

Land Development and Transportation Staff Report

June 23, 2016



Case No:	16SUBDIV1004
Project Name:	Brookfield, Section 8
Location:	501 Johnson Road
Owners:	Statewide Corporation
Applicant:	Pulte Homes of Ohio, LLC – Stephen Peck
Representative(s):	Sabak, Wilson, & Lingo, Inc. – Gayle Croghan
Project Area/Size:	7.6 Acres
Existing Zoning District:	R-4, Single-Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Major Preliminary Subdivision Plan** to create 23 residential lots and 1 open space lot.

CASE SUMMARY

The applicant proposes to create 23 residential lots and 1 open space lot in Eastern Jefferson County, North of Shelbyville Road. The proposed Major Preliminary Subdivision will extend Rockcrest View lane and terminate at a cul-de-sac. Portions of the site to the West are located within the Floyd's Fork Development Review Overlay (FFRO), but this boundary does not impact the construction of single-family residential homes on proposed lots. A railroad corridor separate the subdivision from Johnson Road and no access will be provided crossing to Johnson road. Supplemental setbacks related to the railroad corridor are provided and will not impact the construction of single-family residential homes on proposed lots.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The subject site is within the R-4, Single-family Residential zoning district and Neighborhood form district. It's surrounded on all sides by R-4, Single-family Residential lots within the same form district. A railroad corridor separates Johnson Road from the subdivision.

PREVIOUS CASES ON SITE

Staff did not find any associated cases on-site.

INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (April 2016)

TECHNICAL REVIEW

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

STAFF CONCLUSIONS

The Major Preliminary Subdivision Plan meets or exceeds 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 meeting, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the LDC for approving the Revised Major Preliminary Subdivision.

REQUIRED ACTIONS

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

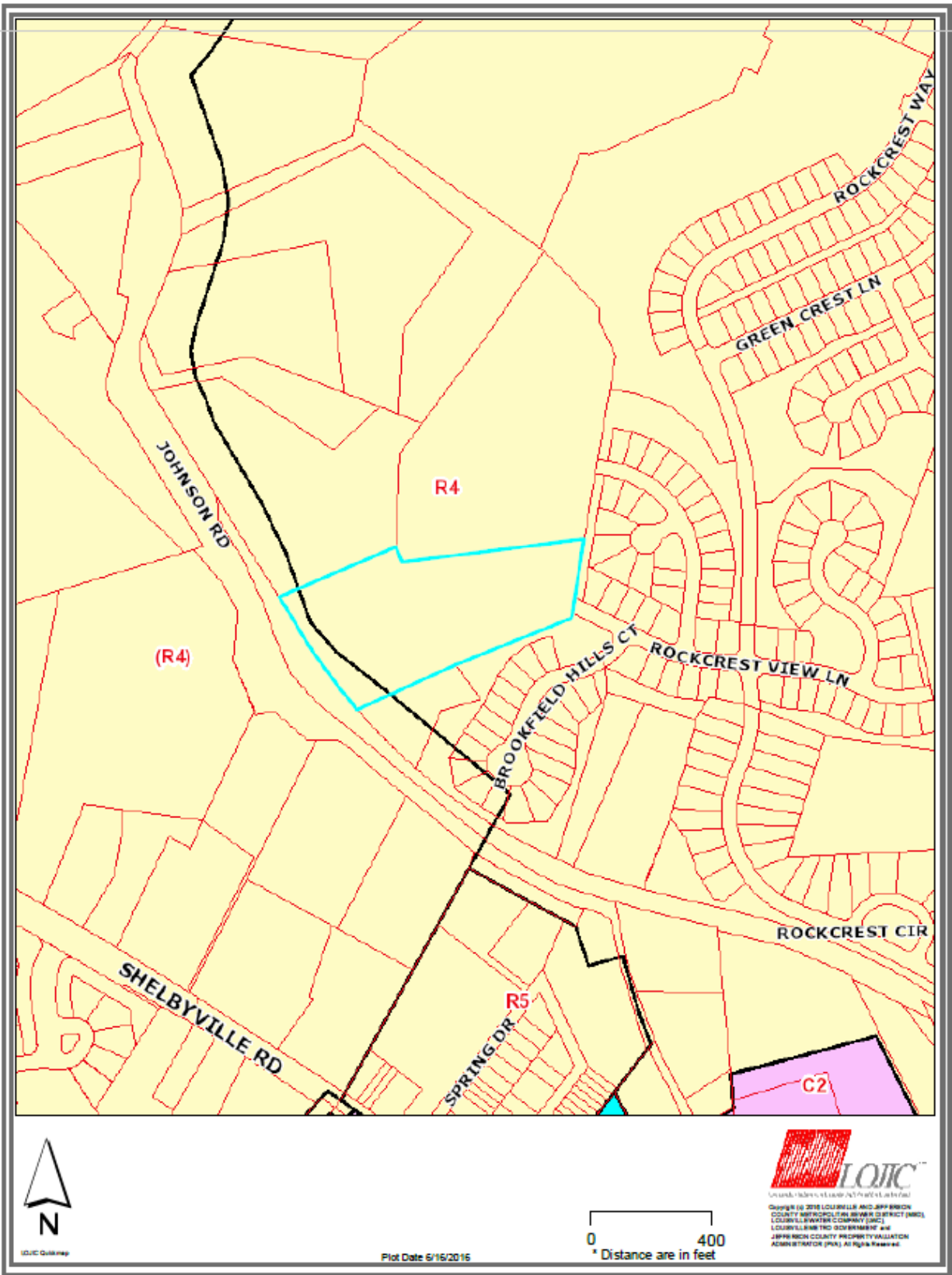
NOTIFICATION

Date	Purpose of Notice	Recipients
6/10/16	LD&T	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

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. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from Louisville Metro Public Works.
 - c. 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.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
3. 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.
4. The applicant, developer, or property owner shall provide copies of these conditions of approval to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements 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 binding elements. 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 binding elements.
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 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 TCPAs etc.) and other issues required by these conditions of approval.
 - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
6. 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.
7. 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.
8. 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.

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. 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.
11. 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.
12. 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.
13. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan and construction plan 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."
14. The density of the development shall not exceed the following:
 - Gross Density: 3.0 dwelling units per acre (23 units on 7.6 gross acres);
 - Net Density: 3.4 dwelling units per acre (23 units on 6.7 net acres).