

Land Development & Transportation Committee

Staff Report

June 23, 2016



Case No:	16SUBDIV1006
Request:	Revised Preliminary Subdivision for 72 lots on 50.91 acres
Project Name:	Dove Point Estates
Location:	3900, 3920, 3950 & 4000 Sweeney Lane
Owner:	Michael Thomas, Mona Thomas et al, and Elaine Henson
Applicant:	Dove Point Estates, LLC
Representative:	Sabak, Wilson & Lingo, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Brian Davis, AICP, Planning Manager

REQUEST

- Preliminary Subdivision plan to create 72 lots on 50.91 acres

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposal is for a preliminary subdivision plan with a total of 72 lots on 50.91 acres. There are two open space lots within the development totaling 4.06 acres. There is also a 14.4 acre area designated as “Future Development Area” on the plan.

The majority of the proposed lots within the subdivision range from 11,050 square feet to 17,900 square feet, with the largest lot being Lot 55 (38,583 square feet), which will contain one of the existing houses. The gross density of the development is 1.43 dwelling units per acre.

The primary access point to the subdivision comes from Sweeney Lane, which is a local level roadway. The subdivision connects to two existing stubs: Foxy Lane and Trump Avenue. The proposal includes an additional stub street to the north as well as a stub to the previously referenced “Future Development Area” on the plan.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Agricultural/Vacant	R-4	N
Proposed	Single Family Residential	R-4	N
Surrounding Properties			
North	Single Family Residential	R-4	N
South	Single Family/Ag	R-4	N
East	Single Family/Ag	R-4	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

- 14134: Preliminary Major Conservation Subdivision Plan and a Variance to allow some lots to exceed the 25' maximum front yard setback (approved by Planning Commission on 11/4/2010).
- 15SUBDIV1006: Revised Preliminary Conservation Subdivision Plan creating 144 buildable lots (approved by LD&T on 7/23/2015).

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

- The stream on the "Future Development Area" shows up in LOJIC as a protected stream; however, the stream is only an intermittent stream on USGS maps. The applicant is working with MSD and LOJIC to get the GIS layer corrected. Staff did not require a stream buffer along the stream.

STAFF CONCLUSIONS

The proposed subdivision meets the requirements of the subdivision regulations.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development and Transportation Committee must determine if the proposal meets the requirements for approval of a Preliminary Subdivision.

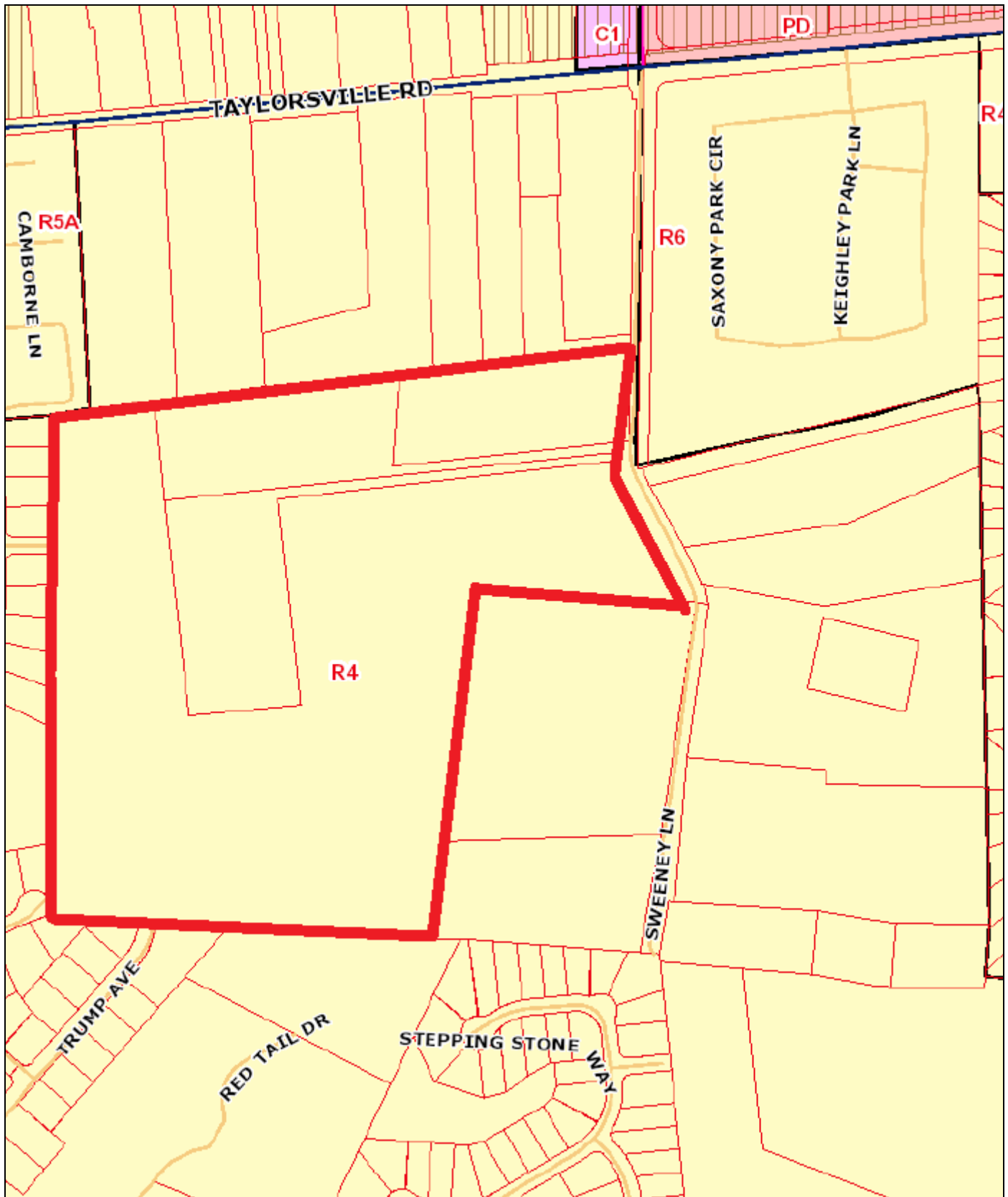
NOTIFICATION

Date	Purpose of Notice	Recipients
6/7/2016	Hearing before Planning Commission	1 st and 2 nd tier adjoining property owners Subscribers of Council District 20

ATTACHMENTS

- Zoning Map
- Aerial Photograph
- 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 Louisville Metro Public Works.
 - 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 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.
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. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval and the recommendations of the report shall be carried out during construction on the site.
16. The location of sinkholes as shown on the preliminary plan shall be identified on the record plat.
17. Construction traffic shall enter the site through the Sweeney Lane entrance and shall not enter the site through the existing Foxy Lane and Trump Avenue connections.
18. A pre-blast survey shall be conducted of nearby homes in conformance with State law or of one tier of adjacent properties, whichever distance requirement is more stringent.
19. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.