

**Land Development and Transportation
Committee
Staff Report
April 26, 2018**



Case No:	18DEVPLAN1057
Project Name:	Enclave at Douglass Hills
Location:	1207 Moser Road
Owner(s):	Douglass Hills Development LLC
Applicant:	Elite Built Homes, LLC
Jurisdiction:	City of Douglass Hills
Council District:	19-Julie Denton
Case Manager:	Julia Williams, RLA, AICP, Planning Supervisor

REQUEST(S)

- Revised Preliminary Subdivision Plan
- Revised District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

The site was rezoned from R-4 to R-5 in 2017 (Case #16zone1076). The proposal is for 161 buildable lots and 8 open space lots on 50.2 acres. 2 of the open space lots (lots 168 and 169) will be minor platted off to adjacent property owners.

STAFF FINDING

The proposal meets the standard of review for a Revised District Development Plan and meets the Land Development Code requirements for a Preliminary Subdivision Plan.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the proposal.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements pertinent to the current proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings will meet all required setbacks.

- f. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Preliminary Subdivision Plan**
- **RECOMMEND** that the City of Douglass Hills **APPROVE** or **DENY** the **Revised District Development Plan**

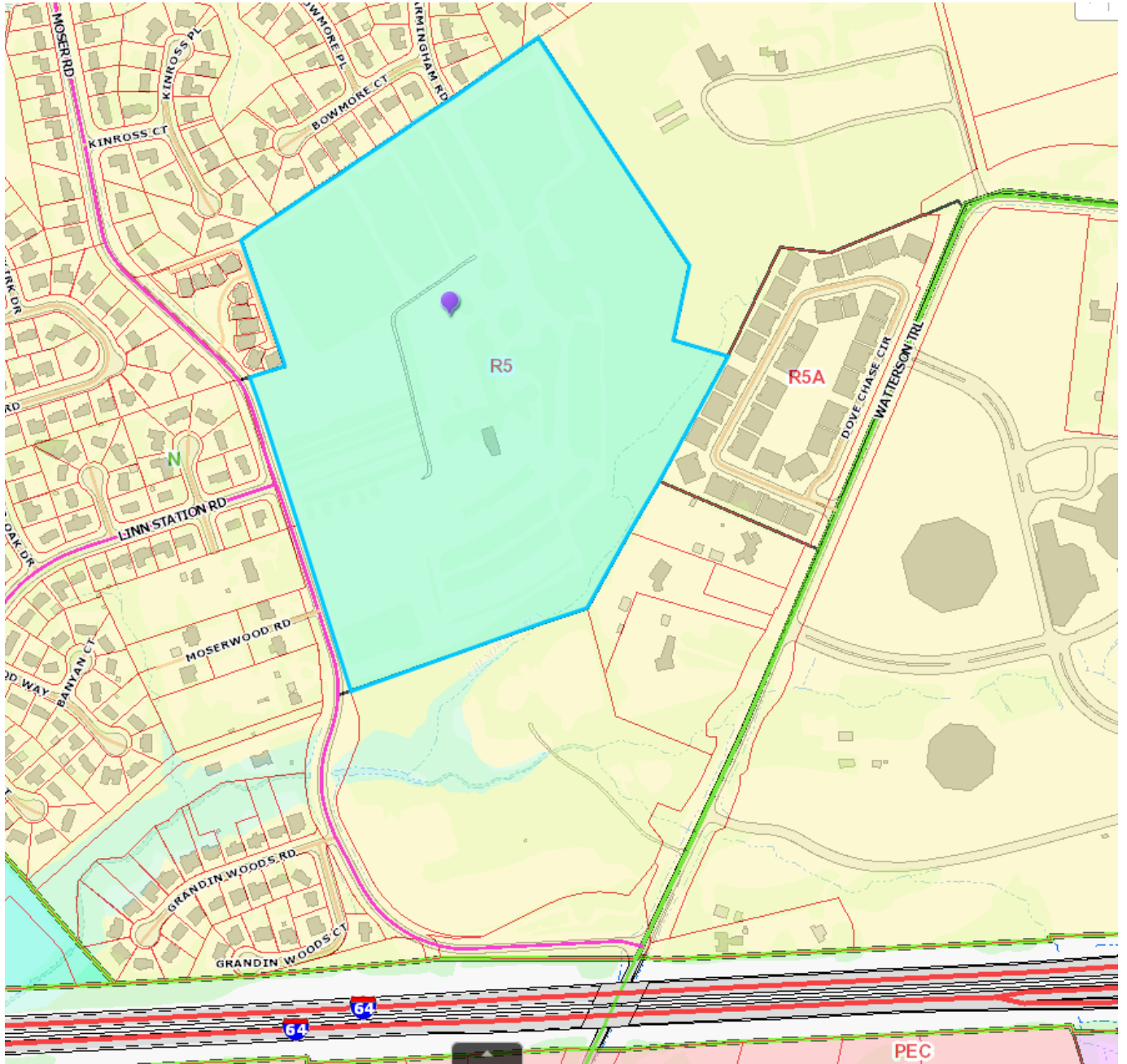
NOTIFICATION

Date	Purpose of Notice	Recipients
4/12/18	Hearing before DRC on 4/26/18	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 19

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. ~~The development shall be in accordance with the approved district development plan/preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Any changes/additions/alterations to any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.~~
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
3. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
 - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
 - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a

building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter. A Tree Preservation Plan in accordance with LDC Chapter 10 shall be reviewed and approved prior to obtaining approval for site disturbance.

- d. A major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded.
4. 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.

A note shall be placed on the preliminary plan, construction plan and record plat stating:

"Construction fencing shall be erected prior to any grading or construction activities to prevent 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. 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.
- ~~6. Tree Canopy Credit Areas (TCCAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of LDC 10.1 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.~~
7. The developer shall construct left turn lanes on Moser Road at Linn Station Road. The lanes shall be constructed prior to the first certificate of occupancy.
8. 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 binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
9. The applicant, developer or property owner shall provide copies of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for compliance with these binding elements.
10. Prior to the recording of the record plat, copies of 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 TCCAs and other issues required by these conditions of approval.

- c. Bylaws of the Homeowners' Association in a form approved by the Counsel for the Planning Commission.

11. At the time that control of the Homeowners Association is turned 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. A subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
12. All street signs shall be installed by the developer 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. All signs shall conform to the Manual on Uniform Traffic Control Devices (MUTCD) requirements. The address number shall be displayed on structures prior to requesting a certificate of occupancy for that structure.
13. 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.
14. The developer shall be responsible for maintenance of all drainage facilities and undeveloped lots and ensure prevention of mosquito breeding until such time as the drainage bond is released.
15. Upon 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 shall be treated with a mosquito larvicide approved by the Louisville Metro Health Department and in accordance with product labeling. This language shall appear in the deed of restrictions for the subdivision.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan/ preliminary subdivision plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Any changes/ additions/alterations to any binding element(s) shall be submitted to the Planning Commission or its designee and to the City of Douglass Hills for review and approval; any changes /additions/alterations not so referred shall not be valid. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
6. The site shall be developed in accordance with the woodland protection areas (WPA) delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland preserved area requires notification of adjoining property owners and action by the Planning Commission or its designee.
16. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. All plans setting out woodland preserved areas must contain the following notes:
 1. Woodland Preserved Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land

disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost through natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.

2. The site shall be developed in accordance with the Woodland Preserved Areas delineated on the site plan and related notes. Any modification of Woodland Preserved Areas requires notification of adjoining property owners and LD&T action.
 3. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the 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.
17. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.