

Land Development & Transportation Committee Staff Report

September 14, 2017



Case No:	17SUBDIV1017
Project Name:	Willowgate Subdivision, Section 4
Location:	905 N. Pope Lick Road
Owner(s):	Donnely Hagan Development, LLC
Applicant:	Donnely Hagan Development, LLC
Representative(s):	Land Design and Development, Inc.
Project Area/Size:	6.3 acres
Jurisdiction:	City of Middletown
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Major Preliminary Subdivision Plan** for 13 single-family residential lots

CASE SUMMARY

The proposed subdivision is an extension to the existing Willowgate Subdivision. Primary access to the subject site is gained from N. Pope Lick Road via Willow Pointe Drive. The proposed subdivision will continue this roadway and provide a stub connection to the South, along with continuing the existing sidewalk network.

STAFF FINDING

The major preliminary subdivision plan meets or exceeds the minimum requirements of the Land Development Code.

TECHNICAL REVIEW

There are no outstanding technical review items to be discussed at this time.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Major Preliminary Subdivision Plan** for 13 single-family lots

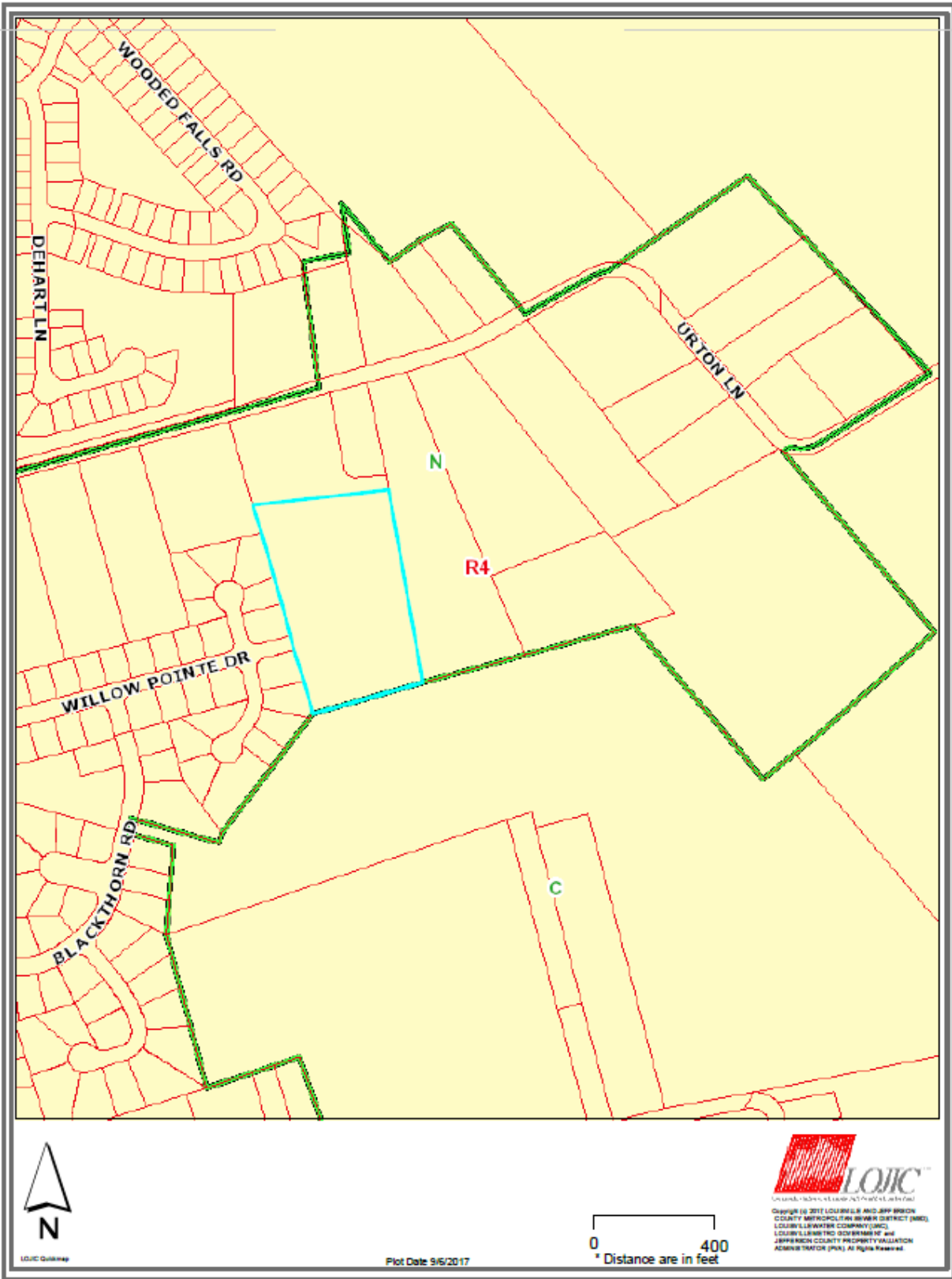
NOTIFICATION

Date	Purpose of Notice	Recipients
9/1/17	Hearing before LD&T	1 st tier adjoining property owners Registered Neighborhood Groups in Council District 19

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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. 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.
 - c. 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. 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 WPAs, TPAs and other issues required by these binding elements / conditions of approval.
 - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
6. 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.
7. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.