

Planning Commission Staff Report

February 29, 2015



Case No:	14subdiv1011
Request:	Appeal of the DRC approval of a Conservation Subdivision
Project Name:	Flat Rock Ridge Section 4
Location:	1700 Flat Rock Road
Owner:	Ball Homes LLC
Applicant:	Ball Homes LLC
Representative:	Mindel Scott and Associates; Bardenwerper Talbott and Roberts
Jurisdiction:	Louisville Metro
Council District:	19-Julie Denton
Case Manager:	Julia Williams, AICP, Planner II

REQUEST

- Appeal of the DRC approval of a Conservation Subdivision plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4
 Proposed Zoning District: R-4
 Existing Form District: Neighborhood
 Existing Use: Vacant/Single Family
 Proposed Use: Single Family Subdivision

The proposal is for a conservation subdivision with 100 buildable lots and 3 open space lots. This property was originally approved for a subdivision under the ADI (Alternative Development Incentives) regulations. To the south of the site is the developing Southfield at Polo Fields Subdivision and Flat Rock Ridge Subdivision.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

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

PREVIOUS CASES ON SITE

- 10-3-07/9-7-07- Change in zoning from R-4 to R-5A and a Preliminary Subdivision Plan approved in 2007
- 10-4-07- Approval of an ADI Subdivision (June 14, 2007)
- 11034- Binding Element amendment to allow sewers outside the ROWs
- 17930/18030- RDDDP and Revised Subdivision Plan (October 3, 2012)

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

- All agency review comments have been addressed.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must decide whether or not to uphold the decision of the DRC.

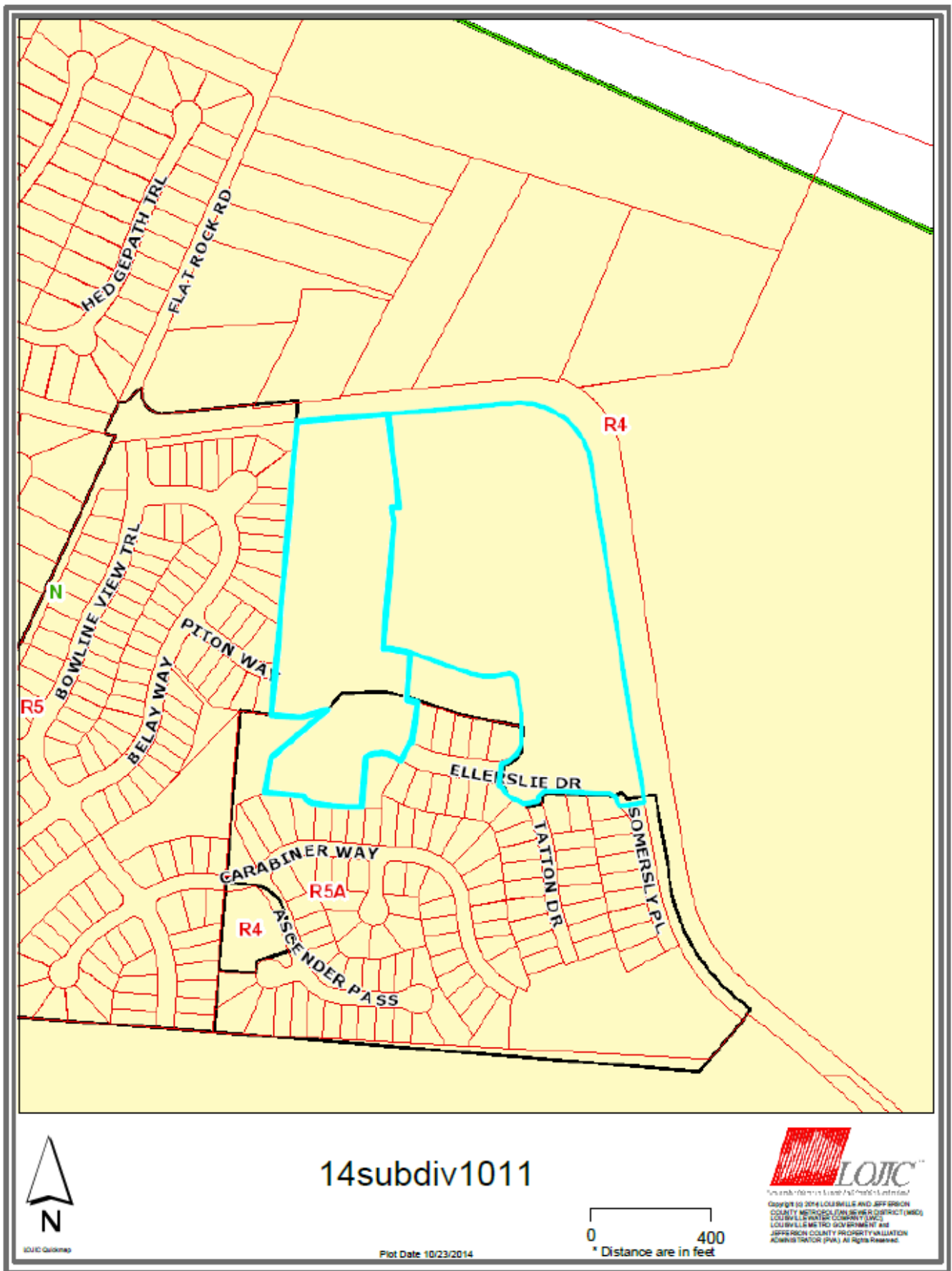
NOTIFICATION

Date	Purpose of Notice	Recipients
12/4/14	Hearing before DRC on 12/17/14	1 st and tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals
2/5/15	Hearing before PC on 2/19/15	1 st and tier adjoining property owners Subscribers of Council District 19 Notification of Development Proposals

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 Inspections, Permits and Licenses, Louisville Metro Public Works 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 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. **No tree over 6" caliper shall be removed by the developer unless necessary for roadway, utility or home construction. 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 LDC and for required plantings in the Scenic Corridor Buffer along Flat Rock Road. 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. Said plans shall be submitted for review and approval prior to recording the record plat. Prior to, or during DPDS staff review of the landscape plan, the developer shall be responsible for providing a copy of the plan to the Eastwood Neighborhood Association president for review prior to receiving approval by DPDS staff.**
16. **There shall be language in the deed restrictions requiring maintenance of the 30' Scenic Corridor Buffer by the Homeowner's Association.**

17. The materials and design of the patio homes and townhouses shall be substantially the same as depicted in the renderings as presented at the August 16, 2007 Planning Commission meeting. The houses adjoining Flat Rock Road will be brick on at least three facades, and the interior houses will be all brick on at least one facade, as proposed by the applicant.