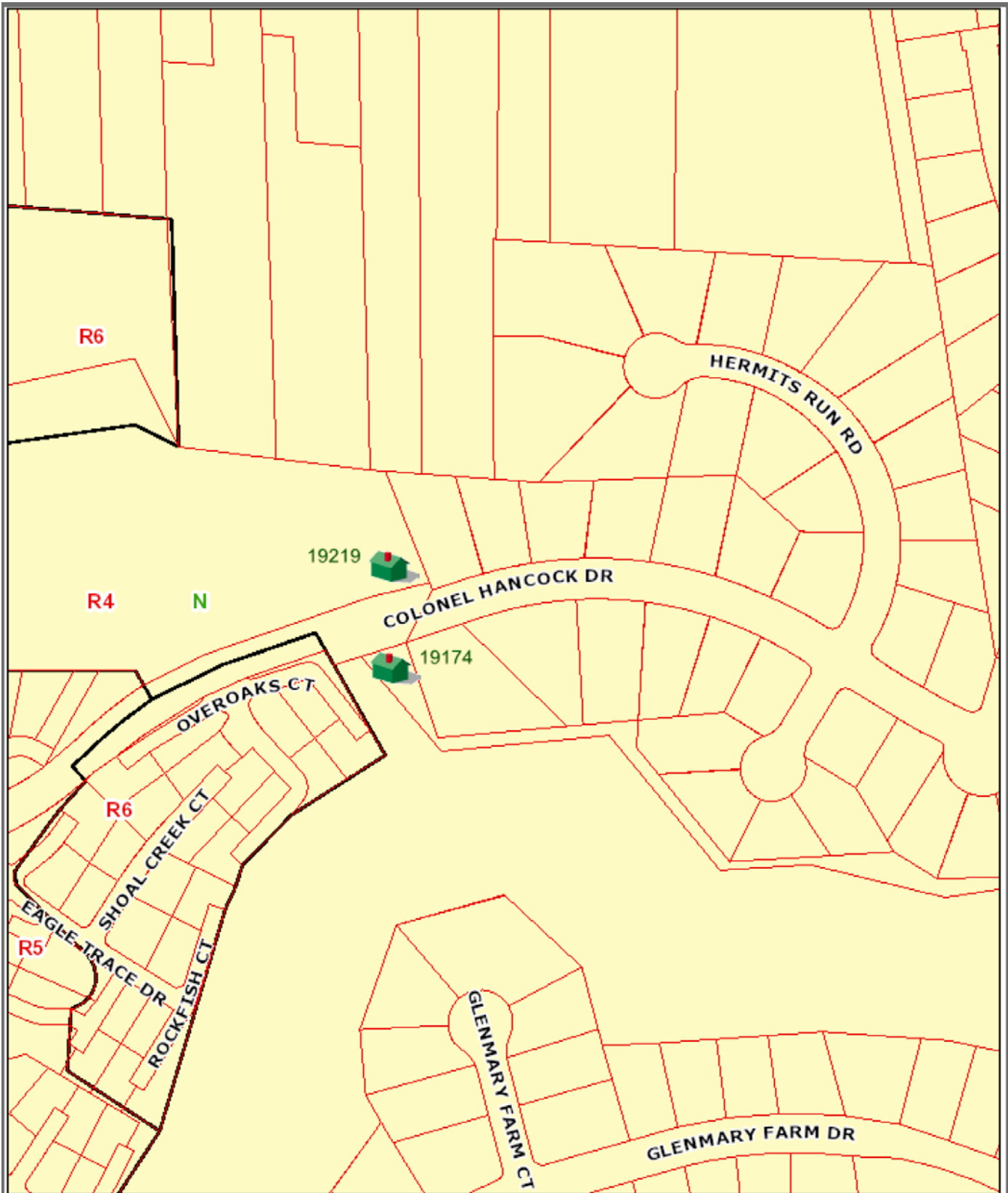


LOJIC Guidemap

CASE 19173

Plot Date: 1/31/2014



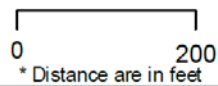


## CASES 19174 and 19219

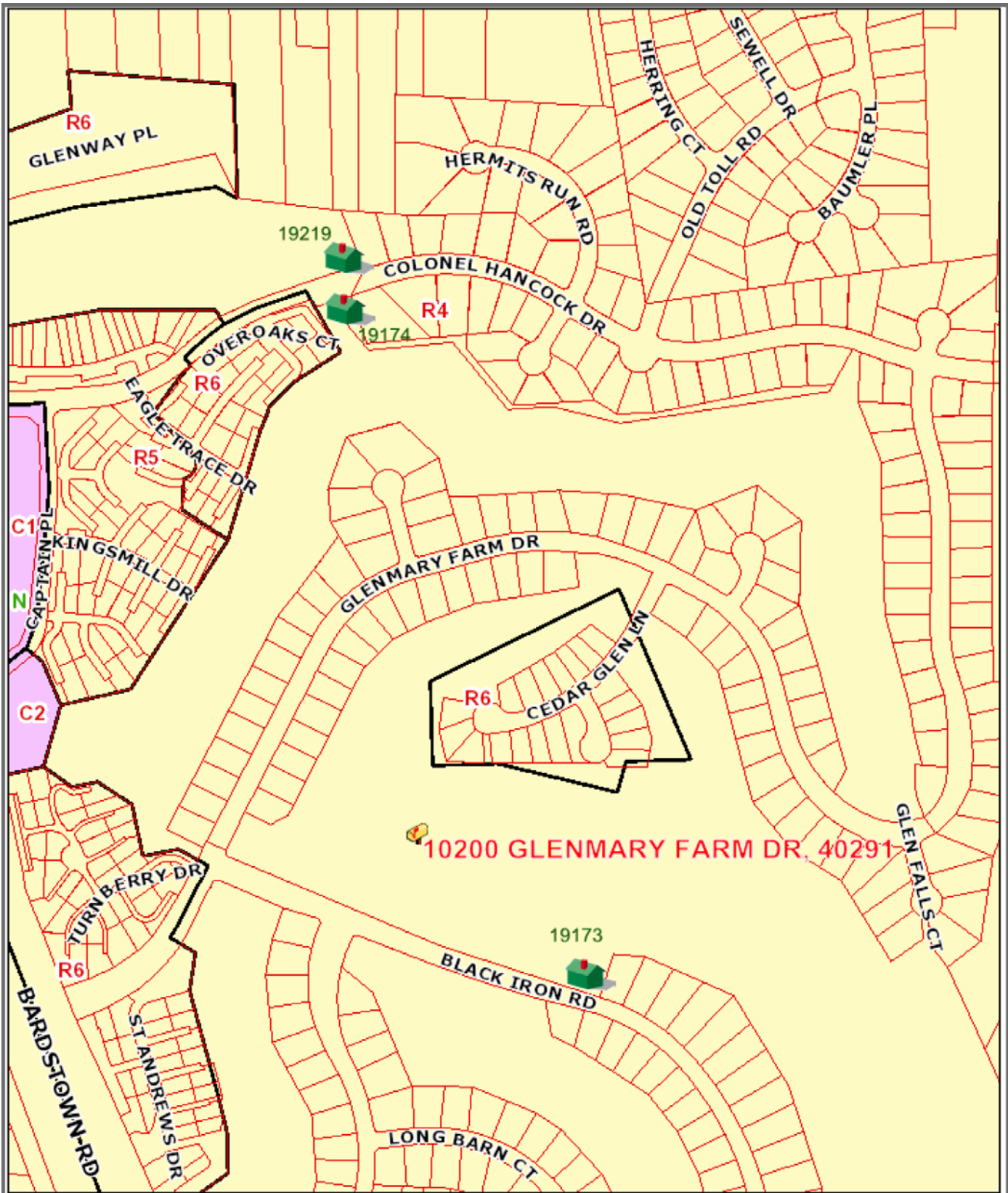


LOJIC Quickmap

Plot Date 1/31/2014



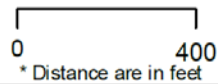
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## CASES 19173, 19174, and 19219

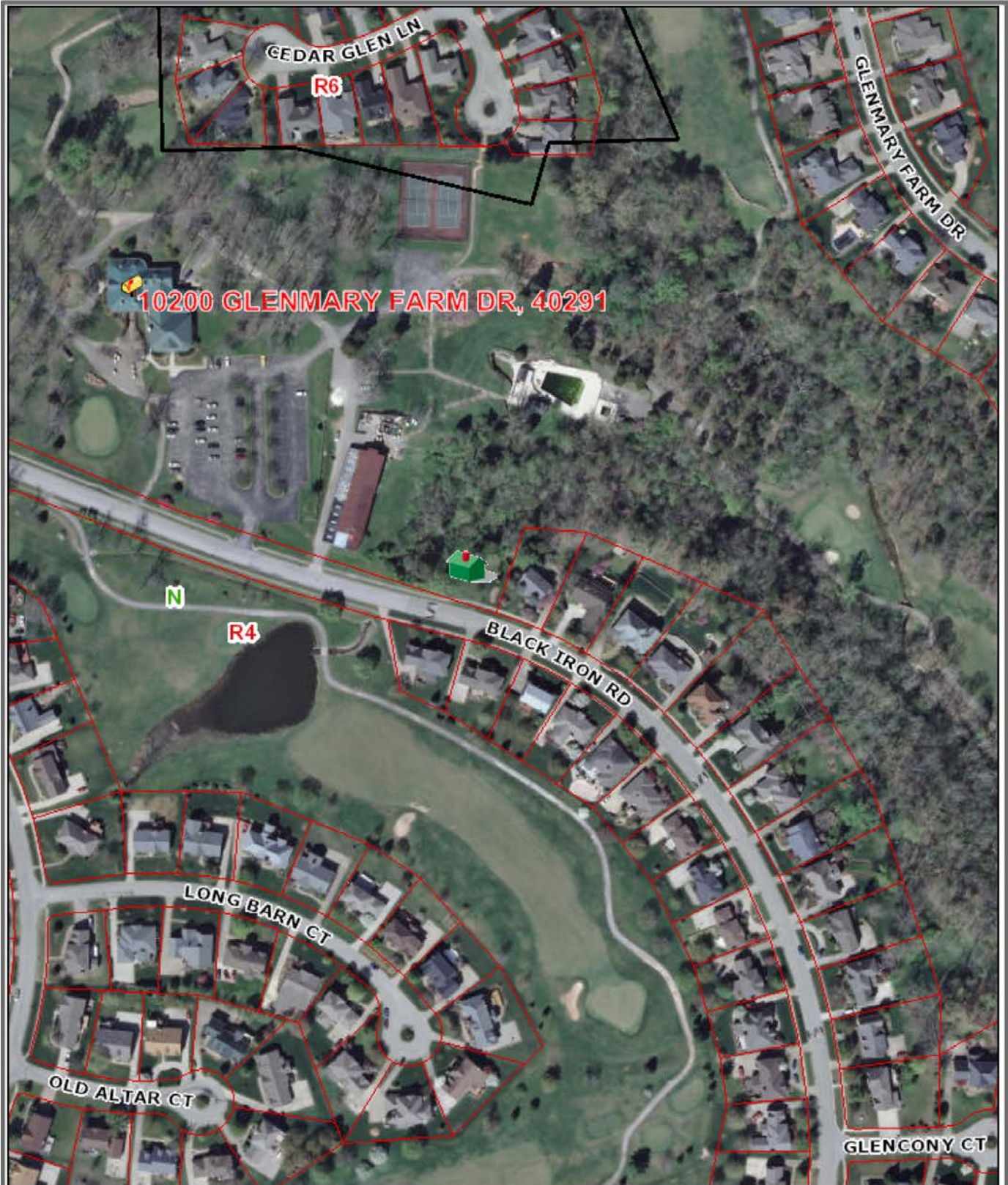


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Plot Date 1/31/2014

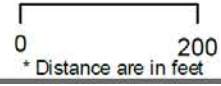
2. **Aerial Photographs**



**CASE 19173**



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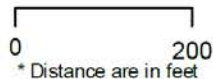
Plot Date: 1/31/2014



LOJIC Quickmap

## CASES 19174 and 19219

Plot Date 1/31/2014



**LOJIC**  
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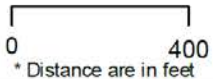




## CASES 19173, 19174, and 19219



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Plot Date 1/31/2014

**3. Existing Conditions of Approval**

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.