

Land Development and Transportation Staff Report

December 8, 2016



Case No:	16SUBDIV1013
Project Name:	Vista Hills
Location:	10310 Vista Hill Blvd
Owners:	SFLS LLC
Applicant:	SFLS LLC
Representative(s):	Mindel, Scott, & Associates, Inc. – Kathy Linares
Project Area/Size:	17.44 Acres
Existing Zoning District:	R-4, Single-Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Major Preliminary Subdivision Plan** to create 55 residential lots and 2 open space lots.

CASE SUMMARY

The applicant proposes to create 55 residential lots and 2 open space lots in South-Central Jefferson County, South of Interstate-265 and East of Bardstown Road. Primary access to the proposed subdivision is gained from Vista Hills Boulevard which is a continuation of Old Bardstown Road at Thixton Lane. Vista Hills Boulevard may also be accessed from Little Spring Boulevard beginning at Bardstown Road. The subject site provides the required public roadway extensions from adjacent single-family subdivisions to the South, while also providing a stub into a multi-family development to the North which contains private roadways.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-4	N
Proposed	Single-Family	R-4	N
<i>Surrounding Properties</i>			
North	Multi-Family	R-5A	N
South	Single-Family	R-5	N
East	Single-Family	R-5	N
West	Single-Family	RR	N

PREVIOUS CASES ON SITE

Staff did not find any associated cases on-site.

INTERESTED PARTY COMMENTS

Jo Ann Thomas made a general inquiry concerning notice for the proposed subdivision and requested the Homeowners Association of the development to the North be notified of hearings on this case. The applicant

provided notification for all those in attendance at the neighborhood meeting held on September 29, 2016 which included Ms. Thomas.

Two additional residents of the adjacent multi-family development to the North noted concerns related to the potential deterioration of safety on the private roadways within their development, as well as the cost of maintenance and repair of these roadways due to potential thru-traffic if the public roadway is extended to this property.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

Historic preservation staff has reviewed the proposed subdivision and finds that the subject site may affect an identified cultural site. Preservation staff recommends as part of the requirement for approval of the preliminary subdivision, an archeological survey is conducted by a qualified professional archeologist. A conditional of approval requiring the applicant to hire a qualified professional archaeologist to examine the project area and make recommendations regarding the need for any additional investigations before the project proceeds (prior to ground disturbance) has been included as condition 2.e listed on page 5 of this staff report. A copy of the report shall be submitted to the Kentucky Heritage Council and Planning and Design Services for review.

Cornerstone 2020 emphasizes the protection of Jefferson County's cultural and historic resources.

The proposed major preliminary subdivision plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

The Major Preliminary Subdivision Plan meets or exceeds the minimum requirements of the Land Development Code established for major subdivisions.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the LDC for approving the Major Preliminary Subdivision.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Major Preliminary Subdivision Plan.

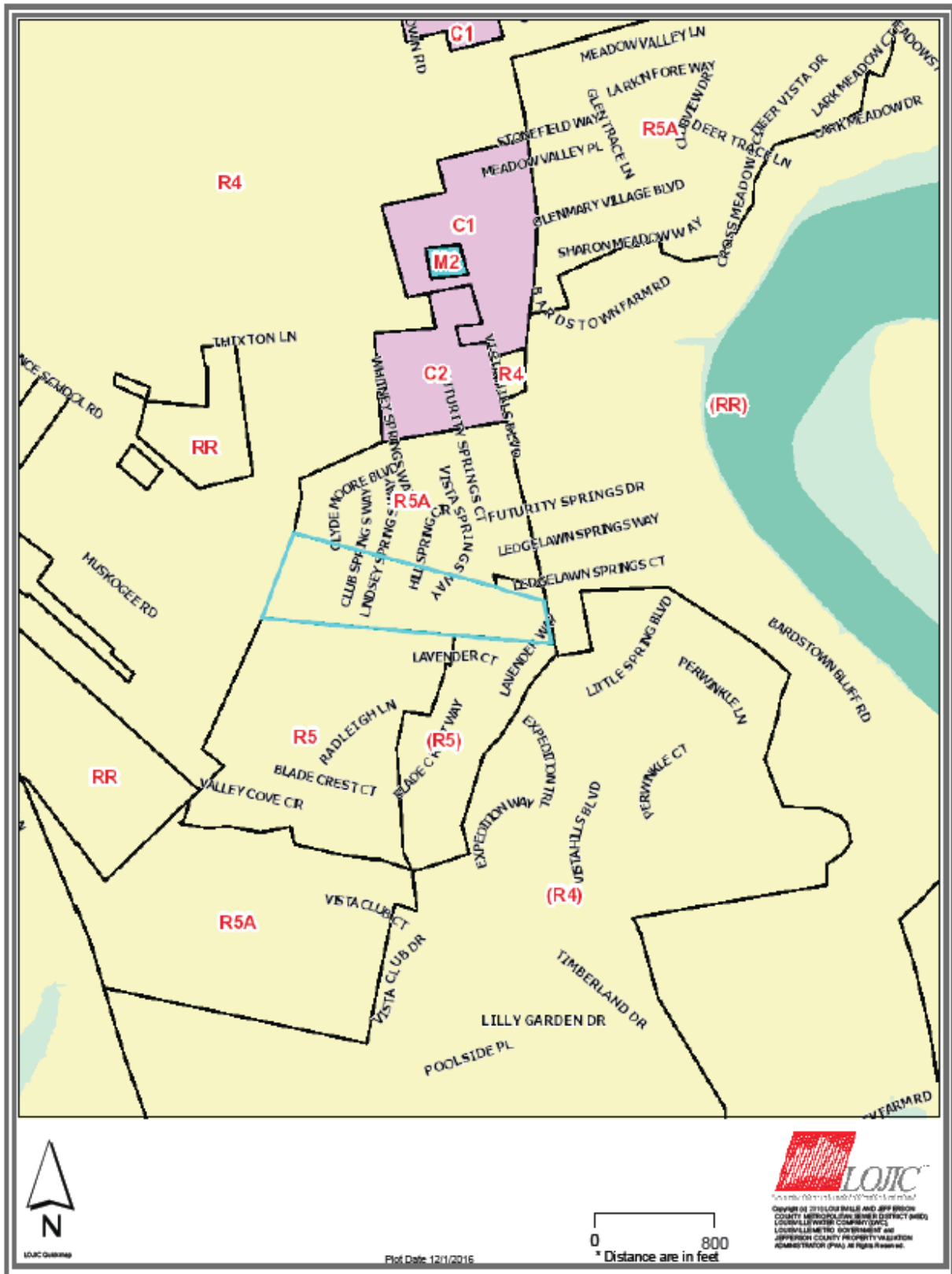
NOTIFICATION

Date	Purpose of Notice	Recipients
11/22/16	LD&T	Adjoining property owners, applicant, attendees of the neighborhood meeting, representative, case manager, and neighborhood groups

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 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. 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.
 - e. An archeological survey must be conducted by a qualified professional archeologist to examine the project area and make recommendations regarding the need for any additional investigation. A copy of the report shall be submitted to the Kentucky Heritage Council and Planning and Design Services for review.
3. 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.
4. 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.
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 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.
6. 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.
7. 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.

8. 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.
9. 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.
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 on the approved development or preliminary subdivision plan.
11. 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.
12. 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.
13. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan and construction plan 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."
14. The density of the development shall not exceed the following:
 - Gross Density: 3.2 dwelling units per acre (55 units on 17.4 gross acres);
 - Net Density: 3.7 dwelling units per acre (55 units on 14.92 net acres).