

# Land Development and Transportation Committee

## Staff Report

February 27, 2020



<b>Case No:</b>	19-RSUB-0009
<b>Project Name:</b>	Southern Breeze Section 2
<b>Location:</b>	9813 Southern Breeze Lane
<b>Owner(s):</b>	Phillip W. & Martha R. Leigh
<b>Applicant:</b>	Phillip W. & Martha R. Leigh
<b>Jurisdiction:</b>	Jeffersontown
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Lacey Gabbard, AICP, Planner I

### REQUEST

- **Revised Major Subdivision**

### CASE SUMMARY/BACKGROUND

The applicant is proposing to revise the previously approved Major Preliminary Subdivision plan by increasing the acreage of the lots in Section 2. The proposed number of lots has been reduced by one.

The currently proposed Southern Breeze Section 2 plan is for eight (8) lots on approximately 2.57 acres. The subject site is zoned R-4 Single Family Residential in the Neighborhood form district. Access to this section of the subdivision will be via Southern Breeze Lane. The subject site is located in Jeffersontown.

Previous cases:

- 10-12-05: Southern Breeze Subdivision

### STAFF FINDING

The request is adequately justified and meets the standard of review. The subdivision plan is in order and meets all requirements of the Land Development Code.

### TECHNICAL REVIEW

There are no outstanding technical issues associated with this request.

### INTERESTED PARTY COMMENTS

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

### REQUIRED ACTIONS:

- **Recommend APPROVAL or DENIAL of the Major Preliminary Subdivision to Jeffersontown**

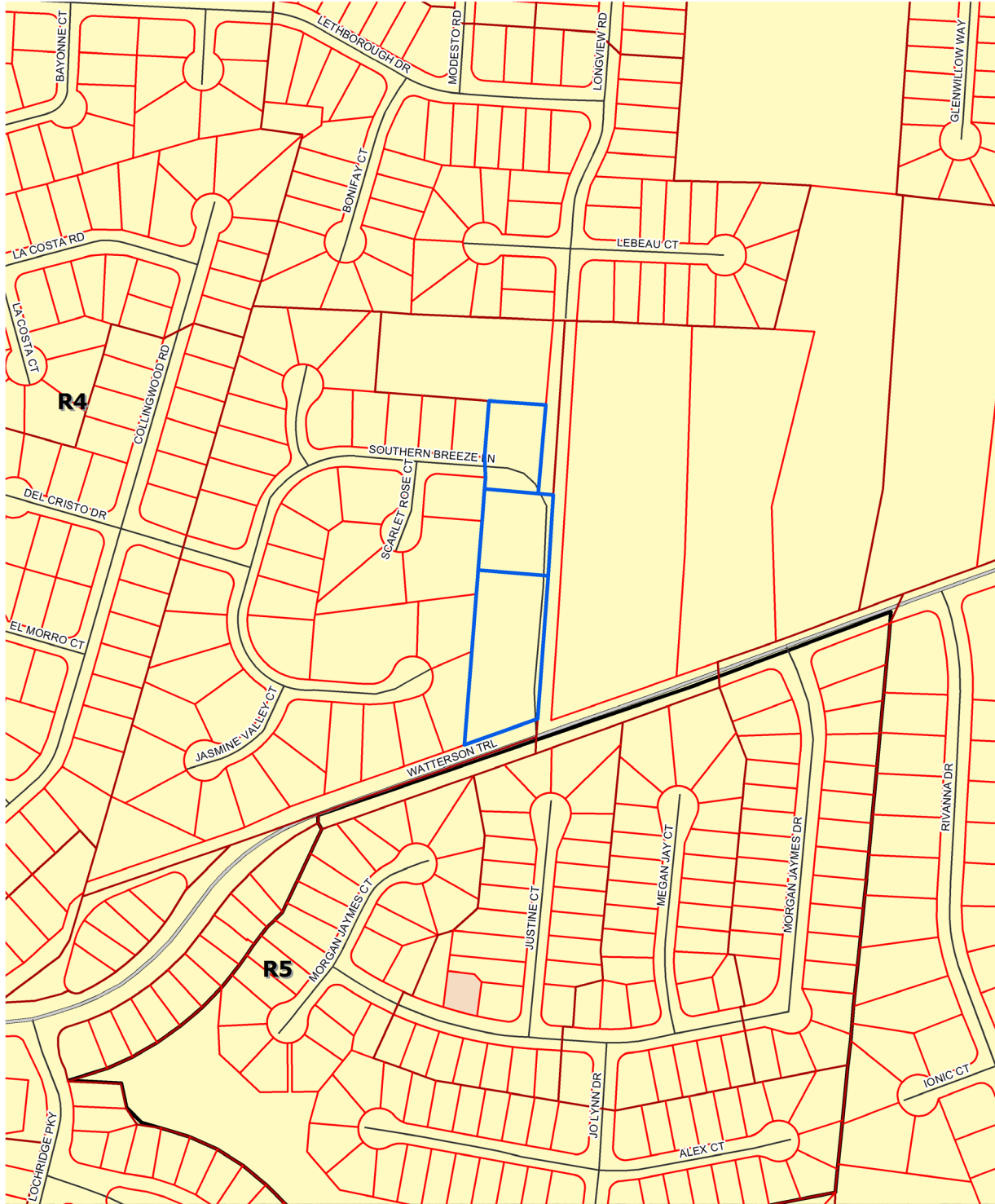
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>2-27-20</b>	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 11

**ATTACHMENTS**

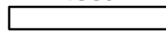
1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. **Zoning Map**



**9813 SOUTHERN BREEZE LANE**

feet



320

Map Created: 2/13/2020



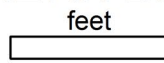
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2. **Aerial Photograph**



**9813 SOUTHERN BREEZE LANE**



Map Created: 2/13/2020



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### **3. 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 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 the Planning Commission staff's landscape architect 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 Tree Canopy Protection Areas (TCPAs) delineated on the site plan and related notes. Any modification of the woodland protection areas requires notification of adjoining property owners and LD&T action.
8. The applicant shall provide deeds of restriction ensuring that TCPAs 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. Tree Canopy Protection Areas (TCPAs) 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 TCPAs 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. 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 in the approved development or preliminary subdivision plan.

11. 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."

12. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat.

13. 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.

14. A minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.

15. 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.

16. 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 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.

17. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.

18. The applicant shall obtain approval of a detailed landscape plan for the 20-foot Landscape Buffer Area along Watterson Trail. The landscape buffer area shall include a berm, hedge, fence or wall adequate to form an effective visual screen at least six feet in height. The landscape buffer area shall be maintained by the property owners association. The landscape plan shall be submitted for review and approval by DPDS staff prior to record plat approval.