

**Planning Commission
Staff Report**
March 5, 2015



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| Case No: | 14AMEND1003 |
| Project Name: | Landscaping Sub-committee Final Report |
| Case Manager: | Julia Williams, AICP, Planner II |

TASKS ASSIGNED TO THE LANDSCAPING SUB-COMMITTEE

This sub-committee was charged with reviewing and suggesting improvements to the contents of Chapter 10 (Tree Canopy, Landscaping & Open Space) in the Land Development Code.

LANDSCAPING SUB-COMMITTEE BACKGROUND INFORMATION

Between June 7, 2012 and December 9, 2013 the Landscaping Sub-committee met 27 times. The meetings averaged 10 participants per meeting. The 48 individuals listed below participated in this sub-committee.

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| Sherie Long – Planning & Design Services | Amy Cooksey – Mindel Scott & Associates |
| Bradley Coomes – Air Pollution Control District | James Bruggers – Courier Journal |
| Kelli Jones – Sabak Wilson | Ivonye Kelachukwu – UL Student |
| Steve Rusie – Dunaway Engineering | Tony Gauntner |
| Barbara Sinai – Crescent Hill Community Council | Kathy Linares – Mindel Scott & Associates |
| Jon Henney – Gresham Smith & Partners | Kevin Rich |
| Mike Jones – Signature Green Properties | Samantha Yung |
| Teena Halbig – Floyds Fork Environmental Association | Peter Bodnar |
| Ann Richard – Land Design & Development | Todd Eberle |
| Michelle King – Air Pollution Control District | Byron Chapman – Mayor of Middletown |
| Cassandra Culin - Clifton | David Kaelin |
| Steve Porter – OPEN Louisville | Gina Yunker |
| Dustin Wallen – Economic Growth & Innovation | Laura Humphrey – Planning & Design Services |
| John Swintosky – Metro Parks | April Jones – Economic Growth & Innovation |
| Maria Koetter – Metro Office of Sustainability | Jim Mims – Codes & Regulations |
| Michael Hayman – City of Audubon Park | Emily Liu – Planning & Design Services |
| Kent Gootee – Mindel Scott & Associates | Mike Wright – Land Design & Development |
| Chuck Kavanaugh – Homebuilders Association of Louisville | Kate Cunningham |
| Tara Brinkmoeller – Homebuilders Association of Louisville | Kevin Young – Land Design & Development |
| Milana Boz – Metro Parks | Mike Farmer |
| Gabe Fritz – The Housing Partnership, Inc. | Franny Aprile |
| Scott Hannah – Heritage Engineering | John Addington – BTM Engineering, Inc. |
| Katy Schneider | Erin Thompson |
| Cory Petry – Limbwalker Tree Service | Andrea Webster |

LAND ITEM #3 – Tree Canopy Compliance Options (Items 1-3 approved on 3/25/14; Changes to 10.1.3.C related to written maintenance agreement approved on 4/22/14)

The following changes are proposed to Section 10.1.3:

1. Change the title from Alternatives of Compliance to Methods of Compliance.
2. Allow Planning Director or designee to approve an alternative planting site, rather than the Planning Commission, unless criteria cannot be met.

3. A new fee in lieu option has been added. (At the 8/11/14 Planning Commission hearing PDS Staff will present additional information regarding how the fee in lieu is determined as well as establish criteria for when this fee-in-lieu option may be utilized.)
Note: The Louisville Metro Tree Advisory Commission (LMTAC) Policy Committee recommends the fee amount be determined through a bid process occurring at a regular interval of years as determined by Planning and Design. The Policy Committee's intent is to provide a clear connection between these funds and trees being planted and maintained. The Policy Committee also recommends that the LMTAC develop a guidance policy for determining recommended planting sites until a Tree Canopy Master Plan is developed.

The group also discussed adding something about having the applicant be accountable for the trees for a minimum of 3 years. This was mentioned for enforcement purposes to ensure the survivability and replacing of trees should they die. This concept was discussed, but no specific language has been proposed.

Section 10.1.3 Alternatives Methods for of Compliance

- A. The tree canopy requirements of this Part may be satisfied by the following means **in this order of preference:** ~~at the applicant's discretion by any combination of the following means.~~
 1. Preservation of existing trees or tree stands on the development site.
 2. **If existing trees or tree stands cannot be preserved on the development site,** planting new trees on the development site or as street trees on adjacent rights-of-way **may satisfy the tree canopy requirements.**
 3. **If a development site cannot meet the tree canopy requirements through preservation or the planting of new trees, then the applicant may come into compliance by** planting new trees on an alternative site **under the following requirements:**

It should be noted that using an alternative site to meet the tree canopy requirements is an option available to developers that must be approved by the Planning Director or designee. In no case shall the Planning Director or designee require the off-site planting of trees to meet the requirements of his Part:

- a. **A written agreement between the applicant and property owner regarding the planting and maintenance of the trees must be submitted.**
- b. **The plantings must be provided and installed at the applicant's expense unless otherwise stated.**
- c. The **Planning Director or designee** may **determine** an alternative site for the planting of an equivalent number/amount of trees that meets any one of the following criteria:
 1. A site within a public park approve by Louisville Metro Parks;
 2. A site on a public road right-of-way, not adjacent to the development site, approved by the Director of Public Works or by the appropriate state or federal official in the event that the site is on a state or federal road;
 3. A privately developed site upon which affordable housing has been constructed or is to be constructed;
 4. A site of existing development where the Planning **Director or designee** finds that additional tree canopy would be in the public interest.
 5. The Planning **Director or designee** may condition its approval of an alternative site upon the agreement of the applicant to plant a tree or trees of a type that is deemed appropriate for the site.
 6. If the proposed alternative site plantings do not meet the requirements above then the alternative site request shall be forwarded to the Planning Commission for consideration.
4. **If one of the above methods of compliance cannot be met for the development site then the applicant may Pay a fee in lieu in the amount as determined by the Planning Director or designee and Urban Forestry Coordinator (or comparable position), to a designated tree account per 1 3/4" caliper tree required to meet a sites tree canopy requirement. These tree funds will be administered and tracked by the Urban Forestry Coordinator for the planting and maintenance of trees pursuant to the City's most recent tree canopy study or at sites determined by the Planning Director or designee and the Urban Forestry Coordinator.**