

**Land Development and Transportation Committee**  
**Staff Report**  
September 13, 2018



<b>Case No:</b>	18SUBDIV1012
<b>Project Name:</b>	Catalpa Farms
<b>Location:</b>	3208 Old Clark Station Rd
<b>Owner(s):</b>	Rhodes Group, LLC.
<b>Applicant:</b>	Catalpa Farms, LLC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Jay Lockett, Planner I

**REQUEST(S)**

- **Revised Major Preliminary Subdivision (Conservation)**

**CASE SUMMARY/BACKGROUND**

The applicant is seeking to revise the existing conservation subdivision plan as approved under docket 10-07-05 and revised under docket 11879. The layout of the proposed subdivision is generally similar to the previous approvals, but there is a change in the mix of semi-detached units and detached units. The overall number of buildable lots is being increased from 563 to 574, while the number of non-buildable lots is going from 25 to 24. The total acreage of conservation areas is expanding by approximately 1.5 acres.

**STAFF FINDING**

The subdivision plan is in order and in conformance with all applicable Land Development Code provisions.

**TECHNICAL REVIEW**

There are no outstanding technical issues associated with this proposal.

**INTERESTED PARTY COMMENTS**

Staff has received no comments from concerned parties associated with this proposal.

**REQUIRED ACTIONS:**

- **APPROVED** or **DENY** the **Revised Major Preliminary Subdivision Plan**

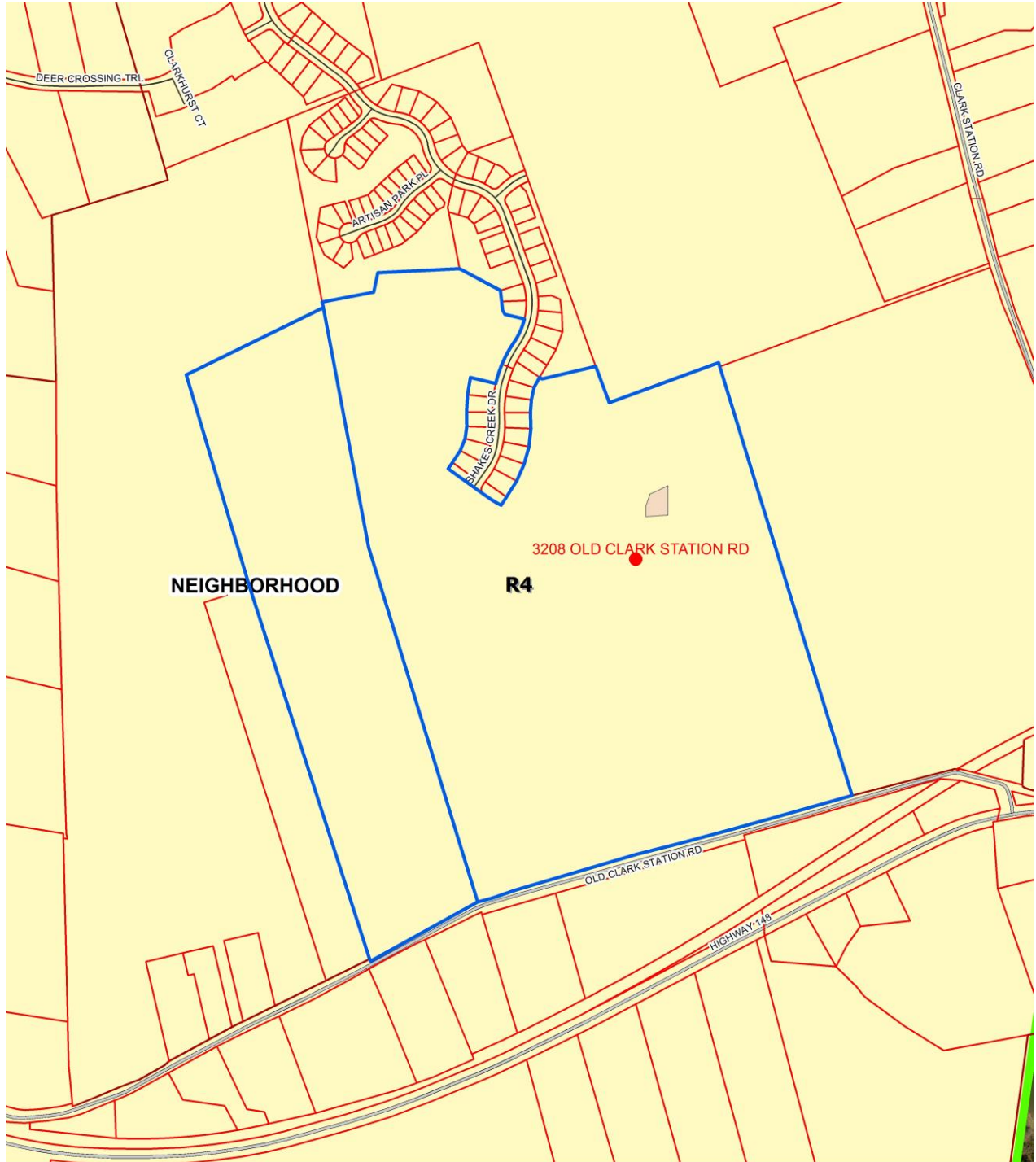
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8-23-18	Hearing before LD&T	1 <sup>st</sup> tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 20

**ATTACHMENTS**

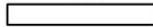
1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval

1. **Zoning Map**



18SUBDIV1012

feet



600



Copyright (c) 2017 LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

2. **Aerial Photograph**



18SUBDIV1012

feet



600



Copyright (c) 2017, LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (MSD), LOUISVILLE WATER COMPANY (LWC), LOUISVILLE METRO GOVERNMENT and JEFFERSON COUNTY PROPERTY VALUATION ADMINISTRATOR (PVA). All Rights Reserved.

**4. 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 Planning Commission staff showing trees/tree masses to be preserved prior to beginning any construction procedure (i.e. clearing, grading, and 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. 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.
4. 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.
5. 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."
6. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
- 7.** Prior to construction plan approval and any site disturbance for lots designated ~~337448~~ to ~~463574~~ on the approved subdivision plan, a Tree Survey shall be prepared and

submitted to Louisville Metro Planning & Design Services staff showing the location and types of trees with a caliper in excess of 8 inches, measured at 3 feet above grade; location of significant groves or masses of trees; and location of significant habitat. After the Tree Survey is complete, the developer and Louisville Metro Planning & Design Services staff shall walk the site to review the survey results. Based on the location of the larger trees, significant tree groves or masses, and significant habitat identified on the survey, the developer shall have the right to modify house locations, lot lines, paths, trail heads, utility corridors and access roads in order to preserve tree canopy and habitat. These minor modifications to the approved preliminary subdivision plan may be approved by the Planning Director or his designee.

8. Private streets used for detached and attached single family housing shall be noted and referenced as "Private" on the designated street signs. Prior to the selling of the lots, potential property owners shall be notified of the private street and that the homeowners will be responsible for the maintenance of the private streets.
9. The deed restrictions recorded with lots designated as ~~337 to 463 and lots 464 to 588~~ **207 to 251, 367 to 447 and 448 to 574** on the approved subdivision plan, and which contain single family detached and attached housing on private streets, shall conspicuously state in bold type that maintenance of private streets shall be the responsibility of the Homeowners Association.
10. Minor adjustments to street layouts, lot sizes and dimensions which are consistent with the approved preliminary plan, do not increase the approved density, do not reduce the amount of open space provided or primary and secondary conservation areas may be approved by the Planning Director or designee.
11. The deed restrictions shall contain language restricting parking to one side of the street on 18-wide private streets. Signage shall be installed on the private streets that designate where on-street parking is prohibited.
12. Open space lots and conservation area lots shall not be further subdivided or developed for any other use and shall permanently remain as open space or conservation areas. A note to this effect shall be placed on the record plat. 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.
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. The limits of disturbance shown on the preliminary plan are conceptual only and are subject to modification based on the location and design of utilities and walking paths. The final boundaries of the limits of disturbance shall be shown on the construction plans. The following note shall be placed on construction plans delineating limits of disturbance: "Construction fencing shall be erected at the edge of the limits of disturbance area shown on the construction plan 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."
15. The location of sinkholes or closed depressions as shown on the preliminary plan shall be identified on the record plat.
16. 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.
17. The inactive cemetery on ~~Lot 568~~ **known as the Netherton/Rutledge Cemetary** shall be preserved and maintained as described in Section 4.4.6 of the Land Development Code. Ownership and maintenance of the cemetery shall be transferred to the homeowners association. A deed restriction in a form approved by the Planning Commission legal counsel shall be recorded acknowledging the location, site, ownership and maintenance of the cemetery.
18. 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.
19. 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.
20. If, during the development of the subdivision, TARC service is extended to the subject property, the developer shall work with TARC to provide areas within the development for transit amenities, including a covered bus shelter if requested by TARC.
21. The developer will agree to install "dark-sky" street lights, but only if such lights have been approved for use by the Public Service Commission and are available for purchase/lease from LG&E at such time as the developer begins installing street lights within the development.

22. No certificates of occupancy shall be requested until the improvements to Old Clark Station Road required of the developer by Public Works are completed.
23. Per the approved road improvement exhibit dated 07/02/09 and Metro Public Works requirements and standards, the applicant shall provide the following: widen Old Clark Station Road to 20'(minimum 2 ft. widening) with 6 – 8 ft shoulders along the property frontage, widening shall continue to the south to become 24' of total pavement width at the intersection of Taylorsville Road and Old Clark Station Road, Old Clark Station Road railroad crossing shall be improved and will require rail road approval, at the eastern intersection of Old Clark Station Road and Taylorsville Road existing pavement shall be removed and driveway(s) reconnected as necessary, a left turn lane measuring 180' in storage length with 180' taper shall be installed from eastbound Taylorsville Road to northbound Old Clark Station Road. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Old Clark Station Road and Taylorsville Road. Construction plans, bond, and KTC permit are required by Metro Public Works prior to construction approval and issuance of MPW encroachment permit. All street name signs and pavement markings shall conform to the manual on uniform traffic control devices (MUTCD) requirements. Developer shall not request a certificate of occupancy until road improvements are complete.
24. No more than 199 units shall be constructed in Catalpa Farms prior to a vehicular connection is constructed to existing Shakes Creek Drive/Shakes Run subdivision.
25. Private Roads shall be signed as such and the developer shall establish a separate account that shall be funded by the HOA and shall be of a sufficient amount to provide one resurfacing of private roads within the development. Said account shall be separate and for the express purpose of maintaining the private roads in addition to other HOA accounts and shall be in place prior to bond release by Metro Public Works.
26. An encroachment permit and bond may be required by Metro Public Works for roadway repairs on all surrounding access roads to the subdivision site due to damages caused by construction traffic activities.
27. The applicant shall install signs, approved by the Metro Public Works Department, which indicate the future extension of the public right-of-way for ~~Shakes Creek Drive, Roads "B" and "E."~~ **all proposed stub streets.** Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
28. All street signs shall be installed by the Developer and shall conform to 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.



29. The developer shall preserve the existing vegetation along Old Clark Station Road. Additional buffer planting, equal to three (3) Type A trees per 50 feet of road frontage, shall be provided in addition to the existing preserved vegetation. This additional planting shall consist of a mixture of evergreen and deciduous trees. The developer shall work with the staff Landscape Architect to determine the most effective locations along Old Clark Station Road for the new plantings to provide adequate screening.