

# Planning Commission

## Staff Report

March 1, 2018



|                           |                                       |
|---------------------------|---------------------------------------|
| <b>Case No:</b>           | 17SUBDIV1021                          |
| <b>Project Name:</b>      | Manor Creek Subdivision               |
| <b>Location:</b>          | 1312 Flat Rock Road                   |
| <b>Owner(s):</b>          | Vertical Bridge Landco, LLC           |
| <b>Applicant:</b>         | Brookstone Homes                      |
| <b>Representative(s):</b> | Bardenwerper, Talbott & Roberts, PLLC |
| <b>Project Area/Size:</b> | 100.8 acres                           |
| <b>Jurisdiction:</b>      | Louisville Metro                      |
| <b>Council District:</b>  | 19 – Julie Denton                     |
| <b>Case Manager:</b>      | Joel P. Dock, Planner II              |

### REQUEST(S)

- **Conservation Subdivision**

### CASE SUMMARY

Two-hundred and four single-family residential lots are proposed on 100.8 acres of land along Flat Rock Road roughly two miles north of Shelbyville Road and one and one-quarter mile southeast of Aiken Road. Heavily wooded areas form the majority of the land to be subdivided for residential development and conservation space. Streams and a pond with a dam are also present on site and will be conserved. The subject site contains an antenna with associated equipment that will be placed in a 9.4 acre easement that has been excluded from the conservation area. An 11.4 acre residual tract along the Flat Rock Road frontage has also been removed from the conservation subdivision. With these exclusions and a small portion of dedicated right-of-way, thirty-eight percent or 30.4 acres of the subdivided land will be conserved. Conservation areas are contiguous and adjoin adjacent open space. Lots sizes within the subdivision vary from 6,000 square feet to 10,000 square feet with a few outliers. Stub roadways from adjacent subdivisions to the north having similarly sized lots will be connected. Sidewalks and pathways are provided to facilitate the safe and active movement of the public.

### STAFF FINDING

The conservation subdivision plan meets or exceeds the requirements of the Land Development Code, specifically those guidelines contained in Chapter 7, Part 11: Conservation Subdivisions.

### TECHNICAL REVIEW

A traffic impact study (TIS) was provided by the applicant for the proposed conservation subdivision, along with a study for Aiken Road and Johnson Road vicinity. The report was reviewed by Jeff Brown, Assistant Director with the Department of Public Works & Assets. Multiple questions were asked of these studies and revisions suggested on February 18, 2018. A revised copy of the TIS was provided on February 20, 2018. Further revisions to the TIS were made on the 21<sup>st</sup> to correct a lot yield error.

Conservation Subdivision Credit Table

|   |                   |
|---|-------------------|
| <b>Conservation Space Required</b>                | 23.95 acres (30%) |
| <b>Conservation Space Provided</b>                | 30.4 acres (38%)  |
| <b>Full Credit Conservation Area</b>              | 30 acres (37.1%)  |
| <b>Half Credit Conservation Area (credit)</b>     | 0.4 (0.9%)        |
| <b>Tree Canopy Required</b>                       | 11.97 acres (15%) |
| <b>Tree Canopy Provided</b>                       | 17.6 acres (22%)  |
| <b>Applicant's Conventional Subdivision Yield</b> | 185               |
| <b>Conservation Area (15%)</b>                    | 27                |
| <b>Open Space Credit (15%)</b>                    | 27                |
| <b>Green Infrastructure (8%)</b>                  | 15                |
| <b>Total Buildable Lots Allowed Under 7.11.10</b> | 254               |
| <b>Lots Requested</b>                             | 204               |

**REQUIRED ACTIONS**

- **APPROVED** or **DENY** the **Conservation Subdivision Plan**

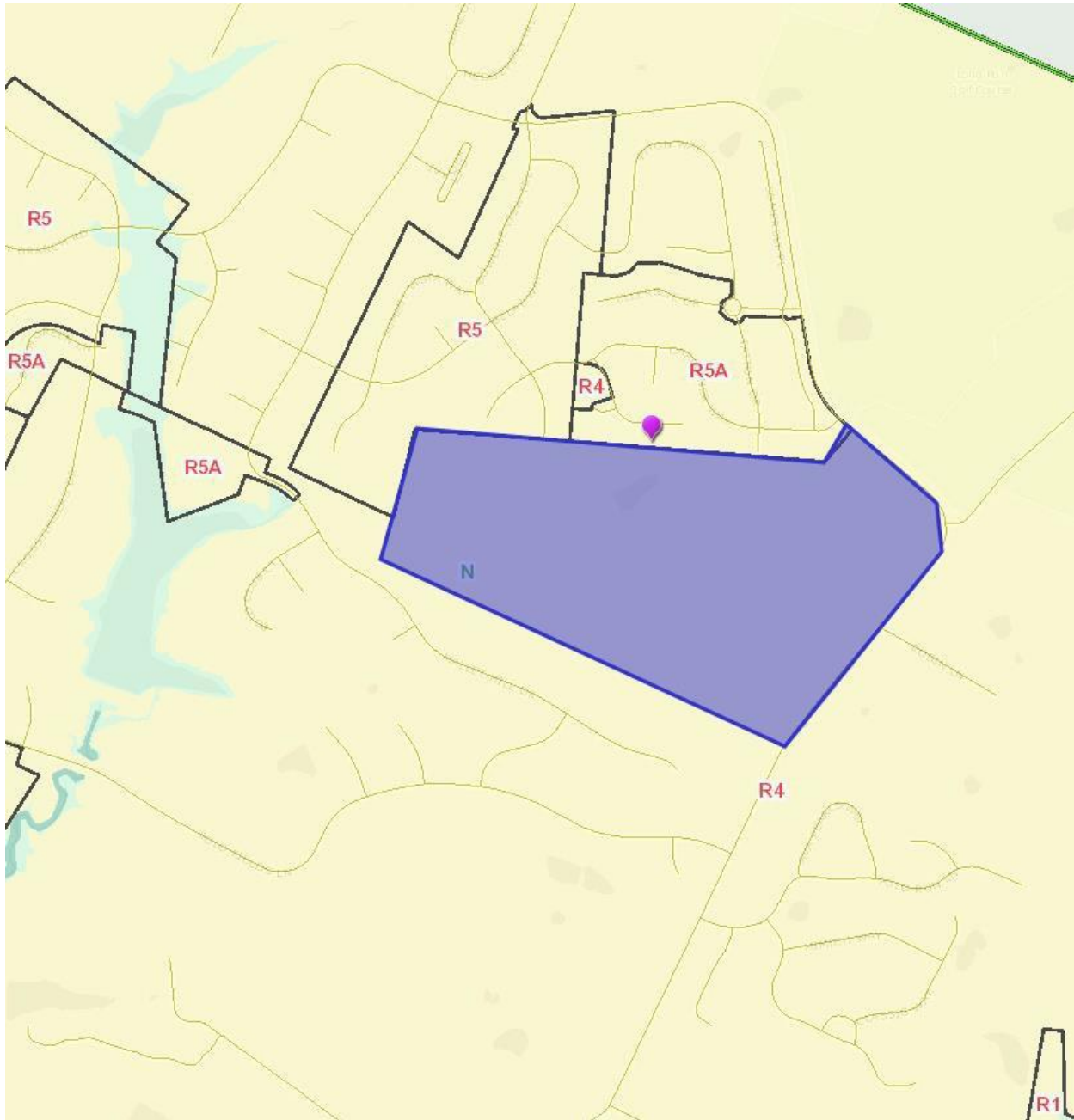
**NOTIFICATION**

| <b>Date</b> | <b>Purpose of Notice</b> | <b>Recipients</b>   |
|-------------|--------------------------|---|
| 2/9/18      | Hearing before PC        | 1 <sup>st</sup> tier adjoining property owners<br>Registered Neighborhood Groups in Council District 19 |

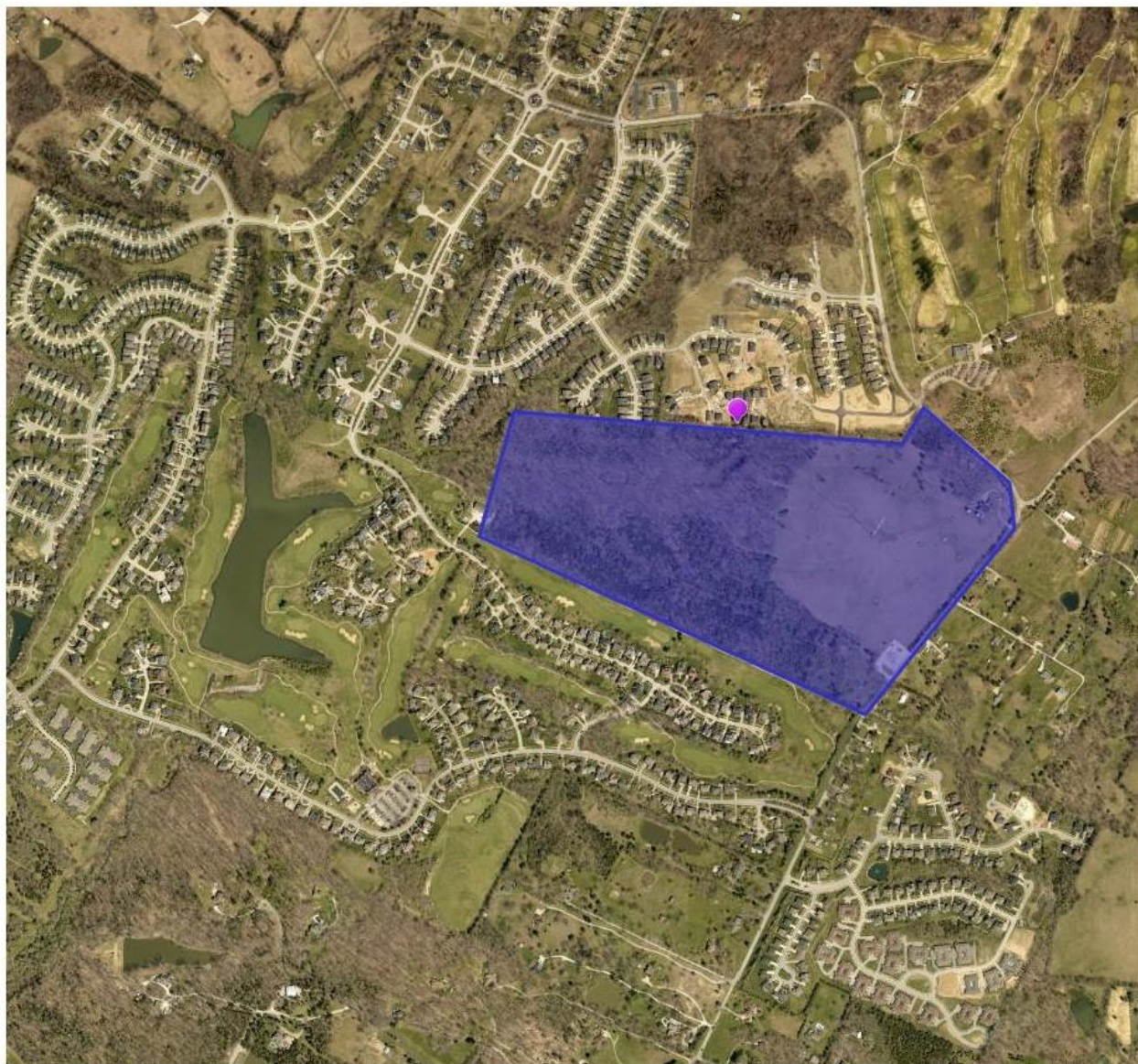
**ATTACHMENTS**

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. The applicant shall submit a plan for approval by Planning Commission staff 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 Planning Commission staff 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 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."
5. 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.
6. The applicant shall install signs, approved by the Metro Public Works Dept., which indicate the future extension of the public right of way for A and B Streets, as shown on the preliminary subdivision plan. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
7. Open space/conservation 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.
8. 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.
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. 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.
11. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
12. 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. A deed restriction in a form approved by Counsel to the Planning Commission shall permanently prohibit further subdivision or development of conservations areas.
  - d. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
  - e. The applicant shall submit a Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
13. 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.
14. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. 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."

16. In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.