

# Development Review Committee

## Staff Report

April 15, 2015



<b>Case No:</b>	14MINORPLAT1156
<b>Project Name:</b>	Price Minor Plat
<b>Location:</b>	3514 Hedgewick Place
<b>Owners/Applicants:</b>	Janet R. Price
<b>Representative:</b>	Alpha Omega Innovations, LLC
<b>Project Area/Size:</b>	2.20 acres
<b>Existing Zoning District:</b>	R-4, Single Family Residential & R-5A, Multi-Family Residential
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Brian Davis, AICP, Planning Supervisor

### REQUEST

- Record Plat Amendment

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant proposes to create five tracts from one, along with amending three recorded plats. Four of the five proposed tracts (2, 3, 4, & 5) are located in the Northern corner of the mostly vacant Brookview Estates Subdivision (PB 54, PG 39), AKA Old Henry Place Subdivision Lot 2 (PB 54, PG 26) at the intersection of Factory Lane and Old Henry Road. Tract 1 of this amendment request is located in the Woodmont Subdivision (PB 48, PG 73). With the exception of 4,334 sq.ft. that originally fronted the length of the private access easement named Twin Creek Drive, shown as "Non-Buildable" Lot 18 of Brookview Estates, the majority of the lot area in this request was consolidated through minor plat case 18531 with Lot 292 (3514 Hedgewick Place) of the Woodmont Subdivision. On December 15, 2014, "non-buildable" Lot 18 was consolidated by Deed Book 10331, Page 62 into the expanded 3514 Hedgewick Place property.

The Southern property lines of Tract 1 with measurements of 252.52' and 63.77' are, essentially, the same as the original property line recorded with the Woodmont Subdivision. The Woodmont Subdivision is not being further subdivided into a greater number of lots than originally approved by the Planning Commission. The amendment request proposes to create a greater number of lots than originally approved for the Old Henry Place and Brookview Estates Subdivisions, along with converting a non-buildable lot to a residential building lot.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Single Family/Multi-Family Lots	R-4/R-5A	N
<b>Proposed</b>	Single Family/Multi-Family Lots	R-4/R-5A	N
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-4	N
<b>South</b>	Multi-Family Residential	R-5A	N
<b>East</b>	Single Family Residential	R-4	N
<b>West</b>	Single Family Residential	R-4/R-5A	N

### PREVIOUS CASES ON SITE

<u>Docket 9-26-05/10-24-06:</u>	Joint Rezoning/Preliminary Subdivision from R-4 to R-5A for a proposed condominium development.
<u>Plat Book 48 Page 73:</u>	Woodmont Subdivision, Phase 5A recorded 2/7/03.
<u>Plat Book 54 Page 26:</u>	Old Henry Place Subdivision, recorded 11/05/12.
<u>Case 18533:</u>	Preliminary Major Subdivision and Revised Detailed District Development Plan for Brookview Estates.
<u>Case 18531:</u>	Minor Subdivision Plat for consolidation of Hedgewick Place and Twin Creek Properties.
<u>Plat Book 54, Page 73:</u>	Brookview Estates Subdivision, recorded 8/15/13

### INTERESTED PARTY COMMENTS

Staff has not received any formal comments.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (LDC)

### TECHNICAL REVIEW

Per section 7.1.91 of the LDC, the Planning Commission shall have the power to amend any recorded plat, if reasonable notice and an opportunity to express objections or concerns have been given to all persons affected by the record plat amendment.

The minor subdivision plat is in order and has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Construction Review and the Middletown Fire Department.

The request complies with all zoning and subdivision regulations.

## STAFF CONCLUSIONS

### Record Plat Amendment

- The proposed plat has received preliminary approvals from Transportation Planning, the Metropolitan Sewer District, Construction Review, and the Middletown Fire Department.
- The request complies with all zoning and subdivision regulations.
- Minor subdivision regulation 7.8.60.B.1 allows residential lots to be accessed through a private access easement, as long as it is not used for access to more than 20 lots. LDC major subdivision regulation 7.3.30.B requires all new lots for detached houses to abut a public street. The Brookview Estates Subdivision received a waiver of 7.3.30.B under case 18533 to allow single family lots to be accessed by the Twin Creek private access easement. The combination of existing and proposed lots having access and abutting the Twin Creek Drive private access easement results in a total of 17 lots.
- This case was noticed in accordance with Policy 3.03 of the Louisville Metro Planning Commission.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for amending the recorded plat.

### Required Actions

- **APPROVE** or **DENY** the record plat amendment.

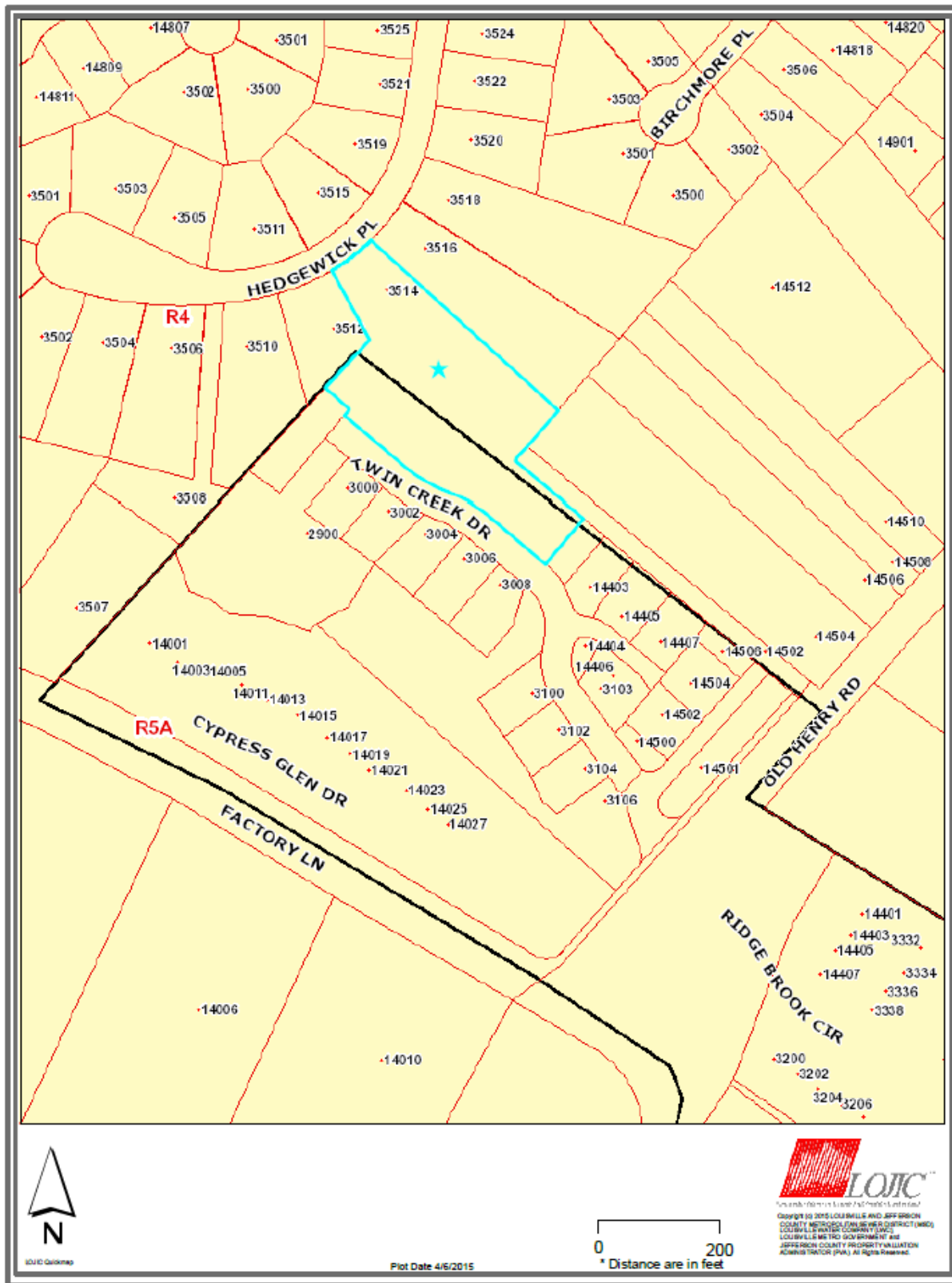
## NOTIFICATION

Date	Purpose of Notice	Recipients
4/1/15	Hearing before DRC	All properties within the limits of the recorded plat Adjoining properties owners of the record plat amendment Registered neighborhood groups

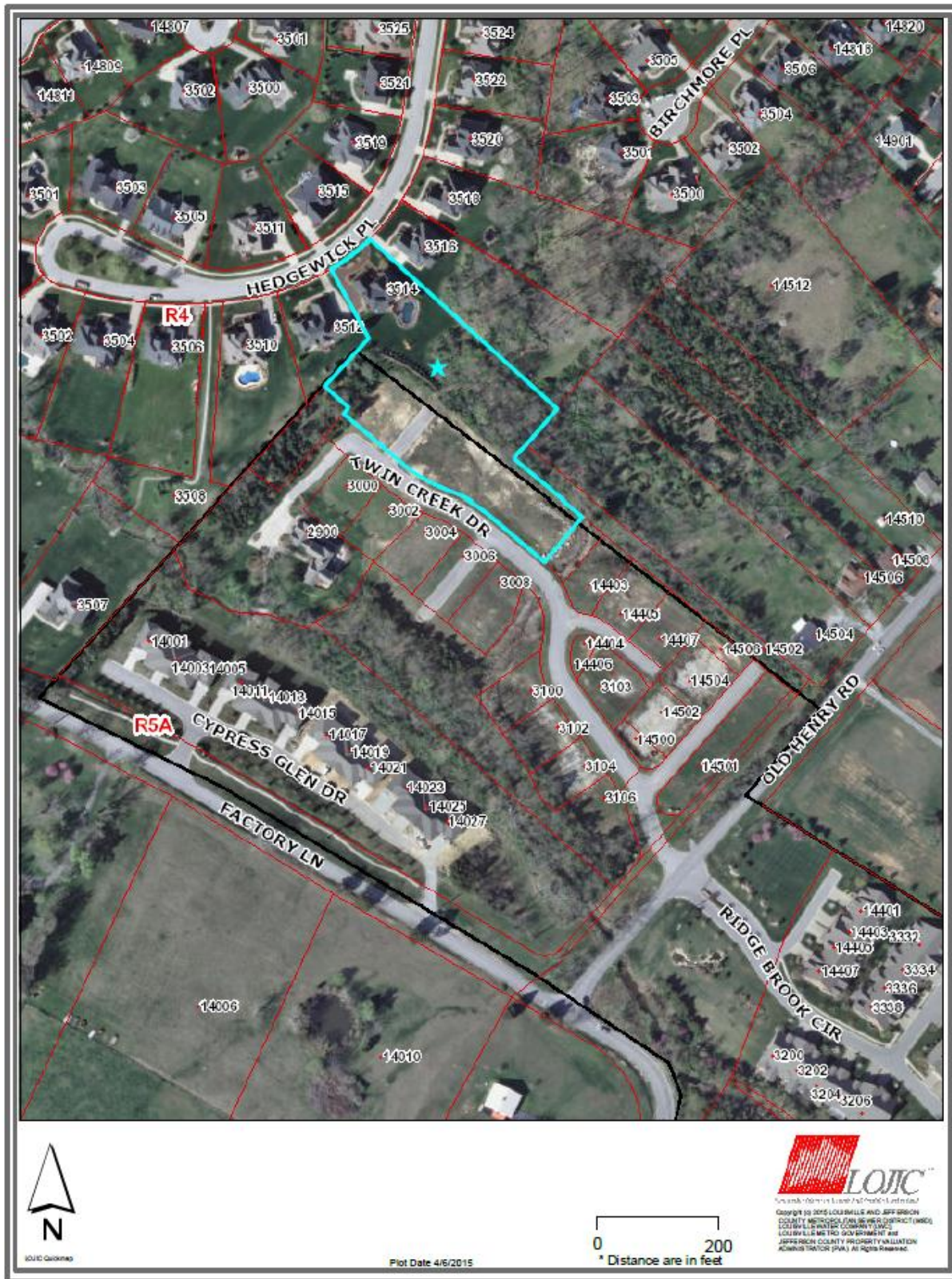
## ATTACHMENTS

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

# 1. Zoning Map



2. Aerial Photograph





### 3. Binding Elements

**RESOLVED**, that the Louisville Metro Planning Commission does hereby **APPROVE** the Revised District Development Plan for Case 18533 **SUBJECT** to the following Binding Elements.

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall be in accordance with the approved Preliminary Subdivision Plan. No further subdivision of the land into a greater number of lots than originally approved shall occur without approval of the Planning Commission.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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.
5. 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 Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - 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 major subdivision plat creating the lots and roadways as shown on the approved district development plan shall be recorded prior to issuance of any building permits.**
  - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. 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.
7. The applicant, developer, or property owner shall provide copies of these binding elements 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.

8. 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 TCPAs and other issues required by these binding elements.
  - c) Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
9. At the time the developer turns control of the homeowner's association over to the homeowners, the developer shall provide sufficient funds to ensure there is no less than \$3,000 cash in the homeowner's association account. The subdivision performance bond may be required by the Planning Commission to fulfill this funding requirement.
10. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. Private roads shall be signed as such and the developer shall establish a separate account that shall be funded by the HOA (Home Owners Association) 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. Furthermore, the private roads shown on the plan shall not be dedicated to public right of way now, or at any time in the future.
12. The developer will construct a 2-3 foot tall earthen berms near the west property line of its property to infill areas where there is not an established stand of trees/vegetation. The berms will be sodded or seeded and landscaped with trees of the varieties shown on a landscaping plan approved by the staff of the Planning Commission. The infill berms will be placed in areas adjacent to Woodmont Subdivision, Phase 5A 291 on the site.
13. The owners of Woodmont, Phase 5A Lots 290 will have a one-time option, to be exercised before the planting occurs, to request that some of the developer's landscape buffering proposed for the west side of the site be planted on the Lot 290 of Woodmont, Phase 5A.
14. The trees planted by the developer on the earthen berms described in Additional Binding Element #17 shall be double rows of pines/evergreens 8 to 10 feet tall planted on 10-foot centers and diagonals.

15. The developer and its successors agree upon a written request made by the Director of Public Works of Metro Louisville to dedicate additional public right-of-way, parallel to the existing Old Henry Road, within the 50-foot parkway buffer depicted on the revised District Development Plan.
16. The developer agrees to pay to the Louisville Metro Public Works a “fee in lieu” of constructing public sidewalks adjacent to Old Henry Road, which otherwise would be required as part of the development.
17. The developer agrees to submit for staff review any signs proposed to be constructed adjacent to Old Henry Road and Factory Lane. The staff shall review the proposed signs pursuant to the intent of the Old Henry Subarea Plan that signs in this “gateway area” be similar in nature.