

**Land Development and Transportation Committee**  
**Staff Report**  
 October 26, 2017



<b>Case No:</b>	17SUBDIV1015
<b>Project Name:</b>	Little Spring Farm Section 4
<b>Location:</b>	11400 Vista Club Ct
<b>Owner(s):</b>	Joseph Pusateri
<b>Applicant:</b>	Jim Mims
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- Revised Major Preliminary Subdivision

**CASE SUMMARY/BACKGROUND**

The applicant is proposing to revise Section 4 of the Little Springs Farm Major Preliminary Subdivision to create 96 buildable lots on approximately 83.71 acres. This section of the subdivision will also contain approximately 42.34 acres of open space spread across 5 lots. The subdivision is surrounded by land held in conservation by the Future Fund, and will not provide a stub street that would normally be required to adjacent large residentially zoned tracts.

**STAFF FINDING**

The Revised Preliminary Subdivision plan meets or exceeds all Land Development Code provisions and has been given preliminary approval by Transportation Planning and the Metropolitan Sewer District.

**TECHNICAL REVIEW**

A portion of the subject site is shown to be zoned R-5a on existing zoning maps available at LOJIC.org. This appears to be an error, and that portion of the site should be R-4. The entire site is being developed to R-4 standards.

**INTERESTED PARTY COMMENTS**

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

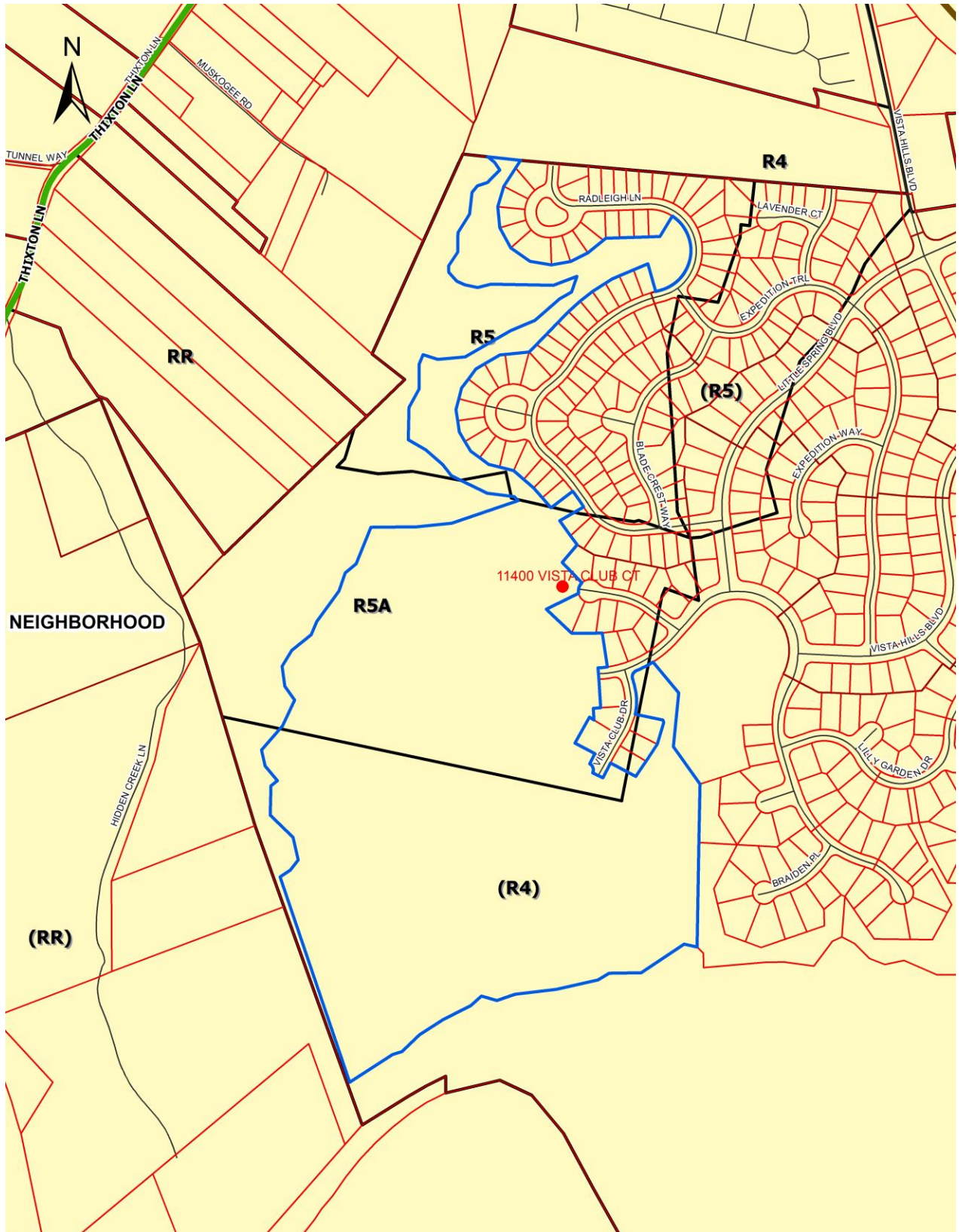
**NOTIFICATION**

Date	Purpose of Notice	Recipients
10-12-17	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements/Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



### **3. Existing Binding Elements**

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 1a. Prior to development of either of Lots 257 and 518 the Applicant, Developer, or property owner shall obtain approval of a detailed district development plan from the Planning Commission. The Detailed District Development 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, tree preservation
  - b. floor area, size and height of buildings
  - c. points of access and site layout with respect to on-site circulation
  - d. land uses
  - e. signage
  - f. parking
  - g. sidewalks
  - h. outdoor lighting
  - i. minor subdivision plan approval
  - j. air pollution
  - k. dumpsters
2. 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.
3. The density of the entire development shall not exceed 1.65 dwelling units per acre (717 units on 435.5 acres). For the R-4 portion of the site, the density shall not exceed 1.00 dwelling unit per acre (342 dwelling units on 341.2 acres); for the R-5 portion of the site, the density shall not exceed 2.49 dwelling units per acre (167 dwelling units on 67.2 acres); and for the R-5A portion of the site, the density shall not exceed 7.68 dwelling units per acre (208 dwelling units on 27.1 acres).
4. There shall be no direct vehicular access from any single family residential lot to Bardstown Road.
5. 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.
6. The applicant shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.
7. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
  - a. The development plan must receive full construction approval from the Metro Public Works and Transportation Department and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.

- c. The property owner/developer must obtain approval of a detailed plan for screening buffering/landscaping) as described in Article 12 and in conformance with the Parkway Policy prior to requesting a building permit. A landscape plan shall also be submitted for the scenic corridor requirements along Bardstown Road. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter by developer and/or homeowners association.
  - d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.
8. If a building permit is not issued within two years 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/preliminary subdivision 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 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.
10. The applicant, developer, or property owner shall provide copies of these binding elements 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. The 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, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
11. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
12. The site shall be developed in accordance with the woodland protection areas (WPA) delineated on the site plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T approval.
13. The applicant shall provide deeds of restriction ensuring that WPAs 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, which approval shall not be unreasonably withheld.
14. All plans setting out woodland protection areas must contain the following notes:
  - a. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site that shall be permanently preserved. 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 WPAs 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.
15. 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 or Bylaws of the Homeowners Association, either in a form approved by Counsel to the Planning Commission which approval shall not be unreasonably withheld, addressing responsibilities for the maintenance of common areas and open space, maintenance of WPAs, and TPAs.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission, which approval shall not be unreasonably withheld.

16. 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 \$3,000 funding requirement.
17. Building materials shall be selected by home purchasers at their option. Some homes will be all brick, some will be a mixture of brick and siding, and others will be maintenance-free vinyl exteriors.
18. The signature entrance shall be submitted to the Planning Commission staff for review prior to recording the record plat. Unless specifically waived, signage is subject to DRO Guidelines.
19. Sinkholes:
  - a. The perimeter boundary of the sinkholes shown on the Approved Preliminary Subdivision Plan shall be field-verified, staked in the field, and shown on the construction plans. A revised preliminary subdivision plan showing the field-verified sinkholes shall be approved by DPDS Staff prior to construction plan approval for each affected site of phase of the development.
  - b. No buildings shall be constructed over any of the sinkholes shown on the Approved Preliminary Subdivision Plan. In the event of locational discrepancies of sinkholes between field verification and the Approved Preliminary Subdivision Plan field verification shall prevail.
  - c. Individual lot approvals by MSD shall be required for the lots shown on the Approved Preliminary Subdivision Plan. A geotechnical engineer selected by the Owner/Developer shall observe and approve all foundation subgrades on lots requiring MSD approval.
  - d. Should additional sinkholes be encountered during construction of site improvements, road, or structures, work shall be suspended in the vicinity of the occurrence and investigated by the geotechnical engineer. These new sinkholes encountered during construction shall be located on construction plans and treated or avoided in accordance with the geotechnical engineer's recommendations.
  - e. No repair or filling of any sinkhole/feature shall occur without prior approval by the geotechnical engineer. The geotechnical engineer shall be on-site during construction to monitor, verify and document appropriate sinkhole remediation for all sinkholes. All filled sinkholes shall maintain internal drainage.
20. The water quality recommendations described in the Water Quality Recommendations for the Proposed Little Spring Farm Subdivision, prepared by Law Engineering and Environmental Services, Inc., dated September 14, 2000 shall be implemented on this site. Plans detailing the recommendations described in this document shall be submitted for approval from MSD and DPDS prior to approval of the construction plans.
21. Water Quality:
  - a. During construction, areas designated for water quality basins on the Approved Preliminary Subdivision Plan may serve as temporary sediment control basins. Maintenance of these interim facilities shall be done in accordance with MSD's Erosion Prevention and Sediment Control Ordinance, and the Best Management Practices of the Natural Resources Conservation Service Report.
  - b. The water quality basins shall be inspected twice per year for the first three years after construction of each basin by a landscape architect registered in the State of Kentucky. Specific note of plant species distribution/survival, sediment accumulation, water elevations, and condition of the outlet shall be made. Thereafter, annual inspections will be required. Records of inspection reports shall be maintained by the Developer and/or Homeowners Association.
  - c. Accumulated sediments in water quality basins shall be cleaned out every 3 to 5 years, or as necessary, as determined by the annual inspections made by the registered landscape architect.
  - d. Maintenance access and embankment areas of the water quality basins shall be mowed twice per year to prevent woody growth. All remaining areas shall be maintained as a wet meadow.
  - e. No detention or water quality basins shall be located over any sinkhole shown on the Approved Preliminary Subdivision Plan and subsequently verified in the field. In the event of a

sinkhole/feature's locational discrepancy between the Approved Preliminary Subdivision Plan and field verification field verification shall prevail.

22. The community center facility shall be used only by property owners and residents of Little Spring Farm Subdivision and their guests.
23. Developer shall set aside 5% of the R-5 portion of the site and 5% of the R-5A portion of the site for appropriate/inclusive housing affordable to families meeting the median household income for Jefferson County. The projected sales price of these homes shall be consistent with the schedule accompanying the preliminary subdivision application, which is titled "Revised Housing Affordability Analysis for Little Spring Farm".
24. Developer shall implement the recommendations and abide by the guidelines contained in (a) the Habitat Management Plan prepared by the Kentucky Department of Fish and Wildlife Resources, (b) the Sinkhole Management Plan prepared by Sabak, Wilson & Lingo, Inc., (c) the Water quality Management plan for Little Spring Farm prepared by LAWGIBB Group, and (d) the Revised Report of Geologic Assessment prepared by LAWGIBB Group.
25. A. Prior to March 31, 2002, Developer shall request the Kentucky State Nature Preserve Commission (KSNPC) to perform a survey on areas of subject property likely to contain glade cress habitat. In the event that the KSNPC is unable to perform a survey as necessary to meet construction timetables, Developer shall obtain the services of a qualified professional to perform the survey. Areas in Open Space Lot 257 that the survey deems most likely to contain glade cress habitat shall be protected, except as provided for in (b).  
B. In the event glade cress plants are discovered within areas designated for construction, any such plants shall be removed and transplanted to suitable glade cress habitat either (a.) where deemed viable at a location within Open Space Lot 257, or (b) to an off-site location area as may be recommended by the KSNPC, or in the event KSNPC is not able to assist, by other qualified professional.
26. Developer agrees to:
  - a. Construct a hiking trail as shown on the approved preliminary subdivision plan.
  - b. Construct connections from the hiking trail shown on the approved preliminary subdivision plan at the time the regional trail system shown on Core Graphic 7 presents itself at site's boundaries and is available for connection; the location of the connections shall be determined pursuant to agreement between Louisville Metro or its successor government and the Developer and/or homeowner's association.
  - c. Allow public access to all or part of the trail system as mutually determined and pursuant to terms and conditions which are mutually agreeable to Louisville Metro or its successor government and the Developer and/or homeowner's association.
27. Within the flood plain abutting Floyds Fork, Developer shall construct a wetland of approximately 8 acres, which shall be consistent with the Proposed Wetland Recharge Area Plan dated December 9, 2000.
28. Developer shall grant a Conservation Easement pursuant to KRS 382.800 et seq. in favor of the Future Fund, Inc. The Conservation Easement shall be executed and recorded. The form of the easement shall receive the approval of the General Counsel of the Planning Commission, which approval shall not be unreasonably withheld. The conservation Easement shall provide that Future Fund, Inc., shall have the right to monitor the Open Space areas for conformance with the terms of the Conservation Easement.
29. Developer shall work co-operatively with Future Fund, Inc., to implement the Habitat Management Plan for Little Spring Farm, prepared by the Kentucky Department of Fish and Wildlife Resources.
30. The Conservation Easement shall provide that Developer and/or Homeowners Association shall be responsible for the cost of construction and continuing maintenance of Open Space Lots 257, 37, 517, 6, 458, 88, 167, 148, 282, 439, and the habitat, hiking trail, water quality, Conservation Easement, and the Proposed Wetland Recharge Area (see Plan dated December 9, 2000). The cost of monitoring the



continuing maintenance of these areas by Future Fund, Inc., shall be agreed upon between the parties to the Conservation Easement, and paid for by Developer and/or Homeowners Association, except as provided for in Binding Element 28.

31. Future Fund, Inc. may work co-operatively with another qualified land trust, such as the Jefferson County Environmental Trust (JCET) to explore development of JCET holding a joint or secondary interest in the Conservation Easement. Any proposed qualified land trust other than JCET shall be subject to the prior approval of Developer and/or Homeowners Association.
32. Title to part or all of Open Space Lot(s) 257, 37, 517, 6, 458, 88, 167, 148, 282, and 439 may be conveyed in fee simple at a future time to a Future Fund, Inc., pursuant to an agreement then reached between Developer and Future Fund, Inc.
33. In the unlikely event Future Fund, Inc., should elect not be the Holder of the Conservation Easement, Developer shall select a qualified holder pursuant to the requirements of KRS 382.800 et seq. The rights and obligations of Future Fund, Inc., set forth in these Binding Elements shall then be assumed by the qualified Holder.
34. All street signs shall be installed by the Developer, and shall conform to 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.
35. 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.
36. Trees will be preserved and/or provided on site and maintained thereafter 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.
37. 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.