

Land Development and Transportation Committee Staff Report

July 23, 2015



Case No:	15SUBDIV1006
Request:	Revised Preliminary Major Conservation Subdivision Plan
Project Name:	Michael's Crossing Subdivision
Location:	3900 – 4000 Sweeney Ln.
Owner:	Michael Thomas, Mona Thomas, and Elaine Henson
Applicant:	Pulte Homes
Representative:	Bardenwerper, Talbott & Roberts, PLLC Land Design & Development, Inc.
Jurisdiction:	Louisville Metro
Council District:	20 – Stuart Benson
Case Manager:	David B. Wagner – Planner II

REQUEST

- Revised Preliminary Major Conservation Subdivision Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The proposed conservation subdivision request includes 144 buildable lots for a density of 3.4 dwelling units per acre. One existing residence will remain and become a part of Lot 105 while another existing residence will remain on a residual tract along Sweeney Lane. Six of the seven open space lots will contain the required 30% Conservation Area of 15.3 acres. There is 8.8 acres of Primary Conservation Area consisting of two existing ponds, an intermittent stream, tree preservation, a pedestrian path, and riparian, karst, and steep slope areas. The site will be accessed primarily by Sweeney Lane with additional connections to Trump Avenue and Foxy Lane and future connections to large tracts to the north and south if they are ever developed into subdivisions. A previous conservation subdivision plan had been approved that was similar in design but has since expired.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Single Family Residential	R-4	Neighborhood
Proposed	Single Family Residential	R-4	Neighborhood
Surrounding Properties			
North	Single Family Residential, Multi-Family Residential	R-4, R-5A	Neighborhood
South	Single Family Residential	R-4	Neighborhood
East	Single Family Residential, Multi-Family Residential	R-4, R-6	Neighborhood
West	Single Family Residential	R-4	Neighborhood

PREVIOUS CASES ON SITE

- 14134: Preliminary Major Conservation Subdivision Plan and a Variance to allow Lot 105 to exceed the 25' maximum front yard setback

INTERESTED PARTY COMMENTS

- Staff has not received any interested comments.

APPLICABLE PLANS AND POLICIES

- Land Development Code

TECHNICAL REVIEW

- The plan meets the requirements of the LDC.
- The plan has received preliminary approval from MSD and Transportation Review.
- The proposed pedestrian path was not shown on the most recently submitted version. If the commissioners approve this revision, it should be on condition the applicant submits revised plans that show the pedestrian path as proposed on the plan version received June 17, 2015.

STAFF CONCLUSIONS

Revised Preliminary Major Conservation Subdivision Plan

Staff analysis in the standard of review section of the staff report indicates the proposed Revised Preliminary Major Conservation Subdivision Plan is justified.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards for granting a Revised Preliminary Major Conservation Subdivision Plan established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee **APPROVES** or **DENIES** the Revised Preliminary Major Conservation Subdivision Plan listed in the staff report.

NOTIFICATION

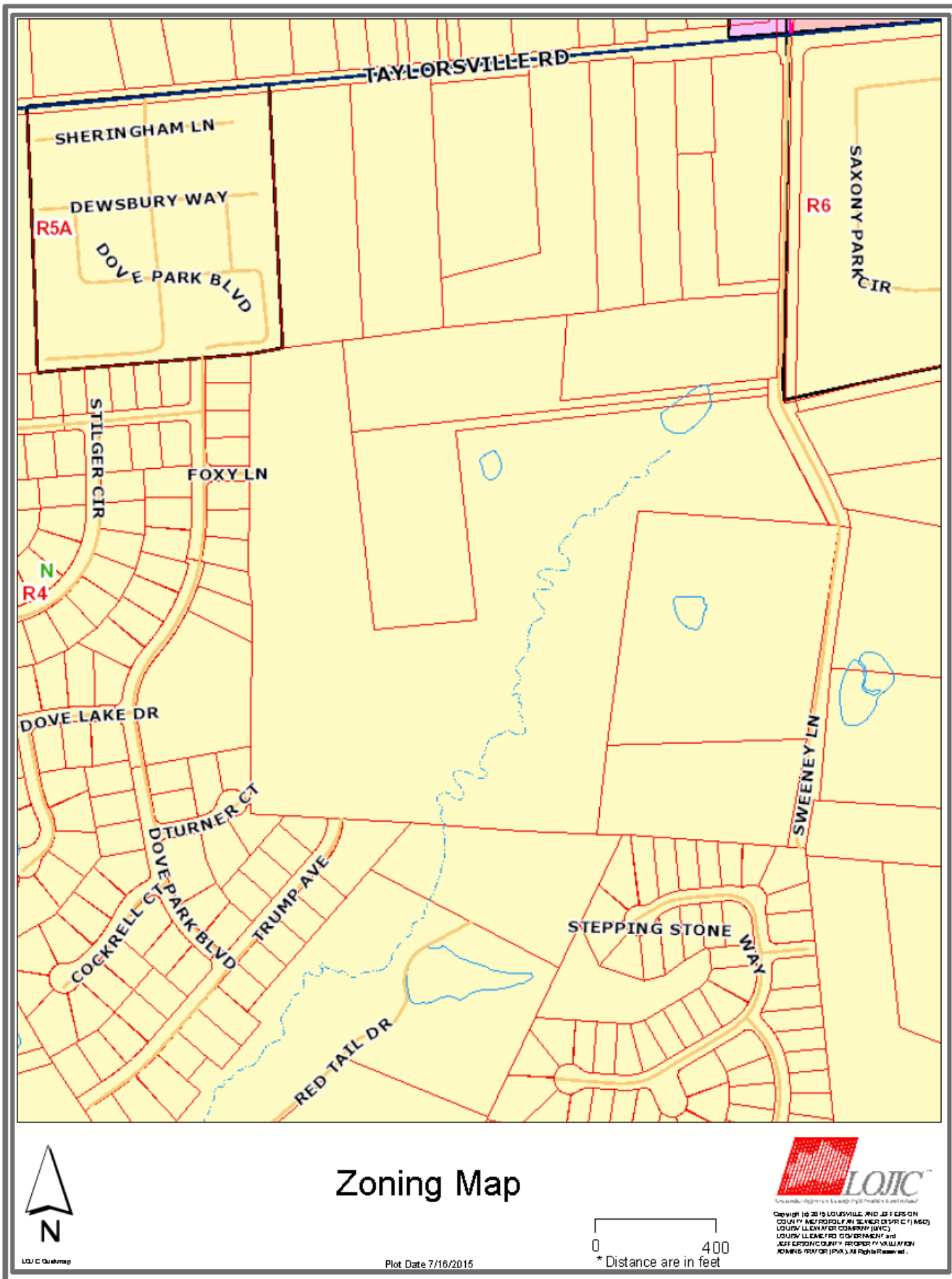
Date	Purpose of Notice	Recipients
7/10/15	Meeting before LDT	1 st & 2 nd tier adjoining property owners Subscribers to Council District 20 Notification of Development Proposals

ATTACHMENTS

1. Zoning Map

2. Aerial Photograph
3. Existing Conditions of Approval
4. Proposed 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 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 Street A and Street D. Such signs shall be installed prior to release of bonds for the installation of the street infrastructure.
7. Open space lots shall not be further subdivided or developed for any other use and shall remain as open space in perpetuity without permission from the Planning Commission or its designee. A note to this effect shall be placed on the record plat.
8. 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.
9. 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.

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. 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.
12. 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.
13. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
14. 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."
15. A geotechnical report shall be conducted for the site and the results shall be submitted to Public Works and MSD for review prior to construction plan approval. Construction methods and precautions recommended in the report shall be applied to construction within the development.
16. A pre-blast survey shall be conducted of nearby homes in conformance with State law or of one tier of adjacent properties, whichever distance requirement is more stringent.
17. Per the approved road improvement exhibit and Metro Public Works requirements and standards, the applicant shall provide the following: widen Sweeney Lane along the property frontage to the Taylorsville Road intersection to 18' (minimum 2 ft. widening) with appropriate drainage and shoulders. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements. Construction plans, bond and 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. 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.
18. The density of the development shall not exceed the following:
 - Gross Density: 2.9 dwelling units per acre (144 lots on 49.8 gross acres);
 - Net Density: 3.5 dwelling units per acre (144 lots on 41.6 net acres).
19. As required by Sections 7.11.B.9 and 7.11.7.B of the Land Development Code the developer must develop a Preliminary Conservation Area Management Plan that details the entities responsible for maintaining the various elements of the property, and describing management objectives and

techniques for each part of the property. This Management Plan shall be submitted to Planning & Design Services staff prior to approval of the first record plat for the subdivision.

20. Construction traffic shall enter the site through the Sweeney Lane entrance and shall not enter the site through the existing Foxy Lane and Trump Avenue connections.
21. The developer shall install a solid barrier at the end of the Street D stub into the Kelly property in an effort to block vehicle headlights from pointing directly at the Kelly residence. If Street D is ever extended into the Kelly property it shall be the responsibility of the developer or the Homeowners Association of Michaels Crossing to remove the barrier at the direction of Metro Public Works.
22. The developer shall install signs at the entrance to the private roads within the subdivision that indicate those particular roads are privately owned roads and are maintained by the Michaels Crossing Homeowners Association. The language on these signs to be approved by Metro Public Works.
23. The developer shall include within the subdivision's covenants language creating a private road maintenance fund that describes how the fees required for maintenance and upkeep of the private roads in the subdivision will be assessed and collected. This private road maintenance fund shall be kept separate from the subdivision's general fund.

4. 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.
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