

# Land Development & Transportation Committee

## Staff Report

October 8, 2020



<b>Case No:</b>	20-MSUB-0007
<b>Project Name:</b>	Olmsted Place Subdivision
<b>Location:</b>	2000 & 2050 Millvale Road
<b>Owner(s):</b>	Heel Give Plant, LLC and Donald & Myrna Hinkebein
<b>Applicant:</b>	RLM Construction Co. Inc.
<b>Representative(s):</b>	Land Design and Development
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	8 – Brandon Coan
<b>Case Manager:</b>	Joel P. Dock, AICP, Planner II

### REQUEST(S)

- **Major Preliminary Subdivision Plan** with review of land disturbing activity on slopes greater than 20%

### CASE SUMMARY

The major preliminary subdivision plan proposes 6 single-family residential lots and 1 open space lot. Each lot will be connected by public roadways to Millvale Road, a local roadway. Connectivity will also be continued through the site to an adjacent rehabilitation facility. The site is zoned R-4, single-family residential and located 0.6 miles north of the intersection of Taylorsville and Bardstown Road near Cherokee Park. Land disturbance of slopes greater than 30% is occurring on the west side of proposed roadway 'A' and in the northwest area of lot 4 for the placement of sanitary sewer and drainage.

### STAFF FINDING

Compliance with Land Development Code, section 4.7.5 (*Land Disturbing Activity on Slopes Greater Than 20%*) has not yet been demonstrated. The applicant is in the process of completing the required geotechnical survey. It was not available at the time of publication of meeting materials. For this reason, the major preliminary subdivision plan does not meet the minimum standards of the zoning and subdivision regulations contained within the Land Development Code.

### TECHNICAL REVIEW

- Preliminary approval has been received from Louisville MSD and Transportation Planning Review
- Proposed lots conform to the area and dimensional requirements of the Land Development Code
- The applicant is in the process of completing the required geotechnical survey but was unable to complete and provide to staff prior to the publication of meeting materials. The proposed subdivision includes disturbance of slopes in excess of 20%. Land Development Code, section 4.7.5 provides that land disturbing activities on slopes greater than 20% is permitted on lots created by major subdivision only if the activity is in keeping with the Comprehensive Plan and the proposed activity complies with the following standards:

- (a) The Commission finds that the design and configuration of the development results in the minimum disturbance of slopes greater than 20% necessary to accommodate the proposed use of the site; and,
- (b) Compatible on-site utilities (electric, phone, cable) are placed in a common trench; and,
- (c) The Planning Commission may approve the activity if the geotechnical report opines and demonstrates that:
  - a. The slope's ground surface and subsurface are not unstable;
  - b. Development of the slope and associated mitigation measures will not increase the degree of risk of slope instability both on- site and on adjacent lands; and,
  - c. If a geotechnical report is required, the applicant provides a plan, acceptable to the Commission, that specifies how the mitigation measures and construction practices, including construction supervision, necessary to assure the stability of buildings and foundations to be constructed on the site as recommended in the geotechnical report will be implemented.
- (d) The activity is in keeping with the Comprehensive Plan.

**REQUIRED ACTIONS**

- **APPROVE, DENY, or CONTINUE** the **Major Preliminary Subdivision Plan** with land disturbing activity on slopes greater than 20%

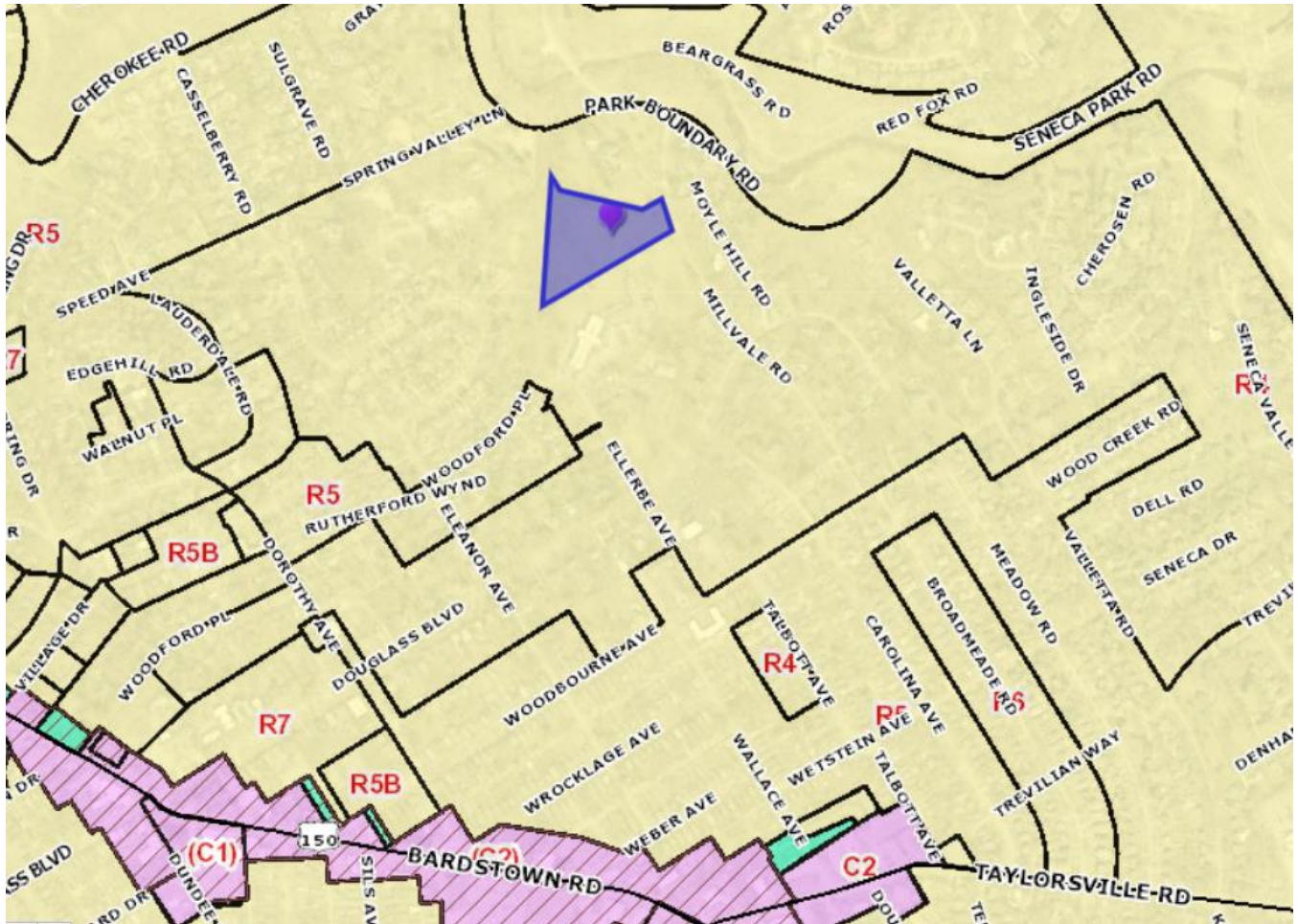
**NOTIFICATION**

Date	Purpose of Notice	Recipients
9/24/20	Hearing before Planning Commission	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 8

**ATTACHMENTS**

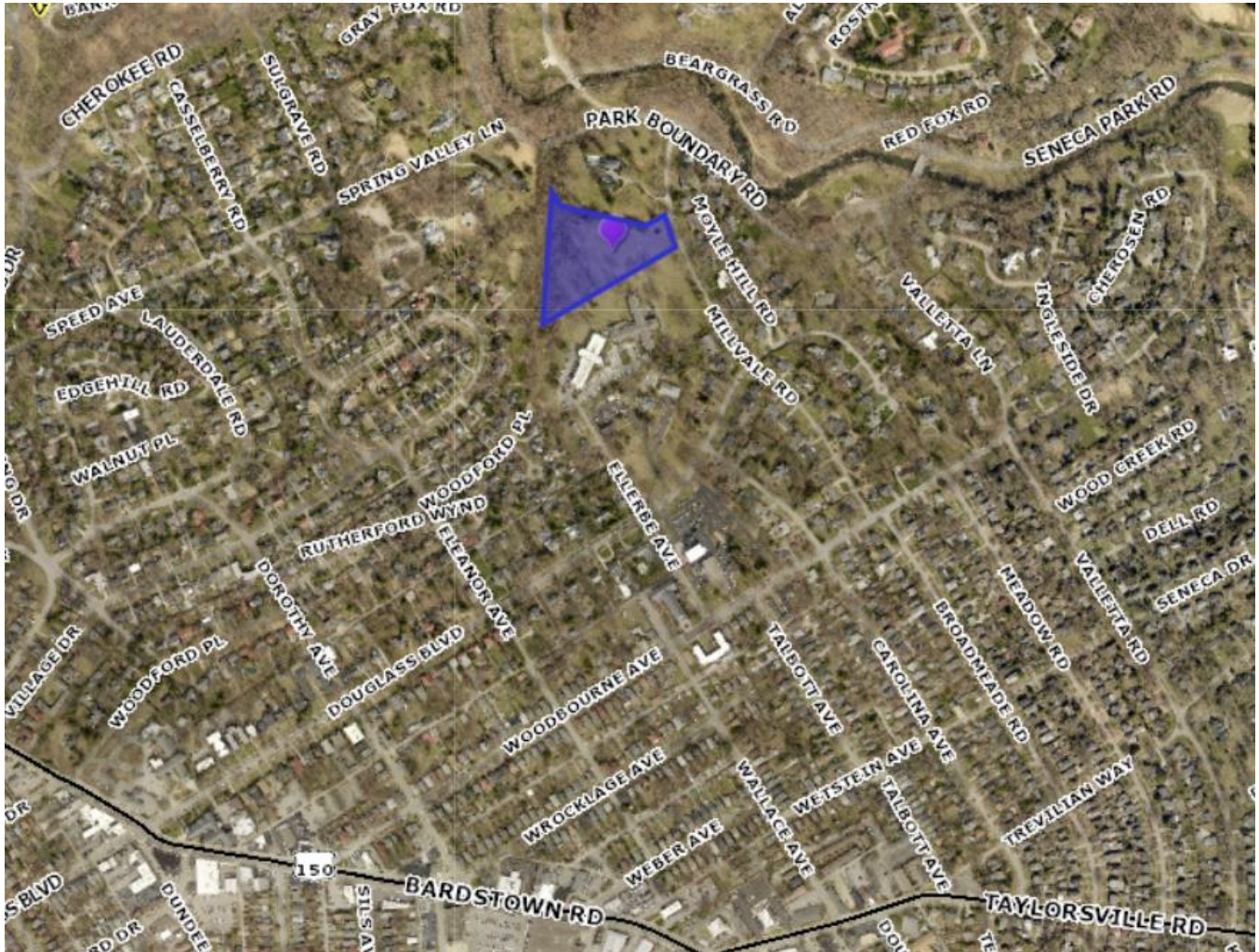
1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval

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. 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.
3. 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."
4. All street signs shall be installed by the Developer, and shall conform to 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.
5. 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.
6. 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.
7. 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 larvicide approved by the Louisville Metro Health Department. Larvicides shall be administered in accordance with the product's labeling. This language shall appear in the deed of restrictions for the subdivision.
8. 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.
9. 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.

10. 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 WPAs, TPAs and other issues required by these binding elements / conditions of approval.
  - c. Bylaws of the Homeowner's Association in a form approved by the Counsel for the Planning Commission.
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. Any signature entrance shall be submitted to the Planning Commission staff for review and approval prior to recording the record plat.
13. 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."
14. Building envelopes and limits of disturbance shall be substantially similar to those shown on the preliminary plan and must be shown and recorded on the record subdivision plat.