

**Land Development and Transportation
Staff Report**
March 26, 2015



Case No:	14SUBDIV1015
Request:	Preliminary Major Subdivision Plan
Project Name:	Monticello Manors, Section 2
Location:	9607 Gutenberg Rd.
Owner:	Phillip & Martha Leigh
Applicant:	Phillip Leigh Co.
Representative:	Mindel, Scott & Associates, Inc.
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	David B. Wagner – Planner II

REQUEST

- Preliminary Major Conservation Subdivision Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposed subdivision will create 19 new single family residential lots and three (3) non-buildable lots at the eastern end of the first four lots in Section 1 of Monticello Manors. Two of the three non-buildable lots will be open space for the signature entrance along Gutenberg Road (Lot 24) and an existing retention pond (Lot 25). The final lot (Lot 26) will be for easements and remain non-buildable unless it is consolidated with adjoining Lot 537 to the south or a portion of that adjoining lot is annexed into this proposed subdivision. A portion of Lot 65 along the northern property line will be consolidated into new Lots 13 – 15 but this portion will maintain the 150' power line easement that is within the existing lot. The residual portion of adjoining Lot 65 will not be a part of this proposed subdivision.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	R-4	Neighborhood
Proposed	Single Family Residential	R-4	Neighborhood
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential	R-4	Neighborhood
West	Single Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

- 19132: Preliminary Major Subdivision Plan for Monticello Manors, Section 1
- 13MINORPLAT1075: Lot line shift to create existing Lot 2 in Monticello Manors, Section 1

INTERESTED PARTY COMMENTS

- Staff has not received any comments from interested parties.

APPLICABLE PLANS AND POLICIES

- Land Development Code

TECHNICAL REVIEW

- The proposal meets the requirements of the Land Development Code and has received preliminary approval from MSD and Transportation Review.

STAFF CONCLUSIONS

Preliminary Major Subdivision Plan

Staff analysis in the standard of review section of the staff report indicates the proposed Preliminary Major Subdivision Plan is justified.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development and Transportation Committee must determine if the proposal meets the standards for granting a Preliminary Major Subdivision Plan established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee **APPROVES** or **DENIES** the Preliminary Major Subdivision Plan listed in the staff report

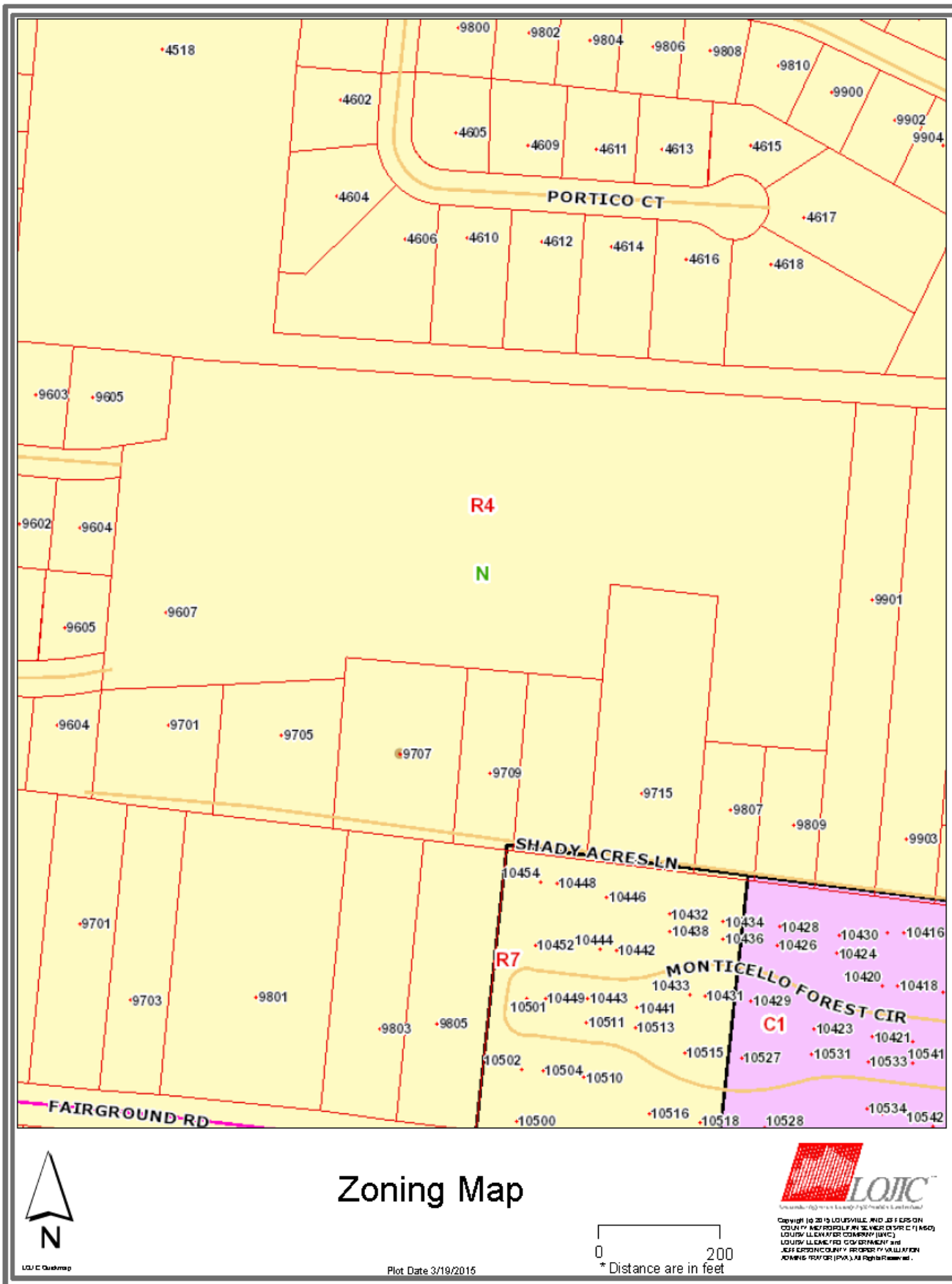
NOTIFICATION

Date	Purpose of Notice	Recipients
3/12/15	Meeting before LD&T	1 st tier adjoining property owners Subscribers to Council District 11 Notification of Development Proposals

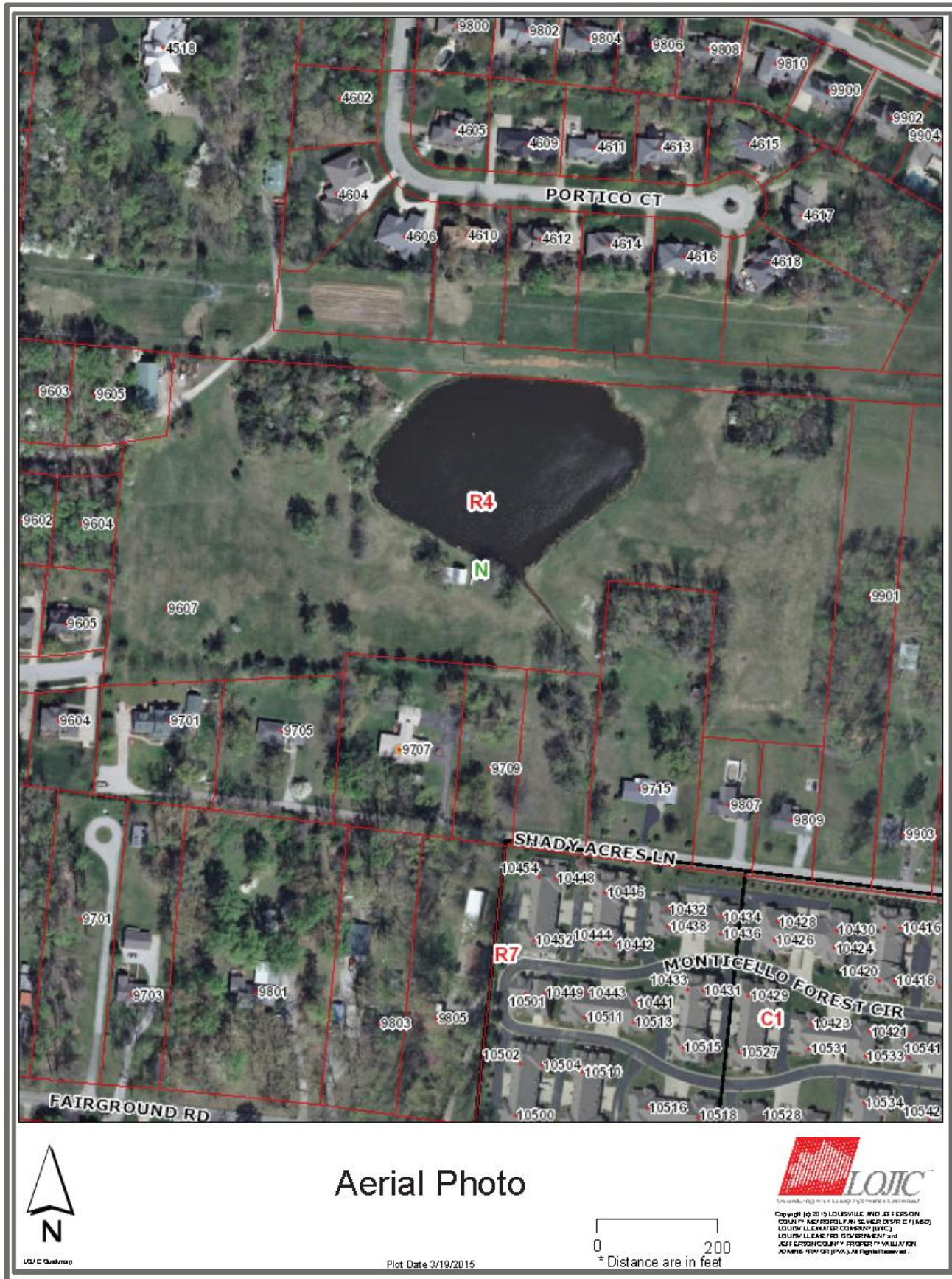
ATTACHMENTS

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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. 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.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. 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 requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these conditions to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these conditions. These conditions 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 conditions. 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 conditions.
7. 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.
- 8. 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.
- 9. Prior to the recording of the record plat, a signature entrance plan shall be reviewed and approved by Planning and Design Services staff.
- 10. Lot 26 will remain a non-buildable lot unless it is consolidated with adjoining Lot 537 to the south or a portion of adjoining Lot 537 is annexed into this proposed subdivision.
- 11. The residual portion of adjoining Lot 65 to the north is not a part of this subdivision and is not subject to these conditions of approval.