

Planning Commission Staff Report

August 3, 2017



Case No:	17SUBDIV1009
Project Name:	Glen Lakes, Section 4
Location:	408 Flat Rock Rd
Owners:	IH of KY, Inc.
Applicant:	IH of KY, Inc – Jim Obert
Representative(s):	Sabak, Wilson, & Lingo, Inc. – Kelli Jones
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- Revised Major Preliminary Subdivision Plan

CASE SUMMARY/BACKGROUND

The applicant proposes to revise Section 4 of the Glen Lakes subdivision to create a cul-de-sac on the west side of the proposed Treesdale Drive in place of a connection to Davenport Drive, which was shown on the previously approved plan and completed a loop to Davenport Drive to the south. The revised plan still proposes sixty-five residential building lots with roughly fourteen acres of open space across three lots. The proposed revised subdivision is located North of Shelbyville Road and West of Flat Rock road in Eastern Jefferson County. Two portions of of Section 4 were approved and recorded in Plat Book 54, Page 64 and Plat Book 55, Pages 78 & 79.

Previous Cases:

- 10-21-03: Single Family Subdivision for 191 buildable lots (Approved on condition by TRC 9/16/03). Waiver of Section 6.2.5 (A) "General Layout of Streets" & Citizen Petition to not provide a stub into the northeast adjacent property (Approved by LD&T 10/9/03).
- 16SUBDIV1002: Revised Major Preliminary Subdivision Plan for buildable 65 lots (Approved by LD&T May 12, 2016).

STAFF FINDING

The Revised Major Preliminary Subdivision Plan meets 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 hearing, the Planning Commission must determine if the proposal meets the standards established in the LDC for approving the Revised Major Preliminary Subdivision.

TECHNICAL REVIEW

This case was continued from the June 8, 2017 Land Development and Transportation Committee meeting due to its close relationship with the Davenport Drive street name change request (17STREETS1008). The case was continued again to allow the applicant to address concerns over safety issues related to the similarity

in street names and also the turnaround point on the south side of the subdivision, at the existing terminus of Davenport Drive.

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

INTERESTED PARTY COMMENTS

Staff has received three emails in opposition and one in support of the revised subdivision plan and related case 17STREETS1008.

NOTIFICATION

Date	Purpose of Notice	Recipients
05/25/2017	Hearing before LD&T	1 st tier adjoining property owners
05/25/2017	Hearing before LD&T	Subscribers of Council District 19 Notification of Development Proposals
06/14/2017	Hearing before PC	1 st tier adjoining property owners & Subscribers of Council District 19 Notification of Development Proposals

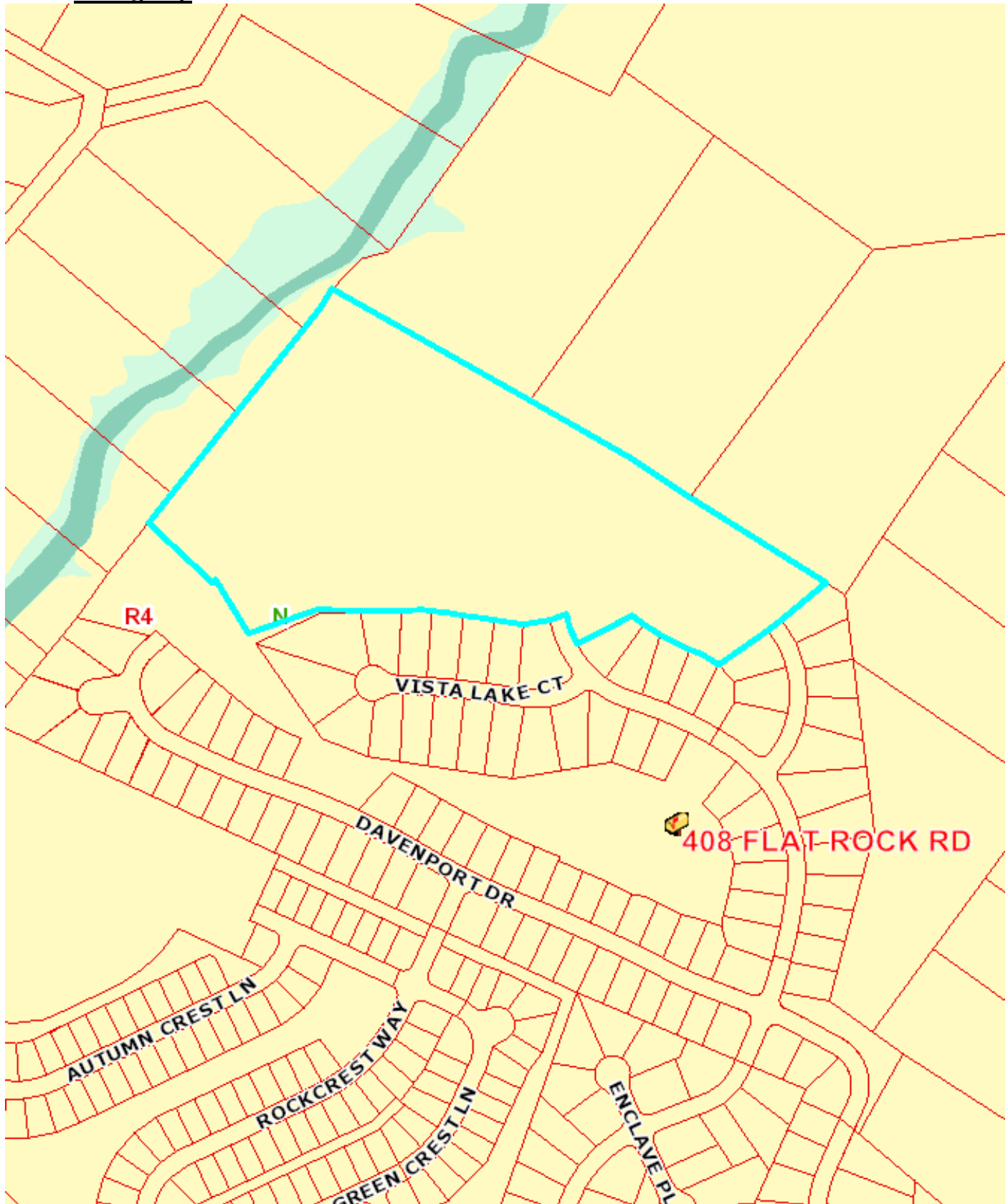
REQUIRED ACTIONS

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

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing 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. The applicant shall submit a plan for approval by the Planning Commission staff's landscape architect showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, demolition). Adjustments to the tree preservation plan which are requested by the applicant may be approved by the Planning Commission staff's landscape architect if the revisions are in keeping with the intent of the approved tree preservation plan. The plan shall exhibit the following information:
 - a. Proposed site plan (showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
 - b. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
 - c. Location of all existing trees/tree masses existing on the site as shown by aerial photo or LOJIC maps.
 - d. Location of construction fencing for each tree/tree mass designated to be preserved.
3. 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.
4. 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 drip-line 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."
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 in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
 - b. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
 - c. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
6. 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.
7. 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.
8. When limits of disturbance are shown on the plan. A note shall be placed on the preliminary plan, construction plan and the record plat 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."

9. The **signature entrance** shall be submitted to the Planning Commission staff for review prior to recording the record plat.
10. A minor plat creating the proposed subdivision boundary will need to be recorded prior to recording of the record plat.
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. 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 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.
13. Prior to requesting certificates of occupancy, the developer shall post street signs and address numbers.
14. **Protection of Trees within the rear yard setback of certain lots.** (a) Within the rear setback area of lots 23 to 33 and 53 to 57 (the "Setback Lots") no hardwood or evergreen tree of 6-inch caliper or greater may be cut down unless prior written authorization of the Glen Lakes Community Association is obtained. Such authorization may be granted only if a tree presents a hazard or is diseased, dead or dying. Any tree removed in for utility purposes, including sanitary sewer and storm water runoff, shall not be required to be replaced. (b) Any such tree cut down in violation of this Binding Element must be replaced by the lot owner. Replacement trees shall be of similar species and shall be located within the same setback area.
15. **(a) Adjacent Fence Construction.** Prior to the issuance of any building permit for a residence to be constructed within a section or phase of the Subdivision which includes any Setback Lots (a "Setback Phase"), a metal farm field fence ("fence") shall be constructed parallel to the rear lot line of the Setback Lots within such Setback Phase and located approximately one (1) foot within the boundary of the off-site properties abutting such Setback Lots. Fence construction is conditioned upon permission of each affected abutting property owner being granted prior to commencement of fence construction, together with the prior granting of a temporary easement for construction of the fence having been granted to developer, its successors and assigns by each and all such abutting property owners. Following construction of the fence in each such Setback Section, the owners of the real property upon which the fence is constructed shall be responsible for maintenance.
Provided that the permission and easements referred to in (a) above are granted the fence shall be constructed prior to issuance of any building permit for any residence in a Setback Section of the Subdivision.
16. **No Lot Subdivision.** No lot owner shall be permitted to subdivide any building lot into 2 or more building lots; however a lot owner shall be permitted to subdivide a lot to create one or more additional non-buildable lot(s).
17. **Pump Station Screening.** If a pump station is located on lot 190 it shall be screened with evergreen plantings and maintained by the homeowners association.

18. **Downward Street Lighting.** Street lighting shall be directed generally downward, but not upward.
19. **No dumping of construction debris.** (a) In the memoranda of understanding between Developer and its contractors, and in the Declaration of Covenants, Conditions and Restrictions for the Glen Lakes Subdivision, the Developer shall include provisions instructing lot purchasers construction workers, contractors and subcontractors, as applicable (i) to refrain from trespassing on neighboring properties, and (ii) not to place or allow construction-related debris to be dumped on neighboring properties.(b) Developer shall advise all lot purchasers, contractors and sub-contractors that they may be prosecuted by adjacent landowners for intentional or negligent off-site dumping of construction-related debris or for other violations of law.
20. **No commercial logging.** Developer agrees that it shall not engage in commercial logging activities on the site prior to, during, or after construction. This Binding Element applies solely to Developer.
21. **No additional lakes.** No additional lakes than as generally shown on the preliminary subdivision plan shall be constructed.
22. **No higher density.** Developer shall not apply for a change in the subdivision which would result in a higher density than as approved by the Planning Commission at LD&T on October 9, 2003.
23. The Developer shall contribute a sum, not to exceed \$7500.00, as a sharing of cost for a signal to be erected at the intersection of Shelbyville Road and Flat Rock Road. Payment of the cost share shall be made upon request by the Louisville Metro Works Department.
24. Prior to issuance of a Certificate of Occupancy Developer shall widen Flat Rock Road to a width of 3-lanes from the present terminus of the 3-lane section of Flat Rock Road at Kilcott Way northward to the entrance of Glen Lakes Subdivision, including appropriate tapers, all as required by the Louisville Metro Department of Public Works.
25. Prior to recording the record plat, the existing access road off Flat Rock Road and serving adjacent property 17W shall be released as noted on the plan. Access to adjacent lot 17W shall be provided through the subdivision roads and the 30' access easement on lot 181 as shown on the plan. All costs related to releasing, removing and reestablishing this easement shall be borne by the developer. The developer shall also bear the costs of relocating the driveway to adjacent lot 25 to align with Street B of the subdivision.
26. Roadway improvements along Flat Rock Road shall include pavement widening of existing road from a point north of Shelbyville Road and the Flat Rock Road intersection where pavement tapers to two lanes to a point north of the proposed entrance of the proposed subdivision. Roadway design will be in accordance with the proposed Option B Plan submitted in September 2004 to Public Works. Construction of the Flat Rock Road improvement will be completed prior to approval of construction plans for the second section (the first section will not exceed 39 buildable lots).