

**Land Development & Transportation Committee**  
**Staff Report**  
March 24, 2016



<b>Case No:</b>	<b>16SUBDIV1000/16DEVPLAN1005</b>
<b>Request:</b>	<b>Preliminary Subdivision for 51 lots on 21.7 acres and Floyds Fork Development Review Overlay Plan</b>
<b>Project Name:</b>	<b>The Reserve at Fox Run</b>
<b>Location:</b>	<b>TB 0016, Lots 108 &amp; 109 (at existing terminus of Meadow Bluff Way)</b>
<b>Owner:</b>	<b>Charles &amp; Vanda Edwards and Commonwealth Bank &amp; Trust Company</b>
<b>Applicant:</b>	<b>Fox Run Investments LLC</b>
<b>Representative:</b>	<b>Land Design &amp; Development</b>
<b>Jurisdiction:</b>	<b>Louisville Metro</b>
<b>Council District:</b>	<b>19 – Julie Denton</b>
<b>Case Manager:</b>	<b>Brian Davis, AICP, Planning Manager</b>

**REQUEST**

- Preliminary Subdivision plan to create 51 lots on 21.7 acres in Louisville Metro (there are an additional 13 lots on 14.5 acres in Oldham County)
- Floyds Fork Development Review Overlay Plan

**CASE SUMMARY/BACKGROUND/SITE CONTEXT**

The proposal is for a preliminary subdivision plan with a total of 64 lots on 36.2 acres, with 51 of the proposed lots on 21.7 acres being in Louisville Metro (the Oldham County portion of the development is scheduled for review before the Oldham County Planning Commission on March 22, 2016). Lots within the Louisville Metro portion of the development range from 10,017 square feet to 21,272 square feet. Access into the development will come from an existing stub through The Meadows of Fox Run via Meadow Bluff Way as well as a proposed entrance onto the proposed Old Henry Road extension in Oldham County.

The property is located within the Floyds Fork Development Review Overlay. The property does not have direct frontage on Floyds Fork and the disturbance of steep slopes is minimal on the Louisville Metro portion of the development (primarily limited on Lot 4). Based on aerial photo interpretation, the site appears to have minimal tree cover, most of which was most likely previously removed as part of the agricultural use of the property.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Agricultural/Vacant	R-4	N
<b>Proposed</b>	Single Family Residential	R-4	N
<b>Surrounding Properties</b>			
<b>North</b>	Single Family Residential	R-4	N
<b>South</b>	Single Family Residential	R-4	N
<b>East</b>	Single Family	R-2/CO-1 (OC)	N/A (OC)
<b>West</b>	Single Family Residential	R-4	N

### PREVIOUS CASES ON SITE

Staff received the following email from Mark Timmons, an adjoining property owner, requesting a stub to his property:

You will recall that we met in your offices a few weeks ago with David Mindel regarding the proposed Reserve at Fox Run subdivision.

At that time, we discussed my family's concern that the preliminary drawings for this new subdivision left our 16-acres landlocked in terms of access for future development.

It has always been our intention to develop this property. Ours', is almost the last developable piece of property at this end of Old Henry Road.

You will also recall from our meeting that we discussed the need for a "road stub" that leaves access to our 16-acres. It is my understanding that the current proposed design does not provide for this.

My family is 100% supportive of this new development, but we must not let it preclude our right and intention to develop property now or in the future. It is our belief that a singular road stub, as discussed that day in your office, will solve this issue.

We're hoping you can help us resolve this issue before the upcoming hearing on the 24th.

Brian, I have authorized David Mindel to contact both Bob Thieneman and Kevin Young in hopes of assisting this process along the way. Thanks for your attention to this matter.

Please confirm receipt of this letter.

### INTERESTED PARTY COMMENTS

Staff had a meeting with Mark Timmons and David Mindel regarding a potential stub to property owned by Mr. Timmons. Staff conveyed this request to the applicant. Mr. Timmons and Mr. Mindel said they would reach out to the applicant with their suggestion for the best location.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### TECHNICAL REVIEW

- Though located in the Floyds Fork DRO, there do not appear to be any significant streams, steep slopes or treed areas on the property.
- The total number of parcels using Woodmont Park Lane to access Old Henry Road shall not exceed 200 lots. The applicant will need to work with Transportation Review and Metro Public Works on the lot count prior to completion of the new entrance to the Old Henry Road extension.
- The plan is in compliance with Chapter 7 of the Land Development Code.
- Transportation Review, MSD, and Louisville Water Company have all preliminarily approved the subdivision request.

### STAFF CONCLUSIONS

The proposed subdivision meets the requirements of the subdivision regulations as well as Chapter 3 Part 1 Floyds Fork Special District.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development and Transportation Committee must determine if the proposal meets the requirements for approval of a Preliminary Subdivision as well as the Floyds Fork Special District standards.

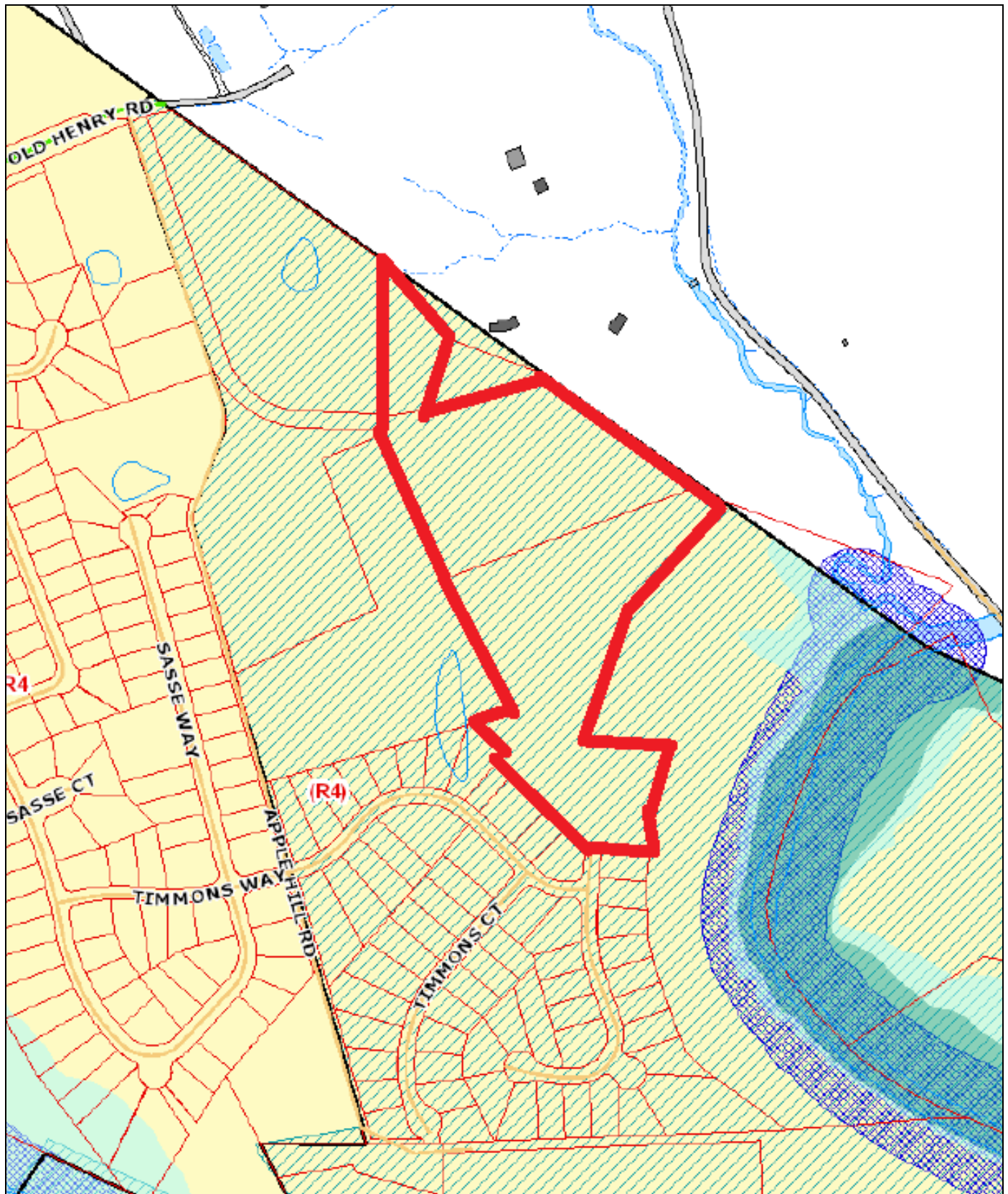
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/7/2016	Hearing before Planning Commission	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Subscribers of Council District 19 and 17 Notification of Development Proposals

### 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 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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."
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.