

# Planning Commission

## Staff Report

September 27, 2018



<b>Case No:</b>	17SUBDIV1022
<b>Project Name:</b>	Covington by the Park
<b>Location:</b>	4501 Taylorsville Lake Road, 15400 Taylorsville Road, and 4200, 4201, & 4111 Yellow Brick Road
<b>Owner(s):</b>	Long Run Creek Property Development, Inc.
<b>Applicant:</b>	Long Run Creek Property Development, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	20 – Stuart Benson
<b>Case Manager:</b>	Brian Davis, AICP, Planning & Design Manager

### REQUEST(S)

- **Major Preliminary Subdivision (Conservation Subdivision)** to create 624 buildable lots on approximately 237.16 acres.

### CASE SUMMARY/BACKGROUND

The applicant is proposing to develop a vacant 237.16 acre tract under the Conservation Subdivision regulations contained in Land Development Code Section 7.11. The proposal has 624 single family lots, with a minimum lot size of 5,000 square feet, and a net density of 2.94 dwelling units per acre. The applicant is proposing over 119 acres of total open space, with 101 acres counting towards the conservation space requirement (43 percent). The site currently has 56 percent existing tree canopy on the site, with the applicant proposing to preserve a total of 50.5 acres of tree canopy, or 21 percent of the total site (15 percent is required).

Residual Tracts 1, 2, 3 and 4 are not a part of this development and are proposed for rezoning under 17ZONE1059.

At the August 2, 2018 Planning Commission public hearing, the Planning Commission continued the case to allow the applicant to consider some of the ideas regarding open space design, clustering, environmental protection and traffic that were presented at the hearing. The following changes were made:

- The Traffic Impact Study was amended to address the concerns submitted by the Kentucky Transportation Cabinet.
- Stub streets were placed along Street A and Street F to eliminate the need for a waiver from Section 7.11.10.E.1.c.
- The connection between Open Space 625 (with the large lake) and Open Space 633 (with the smaller water bodies) was widened on the north and south side of Street C by an additional 50 feet.
- A 50-foot wide connection between Open Space 625 and Open Space 632 was provided south of the intersection between Street A and Street B.
- A 50-foot wide connection between Open Space 625 and Open Space 634 was provided across Street A.

- An open space connection to Open Space 634 was moved from near the terminus of Street D to align with the intersection of Street D and Court D.
- Additional connections to Open Space 632 were provided at the termini of Court C and D.
- The total number of lots decreased from 633 to 624.
- The amount of open space decreased slightly, as well as the percentage of tree canopy being preserved.

### **STAFF FINDING**

The standard subdivision concept plan showed a development with 626 lots with significantly less open space. The site contains a lake (nearly ten acres) and three other water features which will be preserved and utilized for stormwater management. The conservation subdivision regulations allow the developer to cluster homes in a manner to preserve the water features, steep slope areas, and some of the trees that are on the site.

### **TECHNICAL REVIEW**

There are no waivers or variances requested. Metropolitan Sewer District has stated the Floyds Fork Wastewater Treatment Plant has the capacity to handle the proposal's needs and the effluent coming from the plant exceeds state standards in terms of water quality. Transportation Planning has given preliminary approval for the plan.

### **CONSERVATION SUBDIVISION CREDIT TABLE**

Conservation Space Required	3,099,198 sf (71.1 acres) (30%)
Full Credit Conservation Space Provided	3,962,247 sf
Half Credit Conservation Space Provided	462,711 sf
Total Conservation Space Provided	4,424,958 sf (101.6 acres) (43%)
Tree Canopy Required	1,549,599 sf (35.57 acres) (15%)
Tree Canopy Provided	2,201,849 sf (50.5 acres) (21%)
Conventional Subdivision Lot Yield	626
Open Space Credit Lots (20%)	125
Total Buildable Lots Allowed Under 7.11	751
Lots Requested	624

### **INTERESTED PARTY COMMENTS**

Staff has received a number of comments from adjoining property owners regarding the character of the development since it was originally proposed under other case numbers.

Also, staff has received comments from citizens who are concerned about the environmental and ecological impact of the development on Floyds Fork, which is nearby. The concerns revolve around additional runoff that may go to the creek as a result of the increased impervious surface on the site, and the potential chemicals that may be in that runoff. There are also concerns about the wastewater's effect on the water quality in the area.

There are also concerns about traffic in the area and the development potential impact on it. The citizens say that the development will contribute to known congestion and volume issues on Taylorsville Lake Road and Taylorsville Road.

**REQUIRED ACTIONS:**

- **APPROVED** or **DENY** the **Major Preliminary Subdivision Plan**

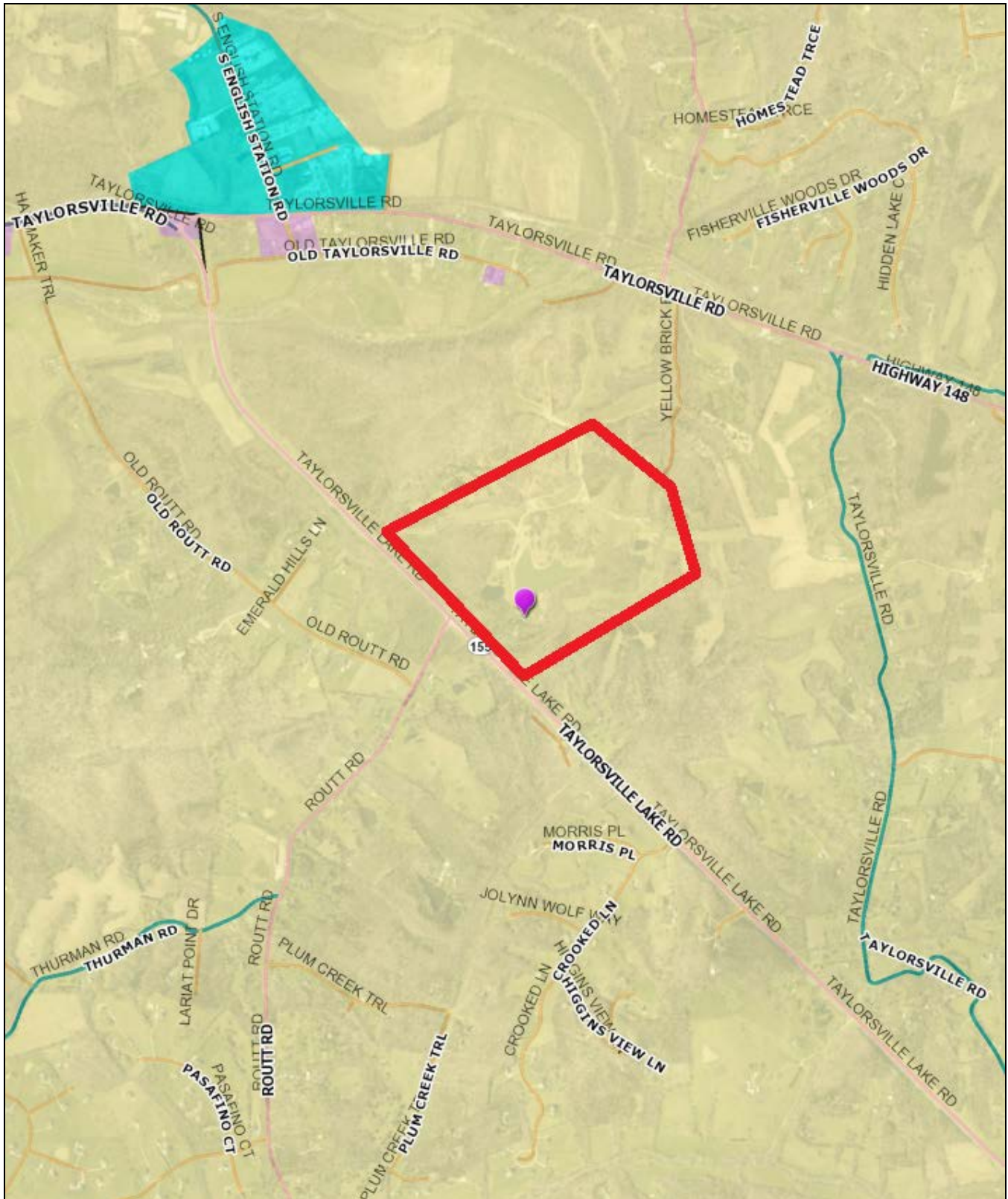
**NOTIFICATION**

Date	Purpose of Notice	Recipients
7/11/2018	Hearing before Planning Commission	1 <sup>st</sup> tier adjoining property owners Attendants of neighborhood meeting Registered Neighborhood Groups in Council District 20

**ATTACHMENTS**

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

1. Zoning Map (approximate outline of the area)





2. Aerial Photograph (approximate outline of the area)



### **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 Develop Louisville, 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 minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - 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.
3. 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.
4. 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.
5. 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."
6. 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.

7. 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.
8. 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.
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. 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.
11. The applicant shall submit a landscape plan for approval by Planning Commission staff showing plantings and/or other screening and buffering materials to comply with the Chapter 10 of the Land Development Code prior to recording the record plat. The applicant shall provide the landscape materials on the site as specified on the approved Landscape Plan prior to issuance of Certificates of Occupancy for the site.
12. Prior to the recording of the record plat, copies of the recorded documents listed below shall be filed with the Planning Commission.
  1. Articles of Incorporation in a form approved by Counsel for the Planning Commission and the Certificate of Incorporation of the Homeowners Association.
  2. A deed of restriction in a form approved by counsel of the Commission outlining responsibilities for the maintenance of open space.
  3. Bylaws of the Homeowners' Association in a form approved by Counsel for the Planning Commission.
13. 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.
14. The signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
15. When limits of disturbance are shown on the plan, a note shall be placed on the preliminary plan, construction plan and the record plat 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 deed restriction in a form approved by Counsel to the Planning Commission shall permanently prohibit further subdivision or development of conservations areas.
16. The applicant shall submit a Conservation Area Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property.
17. In the event the party responsible for maintenance of the Conservation Areas fails to maintain all or any portion in reasonable order and condition according to the Management Plan, Louisville Metro Government may assume responsibility for its maintenance and may enter the premises and take corrective action, including provision of extended maintenance. The cost of maintenance may be charged to the Management Entity, or the individual property owners according to the pro-rata share based on the Management Plan. Costs may include administrative costs in taking such actions as well as penalties as provided under these regulations. Such costs shall become a lien on all subdivision properties.
18. Front entry garages shall be setback a minimum of 24 feet from the right-of-way.